

## Determining Appropriate for Student Learning

A key question for all school administrators and superintendents is, “How do you determine whether or not any one class is ‘appropriate for student learning?’” Or perhaps, more importantly, “How do you determine if a class will meet the standards for ‘appropriate for student learning’ presented a year ago by arbitrator Dorsey?”

When arbitrator Dorsey reviewed 81 classes from 7 representative schools in 7 districts as part of the 2006-2007 and 2007-2008 Class Size and Composition grievance process he was, in part, creating a more consistent understanding as to what determines whether or not a class is appropriate for student learning (as required under Bill 33). In his August 2009 decision, Dorsey reported he had judged two classes to be “inappropriate,” even though both the principal and superintendent had previously decided they were both satisfied with the classroom learning situation for these students. In short, he determined that the opinions of the principal and superintendent were not reasonably held for these two classes. His decision, along with a review of other subsequent decisions and processes, provides substantive information for the determination of appropriateness for student learning through this school year and into the future.

Contrary to what has been promoted by the BC Teachers’ Federation (BCTF) and published by some media, there was no combined class size and/or composition limit of 33 students imposed at any grade level or for any type of class. Nor was the combined number of 33 found to be a determiner of the appropriateness.

Bill 33 requires principals to consult with teachers assigned to any class with more than 30 students and/or more than 3 designated IEPs before determining whether or not the class is appropriate for student learning. Arbitrator Dorsey, as part of his original decision, also determined that deference should be given to the principal and superintendent when judging these decisions, even for classes over a combined total of 33. With that deference, however, came an onus of explanation for the principal and superintendent during any future arbitration hearings regarding classes with a combined number over 33.

Classes may still be organized with a combined total over 33 (over 30 students and/or 3 designated IEPs) so long as the principal and superintendent appropriately complete the required consultation and reporting processes and determine that, in their reasonably held opinions, each specific class is appropriate for student learning. Onus of explanation only arises should the class be grieved and the issue go forward to arbitration.

In reaching an opinion as to whether or not a class with over 30 students and/or over 3 designated IEPs is appropriate for student learning on September 30, principals and superintendents may consider a variety of factors including, but not limited to:

- 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
- Processes completed prior to September 30 to ensure the balancing of students, resources, and needs between classes over time
- 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.

The determination as to whether or not any class is appropriate for student learning often requires consideration of more than just the assigned number of students and IEPs. Although two classes may be the same size and have the same IEP composition on September 30, they are not necessarily either appropriate or inappropriate based on these numbers alone. Principals and superintendents have the legislative authority to approve classes above 30 and/or 3 (and above a combined total of 33) when determined to be appropriate, but also the corresponding responsibility to consider all of the factors they feel are relevant before deciding whether or not the class is appropriate for student learning.

Factors which should not be considered when determining whether or not a class is appropriate for student learning on September 30 include:

- Changes to the class after September 30
- The size, composition, or demands of other classes taught by the same teacher
- The relative workload of the teacher compared to other teachers or past years.

These factors may be important considerations for a principal within other processes or for other reasons, but arbitrator Dorsey determined they are not relevant to the determination of appropriate for student learning on September 30 as required under Bill 33.

The issue of “appropriate for student learning” will comprise a substantial part of the continuation of the arbitration process set to resume in October 2010. Upon receipt of the decisions arising from the arbitration hearings, BCPSEA will be issuing further updates and clarifications for all school districts.

A detailed review of Class Size and Composition process requirements, including determining “appropriate for student learning,” can be found in the BCPSEA *Guidelines for Implementing Class Size and Composition Provisions, August 2010*, distributed to all districts on August 11, 2010 (located on the BCPSEA teacher issues members only website under “2010-2011 Class Size”). It is recommended that the *Guidelines* and attachments be brought to the attention of school principals and any district staff involved with class size and composition processes.

## Questions

Please contact your BCPSEA labour relations liaison at any time if you require additional information.