

Operational Issues Before or During the Foundation Skills Assessment Administration Period in January and February

In addition to *@issue* No. 2009-40 regarding the one-year protocol agreement for the distribution by the BC Teachers' Federation (BCTF) of three specific pamphlets related to the Foundation Skills Assessment (FSA), it is important to review some of the other operational issues that may arise in your district before or during the FSA administration period in January and February.

FSA Administration

On February 2, 2009, the Labour Relations Board (LRB) issued a decision in support of the BC Public School Employers' Association (BCPSEA) application to address the BCTF advice and direction to their members to refuse to perform work related to the FSA. The LRB Order was subsequently filed with the BC Supreme Court and is therefore an Order of the Court.

The Order of the Court states:

"I find that administering/supervising the FSA tests is prima facie work which teachers are obligated to perform. Consequently, BCTF is ordered, on an interim basis, to do the following:

1. Cancel its direction to members not to administer/supervise FSA tests and to take reasonable steps to communicate that cancellation to its members as soon as possible and no later than 4:00 pm on February 4, 2009; and
2. Cease and desist from authorizing or directing its members not to administer/supervise FSA tests.

...This order is intended to revert the parties to 'business as usual' as it existed prior to the BCTF direction."

Given the clear direction provided through the LRB process last year, we expect that teachers will administer the FSA as required in 2010.

FSA Preparation

Given the clarification provided by the LRB award as noted above, it is reasonable to expect teachers to engage in preparation in the same way they would have prior to the actions of the BCTF in 2009.

FSA Marking

You will recall that the BCTF has taken the position that the activity of “marking” is not the work of teachers. In the past, they have indicated to their members that the scoring of the FSA is a voluntary activity and not the work of the bargaining unit — “not our work.” The BCTF has advised teachers (including TOCs and retired teachers) not to volunteer to score FSA tests. Last year, the BCTF also issued the following instructions to their local presidents:

“We have serious objections to many aspects of the FSA, therefore, we have undertaken a concerted, collective effort to oppose FSAs and are asking our members not to mark. Of course, our members need to know if they defy a direct order they may be disciplined. However, this is a matter of conscience and there is strength in numbers. Marking is voluntary and we should be standing firm in our refusal to mark the FSA exams.”

Under section 17 of the *School Act*, a teacher has the duty to assess and evaluate individual students and groups of students. Section 4 of the *School Regulation* indicates that teachers are to provide teaching and other educational services as required or assigned by the board or the minister.

Further support is contained in the *Student Learning Assessment Order*, which stipulates that teachers designated by the board are to ensure that the assessments are administered and completed in accordance with the protocols and instructions sent to the board by the minister.

The FSA administration instructions indicate that the scoring shall be done “consistent with the scoring arrangements at your school or within your school district.” As a result, a school or school district has a variety of options to consider, including that of utilizing teachers to score the assessments.

As was the case last year, it is our understanding that districts are planning on utilizing a variety of methods in this regard, including:

- Requesting teachers
- Professional development opportunity for teachers in the area of assessment
- TOCs
- Retired teachers
- Retired administrators
- Administrators jointly with teachers
- Providing release time
- Providing honoraria
- Providing a day in lieu, etc.

Once the FSA tests have been written, should a district find itself in the position where they are unable to have the FSAs scored without providing direction, please contact your BCPSEA labour relations liaison.

Questions

If you have any questions regarding the administration, preparation or marking of the FSA, please contact your district labour relations liaison.