

The purpose of this bulletin is to provide follow-up to our previous conference calls, e-mails, and other [communications](#) with school districts regarding the process arising from the November 10, 2016 Supreme Court of Canada decision allowing the BC Teachers' Federation appeal of the 2015 [BC Court of Appeal \(BCCA\) decision](#).

BCPSEA Board Approves Memorandum of Agreement Arising from Supreme Court of Canada Decision

As we reported in BCPSEA [@issue No. 2017-06](#) dated March 4, representatives of the BC Public School Employers' Association (BCPSEA), the Public Sector Employers' Council (PSEC) Secretariat, the Ministry of Education (MoE), and the BC Teachers' Federation (BCTF) reached a tentative Memorandum of Agreement (MoA) negotiated pursuant to Letter of Understanding (LoU) No. 17 to the 2013-2019 BCPSEA–BCTF Provincial Collective Agreement.

Following the BCPSEA Representative Council held today in Richmond, BC, for the purpose of explanation and discussion of the tentative MoA with the province's 60 public boards of education, the BCPSEA Board of Directors has now approved the MoA, known as "LoU No. 17: Education Fund and Impact of the Court Cases — Final Agreement."

Given the announcement earlier this evening by the BCTF that its members have voted in favour of ratification of the MoA, this fully and finally resolves all matters related to the implementation of the SCC decision. As such, the Parties acknowledge that the re-opener process set out in LoU No. 17 has been completed.

Summary: Tentative Memorandum of Agreement

The key components of the Memorandum of Agreement are as follows:

- Acknowledges restoration of the deleted language as required by the Supreme Court of Canada decision and provides a final solution to the matter;
- Acknowledges that students are entitled to equitable access to learning and that students with special needs are entitled to an inclusive learning environment — the parties agree that implementation of the collective agreement language will not be a barrier to these principles;
- The processes described in the Memorandum of Agreement will be implemented for the 2017-18 school year and the Education Fund and Priority Measures agreement will stay in place for the remainder of the 2016-17 school year;
- There are committees and dispute mechanisms in place to address the complexities of implementation, update out of date terminology, address definitions in the current context to help reduce grievances and arbitrations and to provide assistance to the parties;
- Non Enrolling Teacher Ratios are restored with the ability to combine three of the five categories for posting purposes. This combining of the three categories is more reflective of the current context;

- Process and Ancillary language will be restored with a transition period to have full implementation by the second semester of the 2017-18 school year and start of the 2018-19 school year. The local parties will also be able to recommend to the provincial parties that they keep their existing processes and modify the agreement to reflect that local agreement;
- Class size provisions will be restored;
- Composition language will be restored with a transition period and committees to deal with the changing nature of how we address students with special needs. An arbitration process is built in, in the event we don't agree before the start of the 2019-20 school year.

Next Steps

In the coming days BCPSEA will distribute an implementation guide to school districts. We will continue to work with and support districts through their 2017-2018 school year planning processes.

Questions

If you have any questions, please contact your BCPSEA liaison.