



# Nanaimo District Teachers' Association

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**FAXED**  
October 20th, 2009

Dr. Gerald Fallon  
District Principal - Staffing  
School District #68 (Nanaimo-Ladysmith)  
395 Wakeelah Avenue  
Nanaimo, BC V9R 3K6

Dear Dr. Fallon:

## Grievance 68 20 09 Superintendents' Class Size Report

The NDTA believes that the Board is in violation of, but not limited to, section 76.3 of the *School Act* and Dorsey's arbitration decision of August 24<sup>th</sup>, 2009. More specifically, we are referencing 76.3 (3) of the *School Act* along with paragraphs 381 and 450 of the Dorsey Decision.

76.3 (3) of the *School Act* states:

*The superintendent of schools for a school district must include in his report a rationale for the organization of any class in the school district that has more than 30 students.*

The rationale provided by the Superintendent was inadequate when acknowledging 101 unique classroom environments, each over class size limits. The NDTA believes that a rationale need to be included for each of the 101 classes with more that 30 students and are a required part of the Superintendents' Class Size report.

Paragraph 381 and 450 of the Dorsey Decision states:

*The opinion of the teacher is relevant and important for school planning councils and boards of education (para. 381).*

*As part of the due diligence, the superintendent must be informed about classes that exceed the class size and composition standard with which the teacher of that class agrees it is a class appropriate for student learning and those classes for which the teacher disagrees or did not express an opinion. Principals, superintendents, boards of education, and, perhaps parents need to know if teachers do not believe their classes are appropriate for student learning (para. 450.)*

The Dorsey Decision clearly outlines the importance of notifying Boards of Education and parents the results of teacher consultations. Whereas this information has not been provided to our education partners we believe this is in direct violation of the Dorsey decision.



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As well, Dorsey states that principals must clearly communicate the results of consultations with the Superintendent. The Superintendent has yet to report the results of teacher consultation and therefore the NDTA believes that this information has not been clearly reported to him. We are confident that if he had received results of class size/composition consultations Mr. Munro would have reported these results to education partners in order to meet his requirements as outlined under the Dorsey decision.

The NDTA is requesting a Step 3 meeting with the Board on October 21, 2009.

Sincerely,

Derek DeGear  
NDTA Vice-President

cc: Robert Flood, Director of Human Resources  
Mike Munro, Superintendent  
Renzo Del Negro, BCPSEA  
John Wadge, BCTF