

MINISTRY OF EDUCATION AND CHILD CARE
INFORMATION BRIEFING NOTE

DATE: May 9, 2023
CLIFF: 281276

PREPARED FOR: Christina Zacharuk, Deputy Minister – **FOR INFORMATION**

SUBJECT: Collective Bargaining – Class Composition Provisions

PURPOSE: Overview of BCPSEA's Guide for Districts to Implement the Jackson Award on Class Composition

BACKGROUND:

- The 2016 Supreme Court of Canada decision to restore class size and composition language required developing a process to assess and place students based on language that had not been in place for many years. The employer and the union did not agree on the approach for two specific categories and ultimately Arbitrator Jackson determined in 2019 that class composition should be based on the criteria in place when the language was removed in 2002 (the "Jackson Award").
- This decision impacted class composition requirements for two special education categories that have changed significantly since 2002:
 - Category G (Autism) has become Category G (Autism Spectrum Disorder)
 - Category J (Severe Learning Disabilities) has become Category Q (Learning Disability)
- In particular, the shift from "Autism" to "Autism Spectrum Disorder" was fairly significant – moving to a spectrum disorder encompassed a much broader range of criteria and a larger number of students were eligible for the designation and to receive funding.
- The Jackson award means that although students in Category G who meet the newer criteria are still funded, school districts take into consideration the narrower criteria used in 2002 (which describes cases on the more severe side of the autism spectrum) for class composition purposes.
- While BCPSEA shared information about the Jackson Award with school districts in 2019, they did not provide sector-wide direction on how it should be implemented.
- Since then, nine school districts have recalculated their class composition requirements based on the Jackson Award (see Attachment 1), all of which the BCTF grieved, stating that the districts were too stringent in their calculations.
- BCPSEA and the BCTF have now reached local settlement agreements for these grievances.

DISCUSSION:

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Program Contact (for content): Linda Beddouche
Drafter: Lina Branter
Date: May 9, 2023

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Attachment 3 - Draft Deputy Minister's Bulletin Article

Publish Date: To be sent shortly after BCPSEA has distributed the Guide to the 34 school districts

FOR INFO, SUPERINTENDENTS AND DIRECTORS OF INCLUSIVE EDUCATION – Inclusive Education Update: The BC Public School Employers' Association (BCPSEA) has developed labour relation guidance for school districts on the implementation of the Jackson Award pertaining to class size and composition. This guidance only pertains to determining employer compliance with restored class size and composition provisions. Please note that this guidance does not change any student's current Ministry 1701 designation, nor does it impact the eligibility for, or provision of, an Individual Education Plan, supports and service allocation, or statutory obligations.

For questions relating to labour relations implications, school districts should contact their BCPSEA district liaison. For policy questions pertaining to inclusive education and supports to students, please contact inclusive.education@gov.bc.ca.

Attachment 4 - List of the 34 districts that have class composition in their collective agreement and have not done their recalculation yet

- SD5 – Southeast Kootenay
- SD8 – Kootenay Lake
- SD22 – Vernon
- SD23 – Central Okanagan
- SD27 – Cariboo Chilcotin
- SD33 – Chilliwack
- SD34 – Abbotsford
- SD36 – Surrey
- SD37 – Delta
- SD40 – New Westminster
- SD41 – Burnaby
- SD42 – Maple Ridge-Pitt Meadows
- SD46 – Sunshine Coast
- SD47 – Powell River
- SD51 – Boundary
- SD52 – Prince Rupert
- SD53 – Okanagan Similkameen
- SD54 – Bulkley Valley
- SD58 – Nicola Similkameen
- SD59 – Peace River South
- SD60 – Peace River North
- SD62 – Sooke
- SD63 – Saanich
- SD64 – Gulf Islands
- SD67 – Okanagan Skaha
- SD71 – Comox Valley
- SD72 – Campbell River
- SD73 – Kamloops Thompson
- SD75 – Mission
- SD79 – Cowichan Valley
- SD83 – North Okanagan-Shuswap
- SD84 – Vancouver Island West
- SD85 – Vancouver Island North
- SD93 – Conseil Scolaire Francophone