

## Foundation Skills Assessment: Approaches and Responses

BCPSEA is continuing to receive calls from districts regarding the annual Foundation Skills Assessment (FSA) testing.

The FSA is an annual province-wide assessment of British Columbia students' academic skills, and provides a snapshot of how well BC students are learning foundation skills in reading comprehension, writing, and numeracy. The FSA is administered each spring to Grade 4 and 7 students in public and provincially funded independent schools. The main purpose of the FSA is to help the province, school districts, schools and school planning councils evaluate how well students are achieving basic skills, and make plans to improve student achievement. The tests which are linked to the provincial curriculum and provincial performance standards, are designed and developed by British Columbia educators.

The BC Teachers' Federation (BCTF) has engaged in a public relations campaign against the FSA, asserting that the FSA testing is harmful to students. The BCTF position is that the FSA has a negative effect on students' motivation and learning, and that the tests take valuable time away from teaching and learning.

As the Ministry of Education has clearly stated students' participation in the FSA is not an optional activity, it is important for parents and students to be provided with accurate information regarding the FSA, and for school boards to ensure appropriate direction is provided to teachers.

### BCTF Approach

1. **Approach: *We have the right.*** The BCTF has advised its locals and members that it is permissible for teachers to send home, through students, BCTF material regarding issues such as the FSA.

**Response:** BCPSEA does not agree with the BCTF position. A school district may direct its teachers that students are not to be used as the conduits or couriers for communication of union materials or any materials not approved by the school for distribution through it. A school board is within its lawful right to direct teachers not to use students as the means for conveying union views concerning the FSA tests to parents. Neither the collective agreement nor any applicable legislation gives teachers the right to use students in this manner and to do so can be harmful to public confidence in the public education system.

2. **Approach: *Communication through existing resources.*** Some BCTF locals may be encouraging their members to use classroom mailing lists or e-mail distribution lists to distribute information regarding the FSA.

**Response:** Teachers may not use a school/classroom mailing list or a parent directory to obtain mailing addresses for parents of students in their class for the purpose of communicating or mailing out BCTF material. The home addresses of students and parents provided to a school or district are the personal information of the students and parents and can only be used

for the purpose for which they were collected; i.e., for school-related purposes, not for the purposes of communicating BCTF views.

A school board has the authority to discipline a teacher who disregards a direction about either of these matters.

3. **Approach: *Here are the facts.*** The BCTF is providing locals and members with a brochure regarding the FSA which is also intended to be available to teachers to distribute to parents. The brochure is available on the BCTF website (note: the BCTF website is currently inaccessible due to the labour dispute with BCTF staff). This brochure contains inaccurate information and recommends parents withdraw their children from the FSA tests. It also states that teachers consider FSA testing to be harmful to students. The BCTF assertion that parents can withdraw their children from the FSA tests by writing a letter to the school principal is inaccurate and contrary to the FSA requirements.

**Response:** School boards can direct teachers that they are not to advise parents that principals can exclude students from taking FSA tests in the manner suggested by the BCTF, as this advice is not consistent with the Ministry procedures on the participation of students in the FSA tests.

Both the current BCTF brochure and draft letter for parents are inaccurate and contain information which is contrary to the Ministry of Education guidelines regarding exclusions from the FSA testing. School boards should advise teachers communicating on the FSA in any venue to remove any reference to exclusions from participation in FSA (this will include the draft letter for parents to sign), except for the exclusion of students which is permitted under the FSA procedure.

Accurate information on participation in the FSA tests should be communicated to parents by each school administrator, including the participation guidelines set by the Ministry. Any inaccurate information on the FSA provided to parents by a teacher or the BCTF, in a public venue such as a parent advisory council meeting, should also be corrected.

4. **Approach: *What the courts say.*** This approach is similar to the first approach in that it purports to provide a legal basis for communication about FSA in the form deemed appropriate by the BCTF.

**Response:** The court case referenced by the BCTF, *British Columbia Public School Employers' Association v. British Columbia Teachers' Federation*, 2005 BCCA 393, was an appeal by BCPSEA of an arbitration award by Don Munroe. This case arose out of a dispute regarding information distributed by teachers to parents at school and during parent-teacher interviews. The information referred to the provincial government's legislative actions concerning class size and learning conditions. In this case, the BCTF commentary on the class size legislation and its effect were, for the most part, factually correct. The BCTF was critical of the provincial government's decision to remove class size and staff formulas for specialist teachers from the collective agreement. School boards responded to the BCTF action by issuing directives to teachers not to discuss class size and learning conditions issues in parent-teacher interviews or to make available BCTF materials to parents.

The Court of Appeal upheld the arbitrator's decision that school boards had violated the teachers' freedom of expression and that the impugned directives were not justified under section 1 of the *Charter*. The Court of Appeal found that the objectives in issuing the directives (maintaining confidence in the public school system and ensuring parent-teacher interviews met

their purpose) were sufficiently important to justify some limits on teachers' freedom of expression and that the school boards' actions were rationally connected to the objective of maintaining public confidence in the school system. However, the Court of Appeal found that an "absolute ban" of discussion on school property during school hours, and the ban on posting materials on school bulletin boards, did not minimally impair teachers' rights and, therefore, the directives were not justified under section 1 of the *Charter*.

The decision does not provide for an unfettered right to communication but, rather, that any limitation or restriction on the right to freedom of expression be "reasonable limits prescribed by law [that can be] demonstrably justified in a free and democratic society." Therefore, freedom of expression rights are not absolute. However, any restrictions on that freedom must be reasonably justified.

BCPSEA's communications to school districts regarding the BCTF FSA campaign are consistent with the decision of the Court of Appeal.

5. **Approach: *Over the heads to parents*.** This approach challenges school boards and school district administration to accede to the union's wishes and accept their position or they will use the media, meetings with parents, and other public forums to promote their opposition to FSA. A variation of this is the *who's side are you on* approach, where the school board is challenged to choose between the position of their teachers or the Ministry of Education.

**Response:** This is a power tactic and, like the other approaches described, attempts to obscure the matters at issue. The issue of standardized testing has been a matter of debate for many years. From a public policy perspective the Ministry has adopted a testing regime comprised of many components, one of which is the FSA. A reasoned policy discussion on FSA is best left to another forum. The best way to respond to this approach is with clarity as to the purpose of the FSA, what teachers and the BCTF can and cannot do to advance their opposition to it, and the statutory obligations of school boards.

6. **Approach: *If you respected your teachers you would....*** This is also a power tactic, attempting to leverage your goodwill and, through that, leverage acceptance of the BCTF position on FSA.

**Response:** This approach is similar to #5. Again, respond with clarity as noted above..

## Next Steps

We will continue to monitor and report emerging strategies on the part of the BCTF regarding the FSA. If you are aware of any new developments, please advise BCPSEA as soon as possible.

## Questions

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