

REGULAR AGENDA
SCHOOL DISTRICT NO. 63 (SAANICH)



INAUGURAL MEETING OF THE BOARD OF EDUCATION

The Board of Education of School District No. 63 (Saanich) will meet at the School Board Office, 2125 Keating Cross Road, Saanichton, B.C., on Monday, December 5, 2011 at 7:00 p.m.

- 1. CALL TO ORDER, WELCOME AND INTRODUCTION**
 - (i) Call to Order
 - (ii) Welcome
 - (iii) Introduction of Partner Group Representatives

- 2. OATH OF OFFICE**

- 3. ADOPTION OF AGENDA**

- 4. ELECTION OF BOARD CHAIR FOR DECEMBER 2011 – DECEMBER 2012**

- 5. ELECTION OF BOARD VICE-CHAIR FOR DECEMBER 2011 – JUNE 2012**

- 6. ELECTION OF BCSTA PROVINCIAL COUNCILOR AND ALTERNATE FOR DECEMBER 2011 – DECEMBER 2012**

- 7. ELECTION OF BCPSEA REPRESENTATIVE AND ALTERNATE FOR DECEMBER 2011 – DECEMBER 2012**

- 8. ELECTION OF VANCOUVER ISLAND LABOUR RELATIONS COUNCIL REPRESENTATIVE AND ALTERNATE FOR DECEMBER 2011 – DECEMBER 2012**

- 9. OTHER BUSINESS AS SUBMITTED**
 - (i) Job Action Update

- 10. ADJOURNMENT**

School District No. 63 (Saanich)

Saanich Schools

BRIEFING NOTE



To: Board of Education

Prepared By: Keven Elder
Superintendent of Schools

Subject: Update on Teacher Job Action &
Consideration for Recess

Date: December 5, 2011

As trustees are aware, contract negotiations between the BC Teachers' Federation (BCTF) and the bargaining agent for Board of Education, the BC Public School Employers' Association (BCPSEA) have been underway since the spring (visit www.bcpsea.bc.ca for bargaining history and updates). In July the BCTF sought and received a Labour Relations Board essential services ruling for "phase one" job action that has now been in effect since the first day of school, September 6, 2011.

This legal strike is taking the form of the withdrawal of 29 services that the Labour Relations Board (LRB) said teachers *need not* perform and that the BCTF subsequently said teachers *will not* perform. These include teachers not:

- Participating in meetings with administrators including staff meetings or committee meetings.
- Participating in IEP meetings unless the administrator provides direct service to the child.
- Receiving information from or providing information to an administrator unless it relates to class organization early in the year or safety or emergencies at any time.
- Distributing district or school letters, newsletters or announcements to students unless related to health and safety.
- Providing assessment information to administrators unless for grade 12 students in support of graduation, post-secondary applications or scholarships.
- Doing before and after school and recess/break supervision except as required after excluded staff have been deployed to the extent possible.
- Preparing or distributing report cards.
- Collecting money from students or doing any fund-raising.
- Participating in school photo organization.
- Participate in any professional development that is not teacher directed.
- Attending any meeting called by school district management.
- Participating in meet the teacher activities that are outside of instructional times.

See www.bcpsea.bc.ca *Bulletins – Essential Services – No. 2011-02*

During phase one job action teachers are continuing to do the work of instruction and assessment including, as directed by the Labour Relations Board, all preparation and marking outside of school time as is the norm. Notwithstanding teachers' non-involvement with report cards, the BCTF and individual teachers remain committed to having teachers talk to parents about student progress. It should also be noted that principals have the legal obligation to send report cards home every fall. As such, report cards were sent home over the past few weeks. Only attendance and teacher contact information was provided, although full report card information was provided by teaching vice-principals and principals.

Teachers are continuing to plan and supervise curricular field trips and have the discretion to take students on optional field trips and lead voluntary extracurricular activities including athletics. In Saanich most teachers have continued with field trips and extracurricular athletics.

Over the past few weeks a number of items have been clarified by the LRB upon request of one party or the other, including that:

- Teachers are required to submit attendance on a period by period or daily basis using the normal means of doing so;
- An administrator may attend school-based team meetings (in regard to students with special needs) if he or she provides direct service to the student **or** if the meeting relates to custody, confidential or sensitive matters, police matters or legitimate safety concerns; and
- School administrators are not required to do paperwork for teachers' field trips.

I would urge trustees to monitor the BCPSEA website www.bcpsea.bc.ca to stay up to date with the status and nuances of job action including LRB rulings as they come. Of course our board will also continue to work with BCPSEA as the bargaining agent for all sixty boards in support of the work that is going on at the bargaining table.

Concerns Shared Previously with the Board

As part of my superintendent's report to the October public board meeting I provided a list of concerns in regard to ongoing job action. The list is partially reproduced here for your consideration:

- Ongoing teacher communication with parents may be viewed by some parents to be insufficient.
- Report cards being either not distributed or done so only with partial information may create some challenges for relationships between teachers and parents.
- Teachers' non-communication with administrators is creating a dampening effect on ongoing professional dialogue and growth. Innovation and professional growth are important parts of the teaching and learning dynamic and the absence of administrators from that work is a concern. That said, I must commend teachers for continuing to organize for professional growth in teams and on their own.

- Administrators being unable to participate in school-based team meetings (including IEP meetings), unless under the conditions established by the Labour Relations Board on October 6, 2011, is causing difficulty for teachers who rely on administrators' involvement and for parents and children who rely on the same.
- Teachers' non-participation in scheduled supervision is having the anticipated effect on administration. There is a cumulative effect on the work that would normally be done during time spent supervising, particularly as it relates to the kind of work that cannot be done after hours (such as meeting with parents or community or business partners who are available during the day, or working with CUPE staff whose hours are set). There is a similar problem for school administrators in that the break times that would normally allow them to meet with teachers, students or parents are now spent on the playground.
- There is an additional worry in terms of teachers not doing supervision, that being that are fewer people available to respond to emergencies or issues that arise.

Supervision and the Need to Consider Moving Recess

The LRB spoke to the matter of supervision in essential services ruling No. B132/2011 (July 26, 2011), which made reference to the principles set out ten years earlier in BCLRB No. B417/2001 and B431/2001. Those rulings say, in part:

B132/2011: Before/after school supervision related to bus drop off and pick up, and recess and noon hour supervision will continue to be provided by teachers subject to the Employer utilizing management and excluded staff to the best extent possible to replace teachers for these activities. The utilization of management and excluded personnel will be discussed locally. If the matter cannot be resolved at the local level, either party may refer the matter to the Board for mediation/adjudication. The principles set out in BCLRB No. 147/2001 and B431/2001 shall apply to this decision.

B147/2001: In Districts where local agreements have not been reached, the parties will apply the following formula on an interim basis: (1) The normal schedule shall be ascertained; (ii) management and excluded staff will be assigned supervision duties to the extent possible; and (iii) the balance of supervision will be handled by teachers. The parties shall advise the Board of School Districts where the matter continues to be unresolved.

B431/2001: In a letter dated November 13, 2001 from BCPSEA the Board was advised that there continued to be outstanding issues concerning supervision. The areas of disagreement are few in number and common across several School Districts. Rather than deal with specifics, the parties agreed that I should issue a decision with respect to the general areas of disagreement, which would then give the parties some direction and allow them more time to reach local agreements.

- Teachers will be available in the event of any emergency or disaster situation. In the event of a dispute between the BCPSEA and the BCTF as to whether an emergency situation exists, the teachers will perform the work in question. The principle here is "work now grieve later."
- All School District management and excluded personnel must be utilized to the best extent possible. This will result in the individuals working extended hours,

performing the essential components of their regular job and some bargaining unit work.

- BCPSEA urged the Panel to specify the maximum number of supervision times per day that each School District staff person should work. BCTF argued that no artificial limit should be set. I am not persuaded to set a strict limit. Depending on how the School District has organized the work, the number of schools involved, the geographical concerns, etc., it may well be that some School District management and excluded personnel are covering more supervisory time slots than others. It may be appropriate for some to work three, and others less (perhaps none).
- BCTF presented a number of options in order to reduce recess supervision requirements, such as cancelling recess, restricting access to certain areas of the playgrounds and staggering recess times.
- BCPSEA argued that recess cannot be cancelled because of provisions of the School Act and Calendar Regulations. I do not accept this argument for two reasons. First the application of Section 29 of the School Act provides a general exception to the application of the Act in the context of a strike or lockout. Second, the regulatory standards are not absolute. I conclude that if parents are notified that students are being dismissed early, while it may create some inconvenience for the parents, the School District can release students early.
- One factor that must be considered is whether it is in the best interest of the students and teachers to cancel recess due to behaviour problems that may result in the classroom as a result of lack of exercise and energy release. A second factor that must be considered is the bus pick up schedules.
- When administrators or District management and excluded personnel are assigned supervision duties and are unavailable due to illness or other unforeseen circumstances, their supervision duties must be “backfilled” by teachers. Activities that can be re-arranged and are not urgent should not take precedence during any job action.

Moving Recess to the End of the Day

In Saanich, district management and excluded staff have been deployed on a schedule that has varied little from the first day of school. Management and excluded staff are all doing playground duty once, twice or three times per day depending on the ability of each person to be away from his or her normal duties. After three months there is a clear and problematic cumulative effect on our ability to maintain high standards of work on behalf of the board, employees, students and families. The greatest discontinuity and disruption is, by all accounts, created by having to supervise recess breaks, most of which occur in the afternoon. With the proximity of recess to after school this can mean management and excluded staff are pulled away from their work for hours at a time. This needs to change.

Having consulted with school administration and the presidents of the Saanich Teachers’ Association and the Confederation of Parent Advisory Councils of Saanich, all of whom understand the challenges of maintaining management-supervised recess, I have concluded that it is time for Saanich to join a growing number of districts who have cancelled or are considering cancelling or moving recess.

I have directed principals to begin preparing their staffs, students and parents to **shift recess to the end of the day, effective January 3, 2012**. In most schools that will mean that classes end 15 minutes earlier than they do now. Buses will run at the usual times.

This move will allow supervisors to cover recess and after school in one visit. We expect that many students will go home early with parents, but students who wish to stay, or who need to wait for a bus, will be supervised by school administrators and district management and excluded staff.

Teachers will be encouraged to take activity breaks during instructional time, as is currently the norm in most classes in the district.

Parents will be provided with notice of this change and will be invited to either retrieve their children early (if possible) or leave them at school through the end-of-the-day recess break before having them go home at the regular time.

Buses will run on the normal schedule through January. Should it become apparent that children are not needing the end of day recess break prior to running the buses, AND should it be clear that parents will be able to receive children home 15 minutes earlier, we will make arrangements to bring the bus schedule forward by 15 minutes for all schools in the district.

I request that the Board of Education either:

1. Receive this for information knowing that recess will be moved to the end of the day in all schools effective January 3, 2012;
2. Receive this as a matter for board deliberation at the December 5, 2011 inaugural meeting and immediately consider a motion to move (or, should it be the wish of the board, cancel) recess; or
3. Receive this as a matter for board deliberation at the January 18, 2012 public board meeting.

Respectfully submitted,

Keven Elder
Superintendent of Schools

KE/klg