

Implications of Supreme Court Decision

Presentation to Board of Education

January 18th, 2017

Three parts

1. A history reminder
2. An interim action plan
3. The long term

Part I – How did we get here?

- On January 25th, 2002 the provincial government introduced Bills 27 and 28 which removed substantial language from teacher Collective Agreements. The bills passed on January 27th.
- The removal of language was extensive and included many provisions that defined class size and class composition as well as many of the practices that were embedded in the organizations of schools. One example, how “School Based Teams” were organized to support students with learning needs.
- The impact was significant changes over time to all areas:
 - Enrolling
 - Non-enrolling
 - Support services

What happened?

- While practice evolved since 2002 (15 years), there has been an ongoing legal battle that has been through several courts.
- In November, the Supreme Court of Canada reinstated all the struck language.
- The BCTF won.

Perspective

- Students who entered kindergarten in Sept. 2002 were 5 years old.
- Those students are now 20 years old.
- An entire generation K-12 have been educated in a system governed by language and processes that now has been removed in the SCC decision.
- It's been a while.

So what does this mean?

- There is no longer “old” language and “new” language – there is just “language.”
- That language does not fit perfectly to our current practice – we organized, staffed and began this year under one set of rules, now, there is a new set of rules mid-year.
- This is an organizational challenge because we just cannot “flip the switch” and reorganize the district mid-year.
- The parties (BCTF and Government) saw this possibility that the SCC decision may restore language and they prepared for this possibility during the last round of bargaining.

What did they say while waiting?

- The two parties negotiated a “reopener” in anticipation of the decision of the Supreme Court of Canada. To the looming decision of the SCC:
 - *If the final judgment affects the content of the collective agreement by fully or partially restoring the 2002 language, **the parties will reopen the collective agreement on this issue and the parties will bargain from the restored language.** The Education Fund provisions will continue in effect until there is agreement regarding implementation and/or changes to the restored language.*

So back to the table but that will take time.

The system is waiting...we have an answer so now what?

Part II - Let's agree on "Interim measures"

- \$50M province – wide.
- In Surrey, it's about \$6.2M
 - *Recommendations regarding the allocation of the net new funding at the school district level will be jointly developed through a district committee established by the Superintendent and the local union president.*
- \$1M generally is about 10 teachers for a full year = 120 teachers for half a year.

What is the public messaging?

- The Ministry will provide money.
- We will apply it to the system ASAP.
- Priorities to be jointly recommended.
- We are not reorganizing the entire system this school year.
- We are providing supports in areas of highest priority as determined by the committee.

What have we done?

- Formed a committee (as per the Agreement) to:
 - Review data on the current district composition, staffing levels/ratios and class organizations in all schools and at all levels;
 - Identify priorities and reach agreement for additional teacher FTE and any other priority measures that may be implemented; and
 - Identify a timeline to accomplish the tasks.

Immediate actions

- Communicate to the field.
- Post jobs.
- Get hiring – at this point almost entirely non-enrolling teachers.

What is a non-enrolling teacher?

- A teacher who normally does not register a “class.”
- For example:
 - Learning support teachers, integration support teachers, counselors, teacher-librarians, speech language pathologists, School Psychologists, Teacher of Visually Impaired, Teacher of Deaf and hard of hearing...

Part III – the long game

- The provisions on Class Size are in place. It's the law.
- The provisions on Class Composition are also in place and law and requires more dialogue and conversation.
- Some of the language includes words we no longer (and should not) use. E.g. "Trainable Mentally Handicapped"

A particular complexity - composition

22.25 Integration of Students With Special Needs: In accordance with Article 23.22 an administrative officer shall make reasonable efforts to ensure that unreasonable numbers of E.M.H., S.L.D., and Severe Behaviour students are not placed in any one "regular" class, and in any event:

- 22.251 Not more than two (2) low incidence students with special needs (See Article 2.60) will be enrolled in a "regular" class.
- 22.252 Not more than one (1) high incidence (Severe Behaviour) student with special needs will be enrolled in a "regular" class.
- 22.253 When a high incidence (Severe Behaviour) student with special needs is enrolled in a "regular" class, only one (1) low incidence special education student may be enrolled in that class.

This was “our” agreement

- We have practice that has evolved which is not consistent with the language.
- There is work to be done, particularly in class composition.
- Both parties know this and are working on the issues.

Some areas of complexity

22.22a Where possible to do so, classes will be established by the first week of October. Maximum enrollment in regular classes, subject to Article 22.22b - 22.22d, shall be:

	New size	Current Size
22.221aPrimary 1 (Kindergarten)	20 students	22
22.222aPrimary Split/Multi-age (Grades 1-3)	23 students	24
22.223aPrimary 2-4 (Grades 1-3)	25 students	24
22.224aPrimary 4/Intermediate 1 (Grade 3/4 split)	26 students	24
22.225aIntermediate Split/Multi-age (Grades 4-7)	26 students	30
22.226aIntermediate 1-4 (Grades 4-7)	29 students	30
22.227aSecondary English Class	25 students	30 with compensation
22.228aH.E. Labs & I.E. Shops	24 students	24-28
22.229aSecondary Class (Grades 8-12)	30 students	30 with compensation

Class Organization in the Grid Below totals ALL STUDENTS, including IEP in right column.

Division #	GRADE	Grade K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Total by Division
1	7								29	29
2	6/7							18	12	30
3	5/6						18	11		29
4	5/6						18	11		29
5	5/6						18	11		29
6	4					29				29
7	4					29				29
8	3				24					24
9	3				24					24
10	2/3			13	10					23
11	2			23						23
12	2			24						24
13	1		21							21
14	1		21							21
15	1		21							21
16	K	21								21
17	K	21								21
18	K	21								21

Division 5 is a grade 5/6 multiage classroom

It has 18 grade 5's and 11 grade 6's

For 29 total students

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2	6/7							18	12	30
3	5/6						18	11		29
4	5/6						18	11		29
5	5/6						18	11		29
6	4					29				29
7	4					29				29

Adjustments?

0

-4

-3

-3

-3

0

0

22.225a Intermediate Split/Multi-age (Grades 4-7)

26 students

13 students have to go somewhere.

The school is full.

Class Organization in the Grid Below totals ALL STUDENTS, including IEP in right column.

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4	5/6						18	11		29
5	5/6						18	11		29
6	4					29				29
7	4					29				29

Adjustments?

0

-4

-3

-3

-3

0

0

Oh, and a waitlist...

In our current rules, we would have space for students in grades 4,5,6, and 7 if someone wanted to transfer or move to Surrey.

In the language that is now in place, we need to remove 13 students to a different structure and we can accommodate no one on a waitlist.

This is neither good nor bad, it just “is” and things that make a quick transition complicated.

Space - “Where will they all go?”

- In the interim – about 1 teacher per school virtually all non-enrolling so no additional classroom space needed (to date but joint committee making recommendations)
- In the long run – for class size alone, at this point our analysis shows we are going to need several dozen classroom spaces.

What about class size and space in Surrey?

- A new elementary school has about 25 classrooms
- We know that the students will not come in nice bundles of 25x25
- Overall as a district, we will require the equivalent of a handful of new elementary schools in space – we do not know the exact number yet because of the provincial bargaining on the full impact of the language.
- Once again, in our early analysis, for class size alone, we'll need several dozen classroom spaces.
- We await direction on the larger picture.

Going back to the top

- Part I - this has been a long legal and political process
- Part II – we have received interim relief until June 30th, 2017
- Part III – there is a much larger provincial picture at play at those details are in the hands of the BCTF and Government

Final Context - Timing

What is a writ?

- The election begins when a writ of election is issued calling for an election to be held. Signed by the Lieutenant Governor. A writ is sent to every Electoral District in the province.
- The day the writ is issued is called day 0
- An election lasts 51 days
- The day most people vote is day 28
- Final results day 43
- Recounts if needed
- Day 50 – return the writs to the election officer.

Count down

- May 9th general election if this were day 28.
- The writ would land on Tuesday, April 11th.
- Time is short and the job substantial.

We have work to do