

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

December 07, 2023

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

[John-Paul Alexandrowicz](#), [Melissa L. Eldridge](#), [Callum Hutchinson](#)

Expertise

[Education](#), [School Boards and Independent Schools](#)

---

## **BLG | Canada’s Law Firm**

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](http://blg.com)

## **BLG Offices**

### **Calgary**

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

### **Ottawa**

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

### **Vancouver**

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

### **Montréal**

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

### **Toronto**

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing [unsubscribe@blg.com](mailto:unsubscribe@blg.com) or manage your subscription preferences at [blg.com/MyPreferences](http://blg.com/MyPreferences). If you feel you have received this message in error please contact [communications@blg.com](mailto:communications@blg.com). BLG’s privacy policy for publications may be found at [blg.com/en/privacy](http://blg.com/en/privacy).

© 2025 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.