

## Foundation Skills Assessment

We have now concluded our conference calls with districts regarding the labour relations implications of the current situation with respect to the Foundation Skills Assessment (FSA). The purpose of this update is to provide you with a brief summary of recent developments, and an outline of the reported BCTF approaches, strategies and tactics.

### Recent developments

- FSA
  - Changed dates: February 4–15 to allow for timely feedback to students, parents and schools
  - Duration of FSA: 4.5 hours
  - E-component (reading 60 minutes, numeracy 60 minutes)
  - Written booklet component (reading 30 minutes, writing 90 minutes, numeracy 30 minutes)
  - Written component marked by school districts
  - Results to parents: end of March
  - School public report: mid May
- FSA Field Test E-pilot (October 9–19, 2007)
  - Dry run for the e-component
  - 100 schools in the province
  - minimum of 1 school in each district
  - No results to students
- Regional Training Sessions
  - Prepare teachers for scoring FSAs
  - Will be held November–January

### BCTF approaches, strategies and tactics

Reminiscent of responses to bargaining and legislative initiatives, the BCTF appears to have a coordinated strategy to shape public discourse and public opinion concerning testing, in particular the FSA. As with the FSA opposition campaign last year, there are a number of strategies and tactics the BCTF is employing to meet their goal.

Unions, employers and individuals may have personal views on a variety of educational issues including testing, and K-12 public school employers acknowledge the right to have and hold such views. However, there is a difference between having differing views and having a campaign as has been identified. A concerted action with the goal of disrupting legitimate workplace activity is not acceptable.

In May 2007 we provided the following observations concerning tactics and suggested responses. Although the current FSA is somewhat different, there are many of the same features of previous approaches.

1. **Approach: *We have the right.*** The BCTF has advised its locals and members that it is permissible for teachers to send home, through students, BCTF material regarding issues such as the FSA.

**Response:** BCPSEA does not agree with the BCTF position. A school district may direct its teachers that students are not to be used as the conduits or couriers for communication of union materials or any materials not approved by the school for distribution through it. A school board is within its lawful right to direct teachers not to use students as the means for conveying union views concerning the FSA tests to parents. Neither the collective agreement nor any applicable legislation gives teachers the right to use students in this manner and to do so can be harmful to public confidence in the public education system.

2. **Approach: *Communication through existing resources.*** Some BCTF locals may be encouraging their members to use classroom mailing lists or e-mail distribution lists to distribute information regarding the FSA.

**Response:** Teachers may not use a school/classroom mailing list or a parent directory to obtain mailing addresses for parents of students in their class for the purpose of communicating or mailing out BCTF material. The home addresses of students and parents provided to a school or district are the personal information of the students and parents and can only be used for the purpose for which they were collected; i.e., for school-related purposes, not for the purposes of communicating BCTF views.

A school board has the authority to discipline a teacher who disregards a direction about either of these matters.

3. **Approach: *Here are the facts.*** The BCTF is providing locals and members with a brochure regarding the FSA which is also intended to be available to teachers to distribute to parents. The brochure is available on the BCTF website. This brochure contains inaccurate information and recommends parents withdraw their children from the FSA tests. It also states that teachers consider FSA testing to be harmful to students.

**Response:** The BCTF assertion that parents can withdraw their children from the FSA tests by writing a letter to the school principal is inaccurate and contrary to the FSA requirements.

School boards can direct teachers that they are not to advise parents that principals can exclude students from taking FSA tests in the manner suggested by the BCTF, as this advice is not consistent with the Ministry procedures on the participation of students in the FSA tests.

Both the current BCTF brochure and draft letter for parents are inaccurate and contain information which is contrary to the Ministry of Education guidelines regarding exclusions from the FSA testing. School boards should advise teachers communicating on the FSA in any venue to remove any reference to exclusions from participation in FSA (this will include the draft letter for parents to sign), except for the exclusion of students which is permitted under the FSA procedure.

Accurate information on participation in the FSA tests should be communicated to parents by each school administrator, including the participation guidelines set by the Ministry. Any inaccurate information on the FSA provided to parents by a teacher or the BCTF in a public venue such as a parent advisory council meeting should also be corrected.

4. **Approach: *What the courts say.*** We already won the right to discuss and distribute information to parents about FSA during parent/teacher interviews in the form deemed appropriate by the BCTF.

**Response:** The court case referenced by the BCTF, *British Columbia Public School Employers' Association v. British Columbia Teachers' Federation*, 2005 BCCA 393, was an appeal by BCPSEA of an arbitration award by Don Munroe. This case arose out of a dispute regarding information distributed by teachers to parents at school and during parent-teacher interviews. The information referred to the provincial government's legislative actions concerning class size and learning conditions. In this case, the BCTF commentary on the class size legislation and its effect were, for the most part, factually correct. The BCTF was critical of the provincial government's decision to remove class size and staff formulas for specialist teachers from the collective agreement. School boards responded to the BCTF action by issuing directives to teachers not to discuss class size and learning conditions issues in parent-teacher interviews or to make available BCTF materials to parents.

The Court of Appeal upheld the arbitrator's decision that school boards had violated the teachers' freedom of expression and that the impugned directives were not justified under section 1 of the *Charter*. The Court of Appeal found that the objectives in issuing the directives (maintaining confidence in the public school system and ensuring parent-teacher interviews met their purpose) were sufficiently important to justify some limits on teachers' freedom of expression and that the school boards' actions were rationally connected to the objective of maintaining public confidence in the school system. However, the Court of Appeal found that an "absolute ban" of discussion on school property during school hours, and the ban on posting materials on school bulletin boards, did not minimally impair teachers' rights and, therefore, the directives were not justified under section 1 of the *Charter*.

The decision does not provide for an unfettered right to communication but, rather, that any limitation or restriction on the right to freedom of expression be "reasonable limits prescribed by law [that can be] demonstrably justified in a free and democratic society." Therefore, freedom of expression rights are not absolute. However, any restrictions on that freedom must be reasonably justified.

BCPSEA's communications to school districts regarding the BCTF FSA campaign are consistent with the decision of the Court of Appeal.

5. **Approach: *Over the heads to parents.*** This approach challenges school boards and school district administration to accede to the union's wishes and accept their position or they will use the media, meetings with parents, and other public forums to promote their opposition to FSA. A variation of this is the *whose side are you on* approach, where the school board is challenged to choose between the position of their teachers or the Ministry of Education.

**Response:** This is a power tactic and, like the other approaches described, attempts to obscure the matters at issue. The issue of standardized testing has been a matter of debate for many years. From a public policy perspective the Ministry has adopted a

testing regime comprised of many components, one of which is the FSA. A reasoned policy discussion on FSA is best left to another forum. The best way to respond to this approach is with clarity as to the purpose of the FSA, what teachers and the BCTF can and cannot do to advance their opposition to it, and the statutory obligations of school boards.

6. **Approach: *If you respected your teachers you would...*** This is also a power tactic, attempting to leverage your goodwill and, through that, leverage acceptance of the BCTF position on FSA.

**Response:** This approach is similar to #5. Again, respond with clarity as noted above.

7. **Approach:** Labeling and the choice of words. There is nothing more powerful in communication than the choice of words. If an initiative is labeled as *grassroots*, it is designed to leave the impression that it is unorganized and driven by individuals of like mind coming together to make a point...quite by happenstance. If the FSA is labeled as *Americanized* testing, the impression leads one to look at the FSA as an initiative in BC that is developed in the US.

**Response:** Labeling and the choice of words is a tactic to shape the debate on the other person's terms regardless of whether those terms are based on factual inaccuracy or deliberate distortion. The way to deal with Approach 7 is with clarity. Identify the tactic for what it is and provide clarity of the terms used without editorialization.

## Current tactics

A review of what is currently happening in districts reveals the following tactical trends:

### ➤ Targeted template communications

- Letter to Board, Superintendent or School Principal
- Pamphlets to distribute to parents.

### ➤ Public appeals

- Advertisements in local papers
- BCTF website — information, articles and template letters for parents.

District participants also provided the following observations during the conference calls:

- Characterization of the BCTF FSA initiative as a “grassroots movement” by teachers and parents even though it is a coordinated and concerted action as evidenced by the publications and comments provided by local officials.
- Characterization of a refusal to participate in FSA as an act of conscience.
- The BCTF has also provided information and resources to parents on their website encouraging parents to “withdraw” their children from the FSA.
- Some locals have placed advertisements in the local papers to parents regarding the FSA (one district advised that the ad was actually paid for by the BCTF). In one district, the local intended to provide this information at parent-teacher interviews.

This is not to suggest that there are not strongly held views by individuals concerning the efficacy of testing. A recent article in the *Vancouver Sun* on October 13 provided such a perspective. Similarly, an Op/Ed piece in the *Vancouver Sun* on October 10, 2007 offered a particular perspective. From the employers' association perspective, the issue is not about the value and necessity of testing, but rather, the potential employment implications given the apparent initiatives of the BCTF.

For a fuller discussion of the labour relations issues with respect to distribution of BCTF/union material to parents, as well as the requirement for student and teacher participation in FSA, please reference @ Issue No. 2007-06, dated September 25, 2007, on our public website (<http://www.bcpsea.bc.ca/access/publications/aissue/2007/ai2007-06.pdf>).

Should situations arise in your district with respect to these or similar issues, including the upcoming regional training sessions, please contact your BCPSEA labour relations liaison.

### **Next steps**

Issues with respect to teacher marking (which will not take place until February 2008) were raised on the conference calls. BCPSEA will be in contact with the Ministry of Education to have further discussions in this area.

More should be known following the BCTF Representative Assembly scheduled for November 2–3, 2007. BCPSEA will continue to monitor and report emerging BCTF strategies regarding the FSA. If you are aware of any new developments, please advise BCPSEA as soon as possible.

Please forward to your BCPSEA liaison any information about the BCTF organized campaign; e.g., newspaper articles/advertisements, correspondence, statements, feedback on BCTF regional meetings, etc.

### **Questions**

If you have any questions, please contact your BCPSEA liaison.