Court of Appeal rules mandatory math test for teachers is constitutional in Ontario

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A mandatory math test for teacher candidates may soon be returning to Ontario. On Nov. 28, 2023, the Ontario Court of Appeal held that the Ministry of Education's Math Proficiency Test (MPT) was constitutional, reversing the Divisional Court's previous ruling on Dec. 17, 2021, that it disproportionately impacted racialized teacher candidates.

What you need to know

- The Court of Appeal considered new data from the entire 2021 year, whereas the Divisional Court only had data from July 2021.
- By December 2021, disparities in success rates between the test results of teacher candidates were much smaller, with a 95 per cent overall success rate, including 93 per cent for racialized candidates, once multiple test attempts were taken into account.
- Over 98 per cent of candidates who took the MPT multiple times passed, including racialized candidates. There was no evidence before the Court of Appeal that racialized candidates required to write the test more than once are, by that fact alone, disproportionately impacted, as they were admitted to the teaching profession without evidence of delay.
- The Court of Appeal also found that the MPT, which tests math skills up to a Grade 9 level, is not discriminatory under s. 15 of the *Charter*, as the MPT "is designed to test teacher candidates' knowledge of mathematical ideas that any individual who has completed a high school level education could reasonably be expected to understand" (para 11).

The decision

The Court of Appeal's decision illustrates how employment testing requirements which may at first appear to risk producing disparate results for different demographic groups can be mitigated through accommodations – in this case, by providing unlimited attempts to retake the test. The Court of Appeal noted that the Education Quality and Accountability Office (EQAO) "was alive to potential equity concerns associated with a

standardized teacher competency test and reviewed all MPT questions for bias and sensitivity to equity issues" (para 11).

If you have any questions about this important decision, please contact John-Paul Alexandrowicz and Melissa Eldridge, the co-chairs of BLG's National School Boards Practice.

By

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