

Organization of Classes for the 2010-11 School Year

With respect to teacher participation in organizing classes for the 2010-11 school year, the BC Teachers' Federation (BCTF) has sent the following letter to their local presidents for distribution to districts. Also attached are two further template letters from the BCTF for teachers to submit to their respective principals.

Dear (Superintendent),

Given the budget and staffing constraints for next year our members, including counsellors and department heads, may be unable to timetable/organize certain classes for 2010-2011 within the legislative limits for class size and class composition as set out in Section 76.1 of the School Act (see reference below).

If our members are unable to organize or timetable classes within the legislated limits, we are recommending that they withdraw from participating in timetabling or organizing any classes that would be in violation of the legislation, unless directed to do otherwise. We are cognizant of the recent award by James Dorsey and are concerned that teachers' participation might be used to prejudice their ability to object to the organization of any classes to which they may be assigned.

It is our intent to cooperate with administration in structuring classes that are educationally sound, appropriate for student learning, and within the limits set out in the School Act. Our members are particularly interested in advocating for and providing adequate support and resources for students with special needs, and we ask for your cooperation in this regard.

I would ask that you not require any of our members, particularly counsellors or department heads, to participate in organizing or timetabling classes that exceed the legislated limits.

Sincerely,

(Local Teacher Union President)

The issue of a teacher's participation in class building was raised and squarely addressed by Arbitrator Dorsey at paragraph 326 of his award dated August 24, 2009:

"The teacher may have previously known or anticipated having a class for which a consultation would be required from the spring notice of class organization, the June student placements by last year's teachers, the students' course selections, the history of class organization in the school, a discussion with the principal, a vice-principal, school secretary, counsellor or student support services teacher or in some other manner. The employer expressly acknowledges the teachers' participation in June in student placement in classes organized by the principal for the school year commencing in September is not part of the requisite consultation or an acceptance by a teacher of the class organization. It is, however, part of the context in which consultation with some teachers will occur."

With respect to teacher participation in organizing classes for September, the school organization process should continue as it always has. There should be no change in school districts with respect to teacher participation in such processes and it is not appropriate for the union to attempt to undertake a concerted action during the term of the collective agreement. Under the legislation, the following two conditions must be met if a grade 8-12 class is to exceed 30 students or a K-12 class is to have in excess of three IEP students:

- a. In the opinion of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and
- b. The principal of the school has consulted with the teacher of that class.

Taking the position that all classes over 30 (grades 8-12) or three IEPs (grades K-12) are automatically a violation of the legislation regardless of the individual circumstances and make-up of the class makes it very difficult for the district to obtain valuable input from teachers in the building of classes versus that of a mechanical opposition.

Should your district receive such a letter from the local president, the following is a suggested response:

Dear Local President:

Re:2010-11 Class Building Process

Thank you for your letter of (date). We are pleased that the (name of local) is supportive of teachers participating in timetabling and organizing classes for September, 2010.

The district does, of course, also support the organization of classes that are within the legislated guidelines for class size and composition and the provision of consultation that adheres to the requirements of Section 76.1 of the *School Act*. As you know, the Act provides class size parameters with consideration for certain conditions. Class size and composition may vary, provided:

- (a) in the opinions of the Superintendent of Schools and the School Principal, the organization of the class is appropriate for student learning, and
- (b) the Principal of the school has consulted with the teacher of that class.

Teachers are welcome to provide their principal with input or concerns with respect to a class. However, teachers are expected to continue to perform their duties regarding the organization of classes as they have always done.

Yours truly,

Teachers are expected to perform their duties. Should the above letter and discussions with your local president not resolve this issue and should you encounter a situation where a teacher or teachers “withdraw from participating in organizing classes” in their normal course of duties, please contact your BCPSEA labour relations liaison to discuss your options, which may include verbal direction, letter of direction, letter of expectation, discipline and/or action through the Labour Relation Board.

Further, BCPSEA will be writing the BCTF requesting that they withdraw this advice to their locals.

Questions

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA labour relations liaison or Brian Chutter.

Attachment: BCTF template letters