

BCTF Advice

Field Service Division Fax Number: 604-871-2291

MEMO TO: Local Presidents (via e-mail)
COPIES TO: Executive Committee, Administrative Staff
FROM: Richard Hoover
DATE: September 11, 2009
SUBJECT: Dorsey decision on a principal's obligation to provide relevant information to teachers

Principals must provide relevant information to teachers

In his September 11, 2009 decision Arbitrator Dorsey has determined that, at the outset of the consultation process, principals must provide teachers with hard or electronic copies of relevant documents, specifically including IEPs.

You may already have had the opportunity to read Dorsey's decision on the obligation of principals to provide relevant information to teachers in the consultation process. If not, you will find the decision posted on the BCTF restricted access website, with all of the other class size and composition materials, at:

<http://www.bctf.ca/secure/AdviceToLocals/default.aspx?id=13930>.

We have also included on this page a summary of the decision, prepared by Carmela Allevato.

You can advise staff reps and other members that they can read the full decision at:

<http://www.bctf.ca/uploadedFiles/Public/BargainingContracts/SupplementaryDorseyDecision2009-09-11.pdf>.

This decision clarifies the obligation of the principal to provide relevant information to teachers (including IEPs) at the outset of the consultation process.

The striking feature of the definition is that it addresses what principals must do for teachers. They must provide information. They must provide time to consider the information before engaging teachers in consultation. They must consider any teachers' views that are provided. (69)

The cumulative effect of these three obligations on principals is to promote informed and enhanced engagement by teachers in the consultation process and to reinforce the principal's accountability for the process. (75)

Advice to presidents, staff reps and teachers

1. Presidents should call or meet with superintendents as soon as possible to convey the union's expectations regarding the consultation process:
 - a. Principals will provide teachers with all relevant information at the beginning of the consultation process, including any information specifically requested by the teacher.
 - b. Staff reps will be present at all consultation meetings.
 - c. Consultation meetings will be scheduled at appropriate and convenient times (not at recess and not at lunch).
 - d. Members will not be required to sign the employer's consent or consultation forms. It is sufficient that we will be providing principals with signed copies of the union consultation forms.
 - e. The union will receive copies of principals' reports to the superintendent listing all classes with more than 3 IEP students and all classes with more than 30 students (including rationales).
 - f. Our members will not be expected to timetable, arrange or re-arrange classes or class groupings (including platooning) that result in classes over 30 or classes with more than 3 IEP students unless they are doing so under the clear direction of a principal.
2. Meet or communicate with staff reps to advise them that:
 - a. Staff reps should attend consultation meetings between principals and teachers to ensure that proper notes are taken and to assist teachers in completing the union consultation form.
 - b. Teachers should ask for any relevant information that is not provided at the outset of the consultation process.

Principals are responsible to ensure there is a meaningful and effective consultation process, regardless whether teachers choose to take advantage of it. Timely notice, advance disclosure and provision of information that principals consider relevant, time for teachers to consider the information and open-minded consideration of teachers' views and whatever information teachers think is

relevant and provide to principals are benchmarks or good practices that principals are directed to follow for an effective and meaningful consultation process. Timely provision of relevant information may persuade some teachers they will not disagree with the proposed size and organization of the classes and waive their right to continue with the process. (91)

The definition of “consult” in section 1(4) of the Class Size Regulation must be interpreted in a manner that does not limit disclosure or diminish sharing of relevant information that is to be part of the basis of the professional dialogue during principal teacher consultations and thereby diminish teacher involvement and participation in the consultation process and adversely affect the quality of consultation or generate cynicism about it. (97)

In short, principals will not discharge their responsibility to make provision of relevant information to teachers by telling them the nature of the information relevant to the proposed size and organization of the classes assigned to them and saying to them if they want to discuss this information at the scheduled consultation meeting they can get it whenever it might be accessible to them through the custodian of the information. (98)

- c. Teachers should complete the union consultation forms and sign them.
- d. Staff reps should provide a copy of each completed consultation form to the local and to the principal.
- e. Teachers are not required to sign any employer consultation or consent forms, as the union form is sufficient.
- f. Members are advised not to arrange or re-arrange classes or class groupings (including platooning) that result in classes over 30 or classes with more than 3 IEP students unless they are doing so under the clear direction of a principal.

These are not necessarily principal decisions on class organization or student placement. If these re-arrangements result in class sizes and compositions that would otherwise trigger a duty to consult if the decision was made by the principal, they do not trigger that duty when the decision is made by teachers. (290 of original decision)

In this structure, it is principals, not someone else, who are responsible for making proposals for the size and organization of the

class, regardless whether the classes are structured by others on behalf of principals. (81)

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BCTF Consult Form

Class Size and/or Composition Consultation Form

Report to Local Union Office

1. School: _____ Administrator: _____
2. Teacher: _____ Did you request a meeting? Yes No
3. Proposed Class Size and Composition: Grade: _____ Total number of students: _____
4. Course (Secondary)/Class Title: _____ Total number of IEP students: _____
5. IEP student type and number: A _____ B _____ C _____ D _____ E _____ F _____
G _____ H _____ K _____ Q _____ R _____
6. Does the organization of this class allow you to meet the requirements of each student's IEP? Yes/No (circle one)
7. Has the principal provided you with the relevant information you requested? Yes/No (circle one)
8. Was there a consultation meeting? Yes No
9. Was a staff rep at meeting? Yes No Staff Rep: _____
10. Approximate duration of consultation: Started at: _____ Ended at: _____
11. The organization of this class will likely adversely affect the normal learning expectations for a class because: (check any that apply)
- | | |
|--|---|
| <input type="checkbox"/> too many students for effective instruction | <input type="checkbox"/> unable to meet the prescribed learning outcomes |
| <input type="checkbox"/> lack of resources to meet student needs | <input type="checkbox"/> too many high needs students for effective instruction |
| <input type="checkbox"/> lack of support personnel | <input type="checkbox"/> classroom management impacted adversely |
| <input type="checkbox"/> safety | <input type="checkbox"/> lack of space |
| <input type="checkbox"/> other _____ | <input type="checkbox"/> workload |
12. How did the principal justify this class organization as being appropriate for student learning?:

13. Solutions requested by teacher, and response of Administrator:
- | | | |
|--|----------------------------------|-----------------------------|
| 1. reduce class size | <input type="checkbox"/> will do | <input type="checkbox"/> no |
| 2. reduce number of IEP students | <input type="checkbox"/> will do | <input type="checkbox"/> no |
| 3. provide additional teaching staff | <input type="checkbox"/> will do | <input type="checkbox"/> no |
| 4. provide additional preparation time | <input type="checkbox"/> will do | <input type="checkbox"/> no |
| 5. provide additional SEA time | <input type="checkbox"/> will do | <input type="checkbox"/> no |
| 6. other _____ | <input type="checkbox"/> will do | <input type="checkbox"/> no |
14. Final class organization: Number of students _____ Number of IEP students _____
15. Comment: _____

16. * I agree/disagree (circle one) with the organization of this class.

17. Is the principal aware of your opinion regarding the organization of this class? Yes No

Teacher's signature _____

Staff Rep Signature _____

Date _____

Date _____

Class Size/Composition Consultation Form Instructions:

1. Please fill out one form for each class that is overloaded either by exceeding more than 3 IEP students (consultation required) or the following class size limits:
 - a. 22 Kindergarten;
 - b. 24 Grades 1 – 3;
 - c. 30 Grades 4 – 7 (consent required); or
 - d. 30 Grades 8 – 12 (consultation required).
2. Fill out as much of the form as you can, especially the size and composition numbers. The most common responses on last year's forms have been included in checklists to save writing time, and help us organize your information.
3. When asked, administrators have generally been helpful in supplying codes and explaining IEP types. Try to get the exact numbers for each type. There should also be a discussion of the individual students' IEPs (the most recent one) and how they should be implemented.
4. To help us identify what type of class you have, we have asked for the course title, which is usually the name for the class as it would appear on a timetable. This is very helpful in elective areas, *especially for someone who may not be familiar with your school.*
5. You have the right to ask a Staff Rep to come with you to the meeting, and to ask the administrator to schedule the meeting accordingly, with enough time for a full discussion.
6. It's your consultation, so don't be shy about asking direct questions, making requests, and trying to get a commitment from your administrator to supply solutions for your concerns. You should indicate clearly (by circling the appropriate response) whether you disagree with the organization of the class and why. This need not be decided in the meeting, but you should not delay in making your decision as time is limited.
7. When you have finished the form, please turn it in to your Staff Rep.
8. Staff Reps should collect the forms; make two set of copies, one to keep, one to be delivered to the principal, as soon as possible; and send the originals to the local office.

Thanks for your co-operation. Your information will help us make our case for better learning and working conditions.

Ministry Special Needs Categories

Ministry Category	Description
A	Physically Dependent
B	Deaf/Blind
C	Moderate to Severe/Profound Intellectual Disability
D	Physical Disability/Chronic Health Impairment
E	Visual Impairment
F	Deaf or Hard of Hearing
G	Autism
H	Intensive Behaviour Interventions/Serious Mental Illness
K	Mild Intellectual Disability
Q	Learning Disabilities
R	Moderate Behaviour Support/Mental Illness

BCTF Template Letter

Date: _____

Dear Principal/Vice-Principal,

In order to participate in a professional dialogue with you regarding the organization of this class I am requesting additional information to inform my judgment as to whether the class is appropriate for student learning. It is my understanding that a principal is to schedule meetings and gather all of the relevant information for a thorough and organized consultation process. The information that I require includes but is not limited to:

- Class list(s) with student names.
- Designations of all students with special needs.
- Copies of all IEPs, including lists of resources required.
- The recommendations of the school psychologist who identified the above mentioned students.
- Previous year's report cards
- A list of all students, including ESL and Gifted, who may not have been formally identified but are at-risk as well as any comments and recommendations of their previous teacher.
- The staffing allocation for the school including administration and district staff.
- Student behavioural concerns, including any history of violence or restraining orders
- Any involvement of the Ministry of Children and Families, Youth Workers, or probation officers.
- Parental behavioural concerns
- Medical concerns including drug or alcohol issues
- Criminal records
- List of available resources (including budgets).

Please notify me of an appropriate time to reconvene this consultation meeting. I am looking forward to engaging in a meaningful and professional dialogue with you regarding the learning needs of all the students in my class.

Sincerely,
