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**2009-34**  September 30, 2009                                 By E-mail: 1 Page

## Class Size Arbitration Award: Media Reports

We have received some questions from school districts with respect to recent media reports arising from Arbitrator Dorsey's arbitration awards (August 21, 2009 and September 11, 2009) regarding Bill 33 — Class Size and Composition for the 2006-2007 and 2007-2008 school years.

There appear to be two areas of commentary:

- Number of classes in violation across the province

  Some media outlets are reporting that *one in four classes in the province is in violation of the class size and composition limits.*[1]

- Compensation for teachers

  Comments are being attributed to BC Teachers' Federation president Irene Lanzinger that *compensation needs to be offered for teachers who were affected by classes that weren't in compliance.*[2]

It is important to note that of the 157 schools identified in the BCTF grievances, representing 1,622 classes, the parties agreed to arbitrate 81 classes that were grieved in seven representative schools in school districts 5 (Southeast Kootenay), 36 (Surrey), 39 (Vancouver), 58 (Nicola-Similkameen), 63 (Saanich), 69 (Qualicum) and 82 (Coast Mountains).

Arbitrator Dorsey therefore considered a representative sample of 81 classes, which were all grieved by the BCTF as being inappropriate for student learning, for the 2006-2007 and 2007-2008 school years.

While the arbitrator found 21 of the classes to be in violation of the *School Act*, he found only two of the 81 classes — or 2.5% — to be inappropriate for student learning due to their size or number of designated special needs students.

It is also important to note that the process to determine any issues of remedy for the narrow group of classes found to be in violation has yet to commence. Remedy will be considered by Arbitrator Dorsey on November 25-26.

### Questions

Please direct any questions on this matter to your BCPSEA labour relations liaison.

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[1] CHNL Radio, Kamloops, BC, Wednesday, September 30, 2009.
[2] Ibid.