

Labour Relations Board Decisions: Marking of Provincial Exams and Submitting Grade 12 Marks

The Labour Relations Board (LRB) issued a decision ([B221/2011](#)) last week providing, on an interim basis, that:

BC Teachers' Federation (BCTF) members will continue to mark the identified Provincial exams as they have in the past, subject to administrators being utilized to the best extent possible. The parties should discuss how to implement this direction at the local level and ensure that marking is done in a timely manner to ensure a student's progress is not impeded.

We have received several questions about the LRB Order regarding local marking and the issuance of Grade 12 marks.

Summary of LRB Orders Related to Provincial Exams

The LRB has issued a number of decisions that impact provincial exams during the current teachers' strike. In summary:

1. Supervision/invigilation of provincial exams is to be done by teachers, subject to the Employer utilizing management and excluded staff to the best extent possible.
2. Marking of the essay portion of provincial exams that are marked locally is to be done by teachers, subject to the Employer utilizing administrators to the best extent possible.
3. Administration of the oral French exams is to be done by teachers.

Supervision of Provincial Exams

The supervision of provincial exams was specifically addressed in B418/2001, which is incorporated into the current 2011 Essential Services Order:

"The administration and supervision of provincial exams will continue to be provided by teachers subject to the Employer utilizing management and excluded staff to the best extent possible to replace teachers for these activities and subject to the Employer combining students taking the provincial examination in a larger room, such as a gymnasium, to the best extent possible."

Using excluded/management staff "to the best extent possible" in this case means that districts need to take into account the ability of each of the excluded and management personnel to appropriately supervise the exam writing. This could include ensuring they know how to properly identify students, are aware of the requirements of the exam writing such as length of time, are

knowledgeable about the use of calculators or other tools/notes/books, and are able to identify and deal with issues such as suspected cheating.

Districts also need to consider whether exam supervision will conflict time-wise with other duties that must be done by the excluded and management personnel, for example, their own time-sensitive work and/or student supervision duty, and if the excluded and management personnel are performing 60 hours per week of their own work and bargaining unit work.

Marking of Provincial Exams

The marking of the essay portion of specific provincial exams was addressed in [B221/2011](#). The LRB ordered that teachers will continue to mark specific provincial exams as they have in the past subject to **administrators** being utilized to the best extent possible. Note that the Order specifically directs that administrators be utilized for this marking and not other excluded/management personnel. The LRB has ordered that the parties should discuss how to implement this direction at the local level and ensure that marking is done in a timely manner to ensure a student's progress is not impeded.

The specific provincial exams that the Order refers to are the “essay” components of provincial exams that are marked locally in English 10, English 10 First Peoples, Français Langue Première 10, Civics 11, Éducation Civique 11, Social Studies 11, Sciences Humaines 11, BC First Nations Studies 12, and Études des Premières Nations de la CB 12.

“Administrators being utilized to the best extent possible” in this case will mean that districts need to take into account the ability of individual principals and vice-principals to mark the exams both from a “technical” perspective (do they know how to mark the essay section and what marks to assign for various responses?) as well as from a “subject knowledge” perspective. Districts also need to consider whether marking of these exams will conflict time-wise with other duties that must be done by the principals and vice-principals and if principals and vice-principals are performing 60 hours per week of their own work and bargaining unit work.

The ability of individual principals and vice-principals to mark the exams from a “technical” perspective may be something that principals or vice-principals already know or can be instructed about in a short timeframe. We understand there is a one-day course that is provided to teachers who mark exams — can this course be provided to principals/vice-principals to enable them to obtain the technical skills? We anticipate the LRB would likely expect that to be provided to principals and vice-principals if it can be done.

Whether principals and vice-principals have the requisite subject-matter expertise is something that districts will have to assess based on both subjective (the views of principals and vice-principals with respect to their ability) and objective criteria. The objective criteria will be things districts will need to look at to assess individual principals' and vice-principals' current knowledge of the curriculum and learning outcomes for the courses they are going to mark; for example, have they had recent experience or education that has allowed them to develop such knowledge, such as having taught the course within the last 3-5 years.

If you are having difficulty or are unable to reach local agreement about marking these exams please contact your [BCPSEA labour relations liaison](#) and we will work with you and/or contact the BCTF to discuss any impediments. If local agreement cannot be reached an application can

be made by BCPSEA or the BCTF to the LRB to seek an expedited hearing and resolution either by mediation or adjudication.

Administration of the Oral Portions of the Français langue première 12 and Français langue seconde immersion 12

The administration of the oral portions of the Français langue première 12 and Français langue seconde immersion 12 exams has been the subject of two LRB decisions over the past week: [B221/2011](#) and [a letter issued](#) on December 7, 2011. The LRB has ordered that administration of the oral French exams is to be done by teachers and is not subject to the use of any administrators or excluded/management personnel.

Delivery of Marks for Grade 12 Students

As you are aware, the current Essential Services Order provides that teachers do not have to provide any student assessment data to administrators or the school office except Grade 12 marks required for graduation, post secondary applications, and scholarship purposes. We understand that it is the BCTF's position that final marks for Grade 12 students will be provided on specific request as needed for graduation, post-secondary applications, and scholarship purposes in the manner that the Employer requires them (e.g., entered into BCeSIS).

It is the BCPSEA position that the marks that should be provided for Grade 12 students will not be limited to only courses at the Grade 12 level but should also include courses such as French 11, Math 10, various science 11 courses, etc. that are currently being taken by Grade 12 students.

Please contact your BCPSEA labour relations liaison if you have specific examples of any refusals to provide this information and we will address the matter with the BCTF.

Questions

If you have any questions regarding essential services, please contact:

Karen Jewell

604 730 4518

karenj@bcpsea.bc.ca