

- D7.1 For the purposes of articles D7 and D9 (Mainstreaming and Integration), the school-based team shall function as a teacher support team and include:
- a) potential receiving teacher(s);
  - b) an administrative officer;
  - c) a classroom teacher;
  - d) a Learning Assistance Teacher;
  - e) school or district professional personnel;
  - f) other appropriate personnel.

Where applicable, the parent(s) and/or student may augment the school-based team.

- D7.2 The Board and Union recognize that students, other than those identified for purposes of Function 1 funding, may significantly affect classroom management, routines and instructions.

- D7.3 The Board shall provide opportunities for teacher input into class organization at both elementary and secondary level.

- D7.4 Where the teacher determines that there are students in his/her class who significantly affect classroom management, routines, or instruction, he/she shall have the right to refer such students to the school-based team for consideration and appropriate action.

- D7.5 Within five (5) teaching days of the referral, the school-based team, together with the classroom teacher, shall meet to consider the referral.

- D7.6 The school-based team shall within a further five (5) days make recommendations it considers appropriate in the circumstances. Such recommendations may include but shall not be limited to:

- further assessment
- instructional modifications
- a referral for alternate placement
- release time for the enrolling teacher and other school-based personnel as may be required to facilitate ongoing assessment and consultation
- teacher assistant time
- other assistance as agreed to by the enrolling teacher.

- D7.7 The recommendations of the school-based team that can be implemented with existing school resources, shall be implemented as quickly as possible.

- D7.8 If the school-based plan cannot be implemented within fifteen (15) days of referral, the teacher, in conjunction with the school-based team, may request

additional resources from the Director of Special Programs and the Zonal Assistant Superintendent. That resource request shall be met as soon as possible.

D8 Class Size Guidelines

D8.1 The Board and the Union agree to the following class size maximums.

D8.2 Maximum class sizes for regularly scheduled classes shall be:

Kindergarten (P1)	23 students
Primary	23 students
Intermediate	29 students
Special (Resource Room)	15 students
Secondary	30 students
Secondary English	28 students
Science/Life Skills and Family Management	28 students
Home Economics/Industrial Education	24 students
Special (EMH/TMH)	10 students

D8.3 No teacher shall be required to enroll Kindergarten (P1) students in both morning and afternoon sessions where Kindergarten (P1) students are part of a split/multiprogram class.

D8.4 Maximums shall be in force by October 15th of each year.

D8.5 The above maximums can be exceeded by no more than two (2) before assistance must be provided.

D8.6 Classes may exceed maximums in the following circumstances:

- a) Band, Choir or Drama classes where the teacher has so requested;
- b) the school staff agree to exceed the limits for educationally sound reasons;
- c) where external constraints beyond the Board's control make the maintenance of the class size maximums impossible;
- d) when additional staffing, preparation or release time has been provided with the agreement of the teacher. Such agreement shall not be unreasonably withheld.

D8.7 Kindergarten (P1) classes shall not exceed a maximum of 23.

D8.8 The number of students in a laboratory, shop or other specialized classroom shall not exceed by more than two (2), the number for which the facilities were designed.

D8.9 Counselling, library and learning assistance resources will not be eroded to maintain class size.

D8A Adult Education

D8A.1 The board shall establish class sizes according to the following:

ABE (if attendance required)	25
HSC	30
HSC (secondary English)	29
ESL Beginners	21
ESL Intermediate/Advanced	25
Tutorial (drop-in)	1:75 enrolled
Computer Assisted Labs	1:75 enrolled

D8A.2 The guidelines shall be in force no later than two weeks following the first scheduled class for regular classroom programs and no later than two weeks following notification to the administrative officer by the teacher for continuous intake programs.

D8A.3 The number of students in a laboratory, shop or other specialized classroom shall not exceed the number for which the facilities were designed or equipped or which can be safely accommodated.

D8A.4 The guidelines may be exceeded in regular classroom programs with the agreement of the instructor subject to any terms agreed upon by the instructor, the local and the employer.

D8A.5 Whenever a tutorial or computer assisted laboratory class exceed 24 students in attendance another instructor shall be called, or other resources shall be provided for that day, as requested by the instructor.

D9 Mainstreaming and Integration

D9.1 Mainstreaming and Integration of Special Needs students into regular classrooms should provide a positive educational experience for both the Special Needs student and the other students in the classroom. To this end the Board will make every reasonable effort to provide the conditions and resources necessary for a successful educational experience for all students.

D9.2 The Board and the Union agree that when a special needs student is to be included in a regular classroom the following procedures shall occur:

- a) a meeting of the school-based team shall be called to consider relevant educational and medical information and to recommend an appropriate program including placement, pre-service and ongoing in-service for the receiving teacher and curricular and material modifications and such recommendations shall not be unreasonably denied;

- i) class composition will be a factor in determining placement and, except in circumstances where the team recommends otherwise, a maximum of three (3) students may be included in a regular class;
  - ii) pre-service and in-service support shall be provided during instructional hours, except as limited by external budgetary constraints.
- b) Appropriate facilities and equipment shall be in place prior to the inclusion of a student with special needs into a classroom, except as limited by external budgetary constraints.
  - c) Prior to inclusion of special needs students into the regular class, clear procedures shall be established for the carrying out of fire and earthquake drills that expedite the evacuation and care of children who have physical handicaps.
  - d) Intercommunication devices shall be provided in rooms where emergency aid may be required.
  - e) The receiving teacher should be involved in the development of the Individual Educational Plan for the student with special needs who is to be included in his/her classroom. However, the receiving teacher should not be solely responsible for the development of the I.E.P.

D9.3 For the purposes of Article D9, students with special needs shall be those students who are being mainstreamed or integrated into a regular classroom and shall include:

- a) Low Incidence Categories
  - i) Dependent Handicapped
  - ii) Moderately Mentally Handicapped
  - iii) Severely Handicapped
  - iv) Physically Handicapped
  - v) Visually Impaired
  - vi) Hearing Impaired
  - vii) Autistic
- b) High Incidence Categories
  - i) Severe Learning Disabled
  - ii) Mildly Mentally Handicapped
  - iii) Severe Behaviour

D9.4 In emergency situations the Board will do everything possible to quickly assemble the appropriate resources and to provide the necessary support mechanisms to assist teachers in meeting the needs of all children in the classroom.

D9.5 The Union and the Board agree to establish an on-going committee to review the implementation of Class Composition and Mainstreaming and Integration Articles and to make recommendations where appropriate.

D9.6 Articles D9.1 to D9.5, inclusive, will not apply to adult education teachers.

D14 Home Education

D14.1 Educational services that may be required for home education students (as defined in School Act Division 4 (12 & 13), Regulation Section (3)), shall be provided by members of the bargaining unit.

D14.2 The Board shall provide such additional teaching staff and resources as are agreed to between the Board and the Union to meet its statutory requirements in respect of home education students.

D14.3 Teachers who enroll classes or otherwise provide educational programs to school-based students shall not be required to: instruct, prepare materials or exams, assess or prepare reports or provide other educational resources to home education students unless home schooling constitutes a discrete portion or part of the teacher's assignment.

D17 Staffing Formula – Non-Enrolling/English as a Second Language Teachers (P.C. Article D.1)

D17.1 The Government will provide funding in order to decrease the ratios of non-enrolling teachers to students. Notwithstanding the ratios established in this article, in no event will the financial obligations to Government or School Districts resulting from this article exceed the funding being made available by Government, in each year of the Agreement, as follows:

Year 1 (July 1, 1998 to June 30, 1999)	\$20 million
Year 2 (July 1, 1999 to June 30, 2000)	\$5 million
Year 3 (July 1, 2000 to June 30, 2001)	\$5 million

D17.2 Districts shall utilize the funding outlined above, exclusively for the purposes of hiring additional non-enrolling teachers and will make all reasonable efforts to comply with the non-enrolling staffing ratios agreed by the Parties, which are estimated to be achievable within the allocation of funding and are described below.

D17.3 Non-enrolling staffing ratios

i. Employee staffing ratios in each category shall not decrease below the number reported in the 1997/98 Ministry form 1530:

- teacher librarians – 1:616
- counsellors – 1:602

- learning assistance – 1:409
  - special education – 1:282
- ii. Teacher Librarians  
 Effective July 1, 1998, teacher librarians shall be provided on a minimum pro-rated basis of teacher librarians to students in the ratio 1:616.  
 Effective July 1, 1999, teacher librarians shall be provided on a minimum pro-rated basis of at least one teacher librarian to 616 students.
- iii. Counsellors  
 Effective July 1, 1998, counsellors shall be provided on a minimum pro-rated basis of at least one counsellor to 602 students.
- iv. Learning Assistance Teachers  
 Effective July 1, 1998, learning assistance teachers shall be provided on a minimum pro-rated basis of learning assistance teachers to students in the ratio 1:409.  
 Effective July 1, 2000, learning assistance teachers shall be provided on a minimum pro-rated basis of at least one learning assistance teacher to 409 students.
- v. Special Education Resource Teachers  
 Special education resource teachers shall be defined as those teachers assigned to programs 1.16, 1.17 and 1.18 by School Districts on Ministry form 1530, September 1997.  
 Effective July 1, 1998, special education resource teachers shall be provided on a minimum pro-rated basis of at least one special education resource teacher to 282 students.

D17.4 Support for ESL Students

- i. ESL students shall be defined pursuant to the definition used for reporting to the Ministry in the 1996 form 1701, "those students whose English language performance is sufficiently different from standard English to prevent them from reaching their potential".
- ii. Effective July 1, 1998, teachers specifically assigned to providing instruction to ESL students shall be provided on a minimum pro-rated basis of at least one (1) ESL teacher to 62.1 students. Staffing ratios shall not decrease below the number reflected in the 1997/98 Ministry form 1530 (1:62.1).

D17.5 Process [New Process Provisions as revised by June 4, 1999 Letter of Understanding]

- i. By May 15, 1998, the Ministry of Education will provide to each district, in writing, an estimated funding amount that will be provided to achieve the goals of this article, subject to all of the provisions and expectations of this article. This funding will be based on the non-enrolling requirements as delineated in Appendix A.
- ii. Prior to June 10, 1999 and May 30 in subsequent years, each school district shall hold a meeting with representatives of the Local for the purpose of general discussion of staffing plans for schools within that school district. The district

shall make the Local aware of any potential non-compliance with non-enrolling/ESL staffing ratios and the reasons for that potential non-compliance.

- iii. In the event that the District concludes it is not able to achieve the required ratios with the estimated funds, or that implementation of the article creates other costs which cannot be met with the allocated funds, the District shall, by no later than June 15 of that year submit its staffing plan to the Ministry, with copies to the Local, BCTF and BCPSEA and state therein the reasons why, in the opinion of the District, it is not possible to achieve the ratios which would otherwise apply.
- iv. Between June 16 and September 15, inclusive, the staffing plan may be referred to a joint committee of no more than 3 representatives of the District and no more than 3 representatives of the Local. Any Local believing its Board not to be in compliance with respect to meeting required ratios, may also call for and have a meeting of the joint committee. The joint committee shall meet within five working days of such referral and shall address whether or not it is possible to resolve any outstanding issues in order to achieve the non-enrolling/ESL ratios referred to in the Agreement.
- v. When this process fails, either party, within 5 working days, may refer the matter to a mutually acceptable arbitrator from the agreed upon list for an expedited arbitration.
- vi. By September 30, the Ministry of Education shall communicate to School Districts, in writing, the level of funding the District will receive in each year to support increased levels of non-enrolling staffing.
- vii. By September 30 in each year of this agreement, each District shall submit to the Ministry with copies to the Local and the BCTF, the Staffing Formulae Implementation Plan detailing the actual staffing formulae for the categories identified in paragraphs 3 and 4 above.

[Note: Please refer to June 22, 1999 Letter of Understanding #4, page \_\_\_\_, for list of agreed-to arbitrators.]

D17.6. The process set out in D17.5 will be implemented on an accelerated schedule as determined by the Ministry of Education, in consultation with the Parties, for years 2 and 3 of the Agreement.

D17.7 All provisions regarding non-enrolling teachers, in the previous Collective Agreement shall apply, except as modified by this article. Where the previous Collective Agreement provides for services, case load limits or ratios additional or superior to those established through this process, the services, case load limits or ratios from the previous Collective Agreement shall continue to apply.

### E3 Positions and Assignment

- E3.1 School staffs are encouraged to establish a collegial process for determining the timetable and staff assignments for the next school year. Prior to May 31, the staff committee will meet with the Principal of the school to discuss and review the timetable and staff assignments for the next school year.
- E3.2 Assignment within the school shall be based on consideration of the following factors: seniority, qualifications, training, experience, equitable distribution of workload, and personal preference of the teacher, and shall not be used for disciplinary purposes.
- E3.3 a) When filling vacant positions in a school, continuing teachers currently on that staff who are qualified as per Article B6 (Definition of Qualifications) and who hold necessary qualifications which are valid, shall be offered internal reassignments prior to the position being posted. Time allotted to the process of internal reassignment shall not exceed ten (10) school days.
- b) Where a change in staffing allocation would result in a change to a teacher's assignment, that teacher shall be offered part-time or full-time internal reassignment, provided the teacher is qualified.
- E3.4 A teacher who is not satisfied with a proposed assignment may appeal his/her assignment to the Principal. If this does not resolve the matter, he/she may direct the concern to the Staff Committee. The Committee may, after hearing the Principal, teacher and other teachers directly affected by any proposed alternative assignment, recommend to the Principal that the teacher's assignment be changed.

### E3A Positions and Assignments in Adult Education Programs

- E3A.1 Adult education teachers with continuing appointments shall continue with the assignment for which the continuing appointment has been made.
- E3A.2 The Board may reassign adult education teachers as required in order to fulfil the contractual obligations of the continuing appointment.
- E3A.3 The Board shall designate a minimum of 60% of the adult education courses or programs as continuing (core) courses or programs.
- E3A.4 The designation process referred to in E3A.3 shall occur prior to each course offering to the public.
- E3A.5 The continuing (core) courses or programs shall first be filled by teachers with continuing appointments.
- E3A.6 Any vacancies that remain after assignments to continuing appointment teachers are completed shall be offered, based on seniority and qualifications, to part-time



continuing appointment teachers who have indicated a preference to increase their teaching assignment provided that there are no scheduling conflicts with the assignment.

E3A.7 Notwithstanding Article E1A.3, when a course or program is offered and accepted pursuant to the terms of E3A.5 the adult education teachers' continuing appointment shall be increased accordingly.

E3A.8 The courses or programs that are not designated as continuing (core) shall be courses or programs that are new, offered on an irregular basis or overflow courses and shall be referred to as term courses or programs.