

February 7, 2009

As a result of a mediated resolution, the British Columbia Public School Employers' Association ("BCPSEA") and the British Columbia Teachers' Federation ("BCTF") send the following communication to clarify the application of the February 2, 2009 Order of the B.C. Labour Relations Board and the expectations of all parties involved in the supervision and administration of the Foundation Skills Assessment ("FSA") in British Columbia.

This communication corrects any confusion that may exist about the Order leading from BCPSEA's 2009-09 @issue publication and communications by the BCTF and its locals as reported in the media or otherwise. The parties should refer to this communication in governing themselves from now on.

#### Obligations of BCPSEA/School Boards

The Student Learning Assessment Order specifically notes:

a teacher, principal, vice principal or director of instruction or other person designated by the minister or board or francophone education authority, must

- (a) supervise the students who are completing the assessments,
- (b) ensure that the assessments are administered and completed, and the data collected from the assessments are transmitted to the minister, in accordance with the assessment protocols, instructions and invigilation procedures sent to the board or francophone education authority by the minister with each assessment.

The FSA must be done between February 2, 2009 and February 27, 2009. Some Boards of Education may have developed contingency plans for the 2009 FSA in response to BCTF's December directive. No Order was made against BCPSEA or any Board of Education and therefore the Order does not dictate how the Boards of Education choose to administer the FSA (i.e. whether boards choose to have teachers conduct the FSA or choose to continue with their contingency plan i.e. have principals or vice principals conduct the FSA).

#### Obligations of BCTF/Associations/Teachers

The Labour Relations Board determined that the administration and supervision of the FSA tests is *prima facie* work which teachers are obligated to perform. The Board's order required the BCTF to:

1. cancel its direction to members not to administer/supervise FSA tests and to take reasonable steps to communicate that cancellation to its members as soon as possible and no later than 4:00 pm on February 4, 2009; and
2. cease and desist from authorizing or directing its members not to administer/supervise FSA tests.

The Board clarified the intention of the term "administer/supervise" as follows:

I have deliberately used the words "administer/supervise" to reflect a continuation of the *status quo* that existed prior to BCTF's direction. Nothing in this order should be construed as requiring either party to perform any different work than it has over the last 8 years regarding the FSA. This order is intended to revert the parties to 'business as usual' as it existed prior to BCTF's direction.

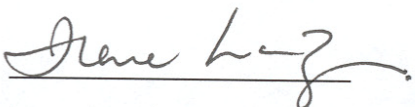
There is no requirement that school board's provide written direction to its teachers to have the FSA administered/supervised.

There has been some confusion as to whether certain duties associated with the FSA fall within the required work of teachers. In order to assist all involved the BCPSEA and BCTF agree that within the terms of the Order the following applies:

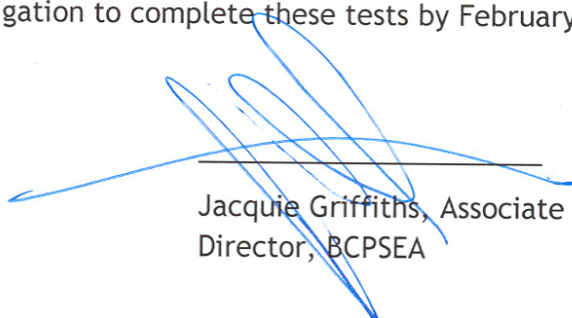
1. In situations where in previous years the grade 4 or 7 teacher in a particular school was also a school administrator, but is no longer teaching either grade 4 or 7, the current grade 4 or 7 teacher may be expected to supervise and administer the FSA.
2. School administrators shall not require teachers to perform preparation activities for the administration of the FSA that have not been performed in the past in the district.
3. Teachers may be expected to perform preparation activities for the administration of the FSA that they have performed in the past in the district.

#### Conclusion

The debate that exists about the utility of the FSA will continue. Regardless of anyone's views on the utility of the FSA itself, it is our hope that this communication brings clarity to all involved and assists in meeting the obligation to complete these tests by February 27, 2009.



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