

Understanding your Professional Judgement





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Professional judgement is an important concept for educators. For the first time it is now defined in our new central agreement. Section C. 2.5 of the Teacher/ Occasional Teacher Central Agreement reads as follows:

“Professional Judgement” shall be defined as judgement that is informed by professional knowledge of curriculum expectations, context, evidence of learning, methods of instruction and assessment and the criteria and standards that indicate success in student learning. In professional practice, judgement involves a purposeful and systematic thinking process that evolves in terms of accuracy and insight with ongoing reflection and self-correction.”

Professional Judgement: A Right that Comes with Responsibility

Professional judgement in education is intrinsic and has an impact on all aspects of our role. As a result, it is important for ETFO members to understand what professional judgement means, when it may be exercised and what steps they should follow if they believe their ability to use professional judgement is being curtailed.

Teachers have traditionally enjoyed varying degrees of autonomy in exercising their professional judgement as there are limits placed by legislation and policy. As well, teaching is a collaborative profession and ETFO members are expected to work with other professionals to develop and deliver programs and services that meet the needs of the students in our care.

On a daily basis, educators make many decisions about their practice using their professional judgement. This judgement allows them to utilize their understanding of the context of their classroom and students, their professional knowledge and their training in order to implement the curriculum in a meaningful way.

As an educator exercising your professional judgement, you should be prepared to provide rationale for the decisions you make, if asked. The rationale may include references to your professional knowledge (e.g., content and pedagogy) and training, the classroom context, your prior professional experiences and existing policies and curriculum documents. For example, if asked to change a mark on a report card, you may quote sections from *Growing Success* along with making references to the data that you have collected throughout the term to explain why in your professional judgement you do not agree with changing the mark.

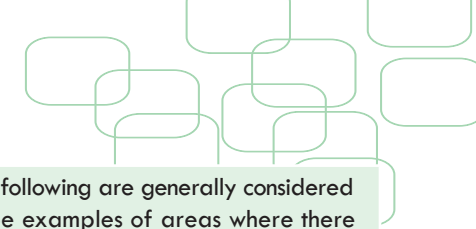
To begin to clarify professional judgement, this document will explore the legislative requirements of our roles, areas where there is little room to exercise professional judgement. It will also explore those areas where teachers may make conscious decisions based upon their professional judgement. The chart that follows provides an overview of some areas that raise issues of professional judgement teachers may be called upon to exercise.

It is ETFO's position that a supervisor can direct members to fulfill the duties and responsibilities listed in the left-hand column below (subject to the provisions of the collective agreement). Such requests would not normally be seen as a challenge to a teacher's ability to exercise their professional judgement.

It is ETFO's position that teachers should not be required to undertake the tasks listed in the right-hand column in a specific way. Thus a supervisor can NOT direct teachers how to fulfill the duties listed in the right-hand column below. Such a request might be seen as a challenge to professional judgement as defined in the ETFO Central Agreement; such situations might also be seen as an abuse of Management Rights and contrary to the collective agreement.

From time to time teachers may be challenged by their administrator as they assert their professional judgement. If such a situation arises the following tips will assist in dealing with the situation:

- Explain why the directed activity is not the correct thing to do in the given situation. This discussion must include the teacher's rationale for this decision based upon their professional judgement.
- If the administrator continues to insist that the teacher take the directed course of action, in order to avoid allegations of insubordination, the teacher must follow the instructions/directions of the administrator and indicate that they are doing so under protest.
- It is important for the teacher to keep a record/written notes if they find themselves in a situation where they feel their professional judgement is being challenged.
- If a teacher believes their professional judgement is being challenged or they are unsure if a particular situation falls under the category of professional judgement they should speak with their local president as soon as possible.



The following are generally considered to be examples of areas where there may be LESS room for the exercise of professional judgement depending upon the circumstances. This is NOT an exhaustive list.	The following are generally considered to be examples of areas where there may be MORE room for the exercise of professional judgement depending upon the circumstances. This is NOT an exhaustive list.
Following related legislation and regulations (<i>Education Act</i> , privacy, copyright, human rights, health and safety, etc.).	Determining if a particular situation should trigger a right or responsibility under the legislation or regulations e.g. if a worksite is unsafe and the teacher should undertake a work refusal as set out in section 43 of the <i>Occupational Health and Safety Act</i> .
Completing duties assigned as set out in the collective agreement.	How you undertake the duties set out in the collective agreement may involve the exercise of professional judgement.
Following the assessment and evaluation guidelines set out in <i>Growing Success</i> .	Choosing the frequency, timing, methods and types of assessment and evaluation used to measure student learning.
Following Board policies and procedures (NOTE: these policies and procedures cannot contravene the collective agreement or prevailing legislation).	
Following school budgets and board/school spending policies/guidelines.	Determining the specific items you wish to purchase for your classroom based upon the board/school spending policies/guidelines.
Following the Standards of Practice and the Ethical Standards of Practice as defined by the Ontario College of Teachers (OCT).	
Following Individual Education Plans (IEPs) and student safety/behavioural plans.	Implementing the strategies for differentiating instruction and assessments.



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Following student safety plans.	Implementing the strategies listed in a student safety plan given the specific circumstances.
Following student behavioural plans.	Implementing the strategies listed in a student behavioural plan given the specific circumstances.
Teaching the curriculum for the subjects/courses that have been assigned to you.	Choosing the order and emphasis of overall and specific expectations when delivering the curriculum.
	Determining the instructional strategies and appropriate technologies to deliver the curriculum.
Completing lesson plans and long-range planning.	Determining the format and content for your lesson plans and long-range plans.
Provide materials for occasional teachers in your absence as requested by the board or set out in collective agreements.	Determining the format of the materials left for occasional teachers unless there is specific language in your local teacher/occasional teacher collective agreement outlining a specific format.
	For occasional teachers, determining if the lessons left by the classroom teacher should be modified given their knowledge of the students on a given day, issues of student safety or the availability of appropriate materials and resources.
Reporting student attendance.	
	Choosing what format to use and the content of the materials assigned to absent students or if any materials are required at all.

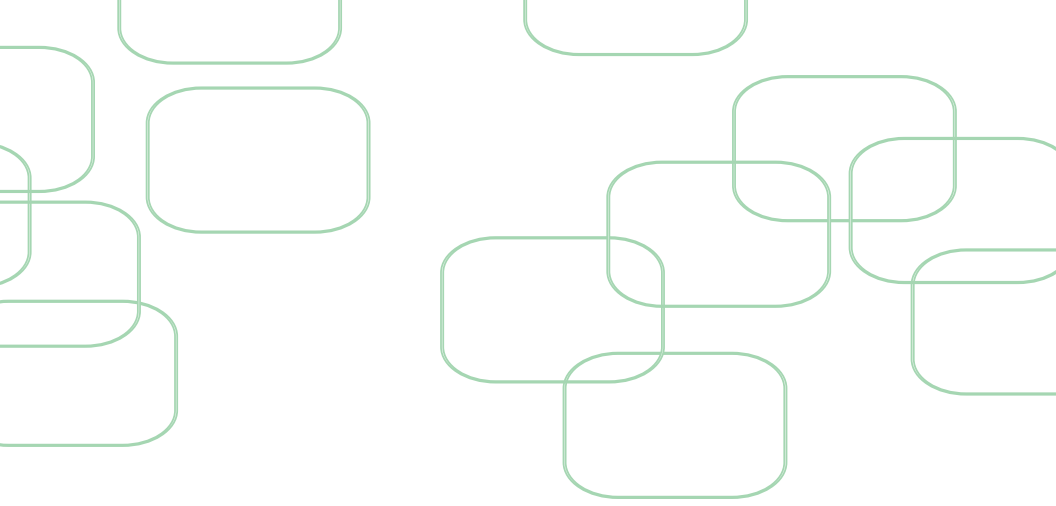
The following are generally considered to be examples of areas where there may be LESS room for the exercise of professional judgement depending upon the circumstances. This is NOT an exhaustive list.	The following are generally considered to be examples of areas where there may be MORE room for the exercise of professional judgement depending upon the circumstances. This is NOT an exhaustive list.
Completing report cards following the guidelines set out in Growing Success. See ETFO PRS Matters on Provincial Report Cards – Volume #66 at etfo.ca/link/PRSmattersVol66.aspx .	
Engaging in ongoing communication with students and parents/guardians.	Determining the method and frequency of communications with parents and students beyond the requirements under the <i>Education Act</i> and its regulations.
Administering EQAO tests and other international, provincial assessments and field tests of assessments.	Completing EQAO survey.
Allowing administrators into your classroom, announced or unannounced. Restrictions may exist, however, on observation of teachers for the purposes of evaluation.	
Attending meetings with school administrators, when requested.	The timing of meetings with administrators (e.g., whether or not to use your preparation time for the meeting).
	Requesting a union representative to attend meetings with administrators.
Participating in Identification, Placement, and Review Committee (IPRC) meetings within the instructional day, when requested.	
Attending meetings for the creation of new IEPs within the instructional day or at a mutually-agreed-upon time.	Determining the format and content of the input provided during the development of IEPs.
	Updating strategies on IEPs.

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Attending meetings for the creation of new student safety or behavioural plans within the instructional day or at a mutually-agreed-upon time.	Choosing the input provided during the development of new student safety or behavioural plans.
	Updating the strategies on student safety or behavioural plans.
Attending/supervising assemblies scheduled during the instructional day.	Organizing assemblies.
Completing the <i>Annual Learning Plan</i> (non-New Teacher Induction Program (NTIP) teachers).	Determining the information to be included in your <i>Annual Learning Plan</i> (ALP), taking into consideration the feedback on your last <i>Teacher Performance Appraisal</i> (TPA), if any.
Participating in NTIP-related activities.	
	Structuring the physical layout of the classroom.
	Deciding on the design and content of displays of student work and bulletin boards.
	Inviting volunteers into your classroom subject to criminal background check provisions.
	Accepting cooperative education students, faculty of education students, etc.
	Determining appropriate classroom management strategies that respect, maintain and preserve the dignity of individual students.

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Attending board mandated professional development scheduled during the instructional day, exclusive of lunch and other collective agreement provisions that may apply.	Deciding whether to participate in professional learning outside of the instructional day and year unless this is a required part of your role/job to deliver this professional learning.
The completion of safe school reporting forms (e.g., violent incident form).	

General Tips

- Early and ongoing communication with parents about the students in your care is an important strategy to avoid challenges to your professional judgement.
- When responding to parents/guardians about how you have used your professional judgement, try the following: 'I am using my professional knowledge to best meet the needs of my students and to fulfill my responsibilities and duties as set out by the Ontario College of Teachers, the *Education Act* and board policies and procedures.'
- Approach such interactions with administrators and parents/guardians as an opportunity to highlight the importance of teacher professional judgement rather than seeing it as a confrontation.



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