

# **KTTA News - November 15, 2016**

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**General Meeting - November 22, 2016 (@4PM at NorKam Secondary Library)**

**(Visit [www.kttta.ca](http://www.kttta.ca) for agenda, minutes and documents)**

**Positions are Posted on SD 73 Website. Check at - <http://www3.sd73.bc.ca/careers>**

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## **A. Supreme Court of Canada Decision**

The Supreme Court of Canada rendered a decision on November 10th in favour of teachers. The decision was made after only 20 minutes of deliberating and after 3 hours of discussion and questioning.

The decision of the majority of the Supreme Court was to allow the appeal on the basis of the arguments of BC Appeals Court Justice Donald who dissented from the majority of the BC Appeals Court when they sided with the government.

The meaning of the decision is still be considered but what is known is best explored through the Questions and Answers below:

### **Q1: What are BC teachers entitled to under this decision?**

*Because the Supreme Court sided with Justice Donald's dissent in the BC Court of Appeals (BCCA) decision and not the original decision of Justice Griffin, the entitlements are not as extensive.*

*Justice Donald agreed that because government's actions were unconstitutional that the remedy is to restore the language from the time it was found unconstitutional (in 2014). However, the restoration of the language requires negotiations on its implementation.*

Here is a quote from the conclusion:

*"In my opinion, allowing the Working Conditions to remain deleted would force teachers to continue to suffer from unconstitutional government action and legislation. Therefore, **I would order**, pursuant to s. 24(1), that the Minister of Education direct the public administrator for the BCPSEA appointed under s. 9.1 of the Public Sector Employers Act to reinstate the Working Conditions into the collective agreement **immediately**. Any future deletion or alteration of these terms must occur as the result of collective bargaining process or after a consultation compliant process of good faith consultation.*

**Q2: Would teachers be entitled to retroactive claims?**

*No. Justice Donald's decision upheld by the Supreme Court was that teachers were not entitled to retroactive claims or to additional damages (the \$2 million awarded initially to the BCTF). In the 2014 agreement, the BCTF negotiated a \$105 million lump sum fund in exchange for dropping all retroactive grievances. We were fortunate to negotiate this as the court would not have ordered such retroactivity anyway.*

*A pertinent quote on this in Justice Donald's decision was "... I would allow the appeal in regard to the trial judge's additional damages remedy and her declaration that Bill 28 was of no force or effect as of the date of its passage, but I would substitute a remedy pursuant to s. 24 (1) of the Charter and order the Minister of Education to direct the public administrator for the BCPSEA appointed under s. 9.1 of the Public Sector Employers Act to reinstate the Working Conditions into the collective agreement immediately."*

**Q3: When would the language get restored and when would it get implemented?**

*The language is restored or reinstated immediately under the decision. There would be negotiations on the implementation of that language and when that occurs.*

Once there is more clarification from BCTF legal, that information will be provided to members.

**B. Class Size and Composition Language (2002)**

With the 2002 class size and composition language restored to the Collective Agreement, there have been questions about what that would mean in schools. The district figures note that it would mean the hiring of an additional 52 FTE teachers not including specialist teachers added as a result of old ratios.

Class Sizes and Ratios (attached) are noted below:

**Elementary:**

K = 20

K/Grade 1-3 = 20

Grade 1-3 = 22

Grade 3/4 = 25

Grade 4-7 = 29

Grade 4-7 Split = 27

**Secondary:**

English, Science Lab = 28

Home Economics = 26

Industrial Education = 24

Other Secondary = 29

**Special Education:**

High Incidence (Cat K-R) = 15

Low Incidence (Cat A-H) = 10

**Composition:**

Class Size maximums decreased by 1 additional student for every student with low incidence special needs in the class (Cat. A-H).

Maximum = 3 students with IEPs integrated into a class with support

**Special Teacher Ratios:**

Teacher Librarian = 1.0FTE :695 students

Counsellors = 1.0 FTE :693 students

LARTs = 1.0 FTE :397 students

Resource Room Teachers = 1.0 FTE :342 students

ESL Support = 1.0 FTE :74 identified students (ESL)

A process existed to exceed the maximums but if there was no resolution, a matter could be grieved.

We are awaiting further direction from the BCTF on when these provisions become enforceable.

**C. PD Opportunities - December 5th**

The December 5th Professional Development Day is for school based PD and the activities are determined by the school's PD committees. There are a couple of opportunities that the school PD committee may want to make available to members and those include:

**Inquiry - The Power of Pleasure and Taking Action**

**Registration:** <https://goo.gl/Duh5SZ>

Henry Grube Education Centre (Room 1A/B)

Time: 8:30 AM to 2:30 PM

Cost: \$50 per member (to be billed to the school)

Contact: Tricia Persad ([tpersad@sd73.bc.ca](mailto:tpersad@sd73.bc.ca)) or Andrea Wallin ([awallin@sd73.bc.ca](mailto:awallin@sd73.bc.ca))

**Reaffirming, Reworking, and Rethinking our Assessment Fundamentals for the 21st Century**

**Registration:** <https://goo.gl/forms/NQv8WbuzsT0jes6y1>

NorKam Secondary

Time: 8:30 AM to 3:00 PM

Cost: \$50 per member (to be billed to the school)

Contact: Tara Murray at [tmurray@sd73.bc.ca](mailto:tmurray@sd73.bc.ca) for more information

**D. Grad Years Feedback**

*(From Janice Neden - BCTF Professional and Social Issues Dept)*

In order to collect feedback on the graduation years curriculum the BC Teachers' Federation (BCTF) has designed the following survey tool:

[www.questionnaire.research-recherche.net/s/curriculumfeedback](http://www.questionnaire.research-recherche.net/s/curriculumfeedback)

The focus of this survey is to gather feedback from group discussions specific to the graduation years for the BCTF to review and analyze. It is expected that locals and provincial specialist associations will organize their own feedback processes to gather information for submission. The survey will ask you to upload three Word or PDF documents containing feedback, one for each of the following discussion questions:

1. What are the positive aspects of the revised BC graduation program curriculum (Grades 10–12), and what are you looking forward to in education change?
2. What are the concerns?
3. What supports are needed from government, your school district, and your union?

The closing date to submit feedback is December 9, 2016.

Thank you for your attention to this important matter. If you have questions

please contact [jneden@bctf.ca](mailto:jneden@bctf.ca).

## **E. New Reporting Documents**

*(From Janice Neden - Assistant Director - BCTF Professional and Social Issues)*

The Ministry of Education has produced a document that discusses some of the K–9 reporting guidelines and addresses some common Q&As.

Here is the link:

[https://curriculum.gov.BC.ca/sites/curriculum.gov.BC.ca/files/PDF/educator\\_update\\_student\\_progress\\_k-9.PDF](https://curriculum.gov.BC.ca/sites/curriculum.gov.BC.ca/files/PDF/educator_update_student_progress_k-9.PDF) (Educator Update: Reporting Student Progress K–9 Guidelines)

## **F. Provincial Assessment Status Update**

*(From BCTF President Glen Hansman)*

Please see attached a copy of a letter sent to Deputy Minister Dave Byng this afternoon informing him that the Federation would be withdrawing from participating in further development of the replacement elementary and secondary provincial assessments.

While we have been meeting consistently with the Ministry and partners to secure agreement around the protection of school and student data, the government has yet to inform us of its decision despite the late date. In fact there was to have been a meeting with the Minister on the morning of October 19 which would have been the fifth meeting on this subject since the beginning of this school year. Unfortunately government cancelled this meeting and despite the urgency of this matter and proximity of the meeting in Victoria, government has made no assurances that school and student information will be protected.

Despite widespread agreement between all education partners, government has chosen not to follow up on this critical decision. We believe that the protection of school and student data is fundamental to the purpose and development of the tool. In fact this was the principle that the Annual General Meeting and Representative Assembly based its continued participation on regarding these assessments.

Therefore the Executive Committee has made the decision to immediately suspend all participation in both provincial assessment development teams.

Members of the Executive Committee are in the process of contacting all members involved both by email and by phone.

For your reference, please this backgrounder published last spring (attached to

email).

Ministry information about assessment program can be found here:  
[HTTPS://www.bced.gov.BC.ca/assessment/](https://www.bced.gov.bc.ca/assessment/)