

British Columbia Teachers' Federation (BCTF)

and

British Columbia Public School Employers' Association (BCPSEA)

Re: Resolution Process for Outstanding Class Size/Composition Disputes: 2006-2010

The following Resolution Process is with respect to class size grievances for the 2006-07, 2007-08, 2008-09 and 2009-10 school years in which Arbitrator Dorsey has jurisdiction. This Resolution Process is on a without prejudice and without precedent basis to any present or future class size disputes not covered by these grievances and will not be referred to in future discussions and proceedings of any nature.

1. Notwithstanding the BCTF's appeal of Arbitrator Dorsey's award dated May 19, 2011, on a without precedent and without prejudice basis, the case law/rules from Arbitrator Dorsey's awards of August 21, 2009 and May 19, 2011 shall apply to all outstanding classes for the 2006 - 2010 school years.
2. For the 2006-07 and 2007-2008 school years, the BCTF will no later than September 16, 2011
 - a. Review and advise BCPSEA their agreement and/or disagreement with the list of outstanding classes provided by BCPSEA for the 2006-2008 school years (Appendix A).
 - b. For each class identified in 2.a. above, clearly describe the issue in dispute.
3. For the 2008-09 and 2009-10 school years, the BCTF will no later than December 31, 2011:
 - a. Utilize the list of classes prepared by the BCTF (Appendix B).
 - b. For each class identified in 3.b. above, clearly describe the issue in dispute.
4. The disputed classes shall be referred to Arbitrator Dorsey under the following process:
 - a. On or before October 14, 2011 Arbitrator Dorsey will be given by the provincial parties a list of classes in dispute for the 2006-2008 school years. For each class, this list will identify the district, school, teacher, grade, subject, number of students and number of students with an IEP. Where the issue in dispute is consultation, each party will provide a statement not to exceed 200 words of its position.



- b. Within twenty working days (days in which classes are in session) after BCPSEA's receipt of the information described in paragraph 3, Arbitrator Dorsey will be given by the provincial parties a list of classes in dispute for the 2008-2009 and 2009-2010 school years. For each class, this list will identify the district, school, teacher, grade, subject, number of students, number of students with an IEP and issue in dispute. Where the issue in dispute is consultation, each party will provide to the arbitrator a statement not to exceed 200 words of its position.

Please note, for the purpose of this preliminary step, with respect to paragraph 4.a. and 4.b only, the numbers of students and number of students with an IEP on these forms may not be accurate. As a result, for the purpose of this preliminary step only, where available the Ministry numbers on September 30th shall be utilized. If these numbers are not readily available, the numbers of students and the number of students with an IEP at the date of consultation shall be utilized.

- c. Within four weeks of receipt of a list, either under paragraph 4.a or paragraph 4.b above, Arbitrator Dorsey will review the classes in dispute and will advise what classes are to be referred back to the local parties for further discussion with a view to settlement.
- d. Upon receipt of this referral from Arbitrator Dorsey in paragraph 4.c, the local parties will have twenty working days (days in which classes are in session) to meet and make every reasonable effort to arrive at an agreement. All discussions and any resulting settlements reached by the local parties will be final and binding and will be on a without precedent and without prejudice basis and will not be relied upon by the parties or referred to at any future arbitration or legal proceeding.
- e. Classes that remain in dispute will be referred back to Arbitrator Dorsey for determination. For each of these classes the Ministry reported numbers of students and students with an IEP on September 30th shall be supplied and utilized. This information shall be supplied to Arbitrator Dorsey by the provincial parties.
- f. In the event that prior to determination Arbitrator Dorsey requires additional information, he shall inform the parties as to what information he requires. The additional information requested will be provided in chart format and may include the following:
- Listing of IEP designations
 - Resources/supports provided in the classroom
 - Resources/supports provided outside of the classroom
 - Whether the teacher was relatively new, i.e., under 2 years experience as a teacher (temporary/continuing)
 - Rationale for organizing the class
 - Basis of the Principal's decision on appropriate for student learning
 - Teacher comments



- Any other information requested by the arbitrator.
- g. Each party will have an opportunity to compile the information requested by Arbitrator Dorsey in paragraph 4.f in chart format. This information would then be provided to Arbitrator Dorsey on the same date, with a copy to the other party. This date would be mutually agreed to by the parties, but not later than twenty-five working days (days in which classes are in session) from the date of Arbitrator Dorsey's request. If a party thinks that the information provided by the other party is not accurate they may inform Arbitrator Dorsey and the other party by way of brief explanation within two days of receiving the copy from the other party.
5. Arbitrator Dorsey will make final and binding determinations with respect to the outstanding class size/composition issues submitted to him. If Arbitrator Dorsey decides he requires additional information beyond that provided under paragraph 4 above, he will advise the parties what information he requires and in what format he requires it.
6. All decisions rendered by Arbitrator Dorsey will be final and binding on the parties.
7. All decisions rendered by Arbitrator Dorsey will be on a without precedent and without prejudice basis and will not be relied upon by the parties or referred to at any future arbitration or legal proceeding.



British Columbia Public School Employers'
Association



British Columbia Teachers' Federation

Aug 23 / 11
Date

