



KCTU President's Memo to Members

February 4, 2011

***RE: 2010/2011 BILL 33 CLASSROOM ORGANIZATION ISSUE
RESOLUTION PROCESS
"Round Two"***

Dear Members,

We have consulted with the Board with respect to the above-captioned matter and are circulating this memo to provide you with some current information and guidance in handling Bill 33 classroom organization issues and consultation meetings this semester.

1. The Board is not aware of any new class size issues at the primary or intermediate levels at this time.
2. The Board is not aware of any size issues at the secondary levels as of this date.
3. Our position is that every time a new teacher goes into a classroom with more than 3 IEPs that there should be a consultation meeting with the new teacher.
3. Any potential class size issues at the primary or intermediate levels will be referred to the Board and the Union President to resolve and will not be dealt with at the affected school.
4. The Board's goal is to complete the consultation process at secondary schools before February 16, 2011, which is within the 15 working day limit set in the School Act.
5. We confirmed our position to the Board that principals should be responsible for identifying potential class size and class composition issues at all grade levels, after considering the following issues, as recommended by BCPSEA (the employer's organization) when determining whether a class is appropriate for student learning:
 - The number and background of students in the class
 - The number of designated IEPs for the class
 - The type of IEPs present and their relevance to the class
 - The course in question and its academic demands for students and the teacher
 - The grade and subject composition of the class
 - The experience and background of the teacher
 - The availability of other school or district resources to support the class
 - Whether or not other persons such as education assistants or First Nation support workers attend the class to assist students or the teacher

- What additional time, resources or supports are provided to the teacher and students
- Other general factors such as the room size, safety, technology, and equipment
- Any other factors the principal believes are relevant, including information presented by the teacher

6. When a principal determines that a class potentially exceeds Bill 33 class size or composition triggers as outlined below:

- Class size in Grades K-3 exceeds 22 @ K or 24 in Grades 1-3, or,
- Class size in Grades 4-7 exceeds 30 and teacher consent and principal's and superintendent's determination of appropriateness is required, or
- Class size in Grades 8-12 exceeds 30 and the principal must consult the teacher and the principal and superintendent must determine the class is appropriate for learning, or
- Class composition in any class in any grade exceeds 3 students requiring IEPs and the principal must consult the teacher and the principal and the superintendent must determine the class is appropriate for learning, then,

the principal will provide every teacher of that class(except those specifically excluded by legislation) with a proposal to consider, except in class size issues at K-3.

7. The Board has developed a proposal letter which will be provided to every teacher of that class.

8. The proposal letter will be delivered to every teacher of that class within the first 15 working days of the start of the school year, or term, and will include any information and/or documents the principal deems relevant for the teacher to consider before agreeing/disagreeing with the appropriateness of the class for learning.

9. "Relevant information" will include, as a minimum, class lists, designations of all students with special needs, and copies of all IEPs and may include additional documents as determined appropriate by the principal, without breaching FOIPPA provisions. It is our position that IEPs should include all attachments (assessor recommendations, safety plans, required resources/supporting staff, behaviour plans, etc.) and discipline letters, ministry and/or other agency involvement information, court orders, history of violence, medical concerns, etc., should also be provided.

10. Teachers will have a minimum of 2 days(48 hours) after receiving the proposal letter to agree to a consultation meeting with the principal and a union representative(which will be provided by the union) on the date and time in the proposal letter or by requesting a different date and time, if necessary.

11. Consultation meetings will be scheduled before/after school, at lunch (if the lunch period is a reasonable time) or during school hours with a roving TTOC to be provided

by the Board where appropriate. The KCTU will provide release time for union representatives to attend these meetings.

12. Teachers may request additional information and may access the student's file if they feel it is necessary in order to make an informed determination of the student's potential impact on the class.

13. It is our position that consultations should consider the learning needs of all the students in the class and should not be restricted to discussions with respect to the students requiring IEPs and should incorporate the BCPSEA recommendations to principals listed in #5 above.

14. Group consultations are possible if all the teachers teaching the same class agree to meet as a group. If not, any teacher can choose to have an individual consultation meeting.

15. Teachers should provide their views as to the appropriateness of the proposed class after reviewing all relevant information and the teacher's belief as to "why/why not the organization of the class will likely adversely affect the normal learning expectations for a class that meets the class size and composition standard".

16. It is our position that teachers may ask principals questions such as:

- Has the principal completed a thorough file review and considered the BCPSEA recommendations before making this proposal?
- Will the principal refrain from making unrealistic assurances or passing-off blame on others in the system if there is a discussion about the lack of availability of additional supports?
- Will all the students in my class have a reasonable chance to of meeting the prescribed learning outcomes?
- Have sufficient resources been provided to support my students' progress in relation to the prescribed learning outcomes?
- Will all the students in my class with an IEP be able to meet their IEP goals?
- Have sufficient resources been allocated to support my students with IEPs such as, specialized textbooks, equipment, computers, software, etc.?
- Is there enough physical space and furniture in my classroom to accommodate the students I am proposed to be assigned and will specialized furniture such as desks, chairs, CCTVs, etc. be required/provided?
- Has sufficient staffing been provided to support any students who are on behavior/safety plans?
- Will I be able to ensure my safety and that of everyone else in my class?
- Will I be provided with release time/financial support to attend school-based team and other meetings with associated professionals, planning meetings with support staff, and professional development to adapt/modify student programs/materials?
- Will any objections I may have with respect to the organization of my class be communicated to the school's PAC, Board of Education, and parents of my

students, to properly inform them so that they can make their own decisions around the appropriateness of the learning situation in my classroom?

17. Principals will provide the teacher a minimum of 2 days (48 hours) after the consultation meeting before informing the teacher of their determination. The principal will provide the teacher with additional, reasonable time if the teacher requires it, to review any additional information the principal agrees to provide or if the principal agrees to investigate supports before the principal makes a final determination.

18. Teacher's views should be submitted to the principal in a simple and general statement of what is needed for an organization that is appropriate for student learning if it becomes evident that the teacher believes that the class cannot be organized appropriately for student learning (safety issues, separation of students, distribution of students with IEPs, etc.).

19. The Board is not requiring teachers to sign any documents. Union representatives will request teachers to complete a form for union data collection purposes.

20. We are advising teachers to withdraw from the process of organizing classes, unless directed to continue, if the principal is not engaging in a genuine effort to resolve potential issues.

21. We are advising teachers, including counselors and student support services teachers, not to engage in timetabling, arranging, or rearranging classes or class groupings (including platooning) that result in classes of over 30 students or with more than 3 IEP students, unless directed to do so, in writing, by the principal.

22. It is our position that the principal should note all comments/objections on the district's form after which the principal and the superintendent will make a determination as to the appropriateness of the class for learning.

23. It is our position that the consultation process should not be deemed closed until the teacher and principal agree that the teacher has had sufficient time to review the relevant information, supports are investigated, and the principal informs the teacher of the result of any investigations for information or support.

Thank you for taking the time to review this memo. We hope it provides some clarity with respect to the Bill 33 process and we hope that all of us will truly be able to participate in a professional dialogue regarding the organization of our classes that genuinely consider the needs of everyone in every classroom in our district. Please contact your staff representative or myself if you have any questions with respect to any of the above.

Respectfully submitted,

Andrew Davidoff, President