

School District No. 36 (Surrey)

***2.60 STUDENTS WITH SPECIAL NEEDS**

- *2.61 "Students with special needs" are defined as those students who have been identified by assessment procedures as being included within Function 1 guidelines of the Ministry of Education. Where reference is made to "high" or "low" incidence students with special needs the Ministry of Education's definitions of high and low incidence students will apply.
- *2.62 The de-assessment procedure used to determine that a student is no longer a "student with special needs" of a particular category or categories shall involve as rigorous an analysis as the original assessment procedure.
- *2.63 During at least the first school year in which a student is returned to a regular class setting from an elementary level Social Development Class, the student will be considered as continuing to be high incidence (Severe Behavior) for the purpose of class size limits in Article 22.

ARTICLE 18 SCHOOL-BASED TEAM

***18.10 PURPOSE AND AREAS OF RESPONSIBILITY**

- *18.11 Each school will establish a school-based team for the purpose of supporting the individual learner, the classroom teacher(s) and the classroom learning situation.
- *18.12 The school-based team will hear concerns pursuant to Article 18.40 herein, and consider appropriate educational and medical advice.
- *18.13 The school-based team shall make recommendations, when appropriate, to the administrative officer(s), staff and/or District Student Support Center staff. Recommendations may pertain to student assessments, placements, educational programming, resources and action planning.

***18.20 COMPOSITION**

The members of the school-based team shall include:

- *18.21 School administrative officer(s)
- *18.22 School learning assistance teacher(s)
- *18.23 School counsellor(s)
- *18.24 Teachers who provide a direct educational service to the particular student or who are anticipated to provide a direct educational service to the particular student.

*18.25 School Psychologist (when a student assessment is requested or anticipated the School Psychologist should attend).

*18.26 Other resource person(s) or person(s) affected as determined by an administrative officer and/or the school-based team.

***18.30 TEAM MEETINGS**

*18.31 The school-based team meetings will be scheduled on a regular basis, as required.

*18.32 A member of the school-based team will have the assignment of monitoring the action plan and the status of recommendations.

***18.40 REFERRALS**

If a teacher is concerned because the classroom learning situation is seriously and detrimentally affected by an individual student who needs special assistance, the teacher will bring those concerns to the attention of the administrative officer and thereafter may refer any of the concerns to the school-based team.

***18.50 PROCEDURES**

The administrative officer, the school-based team and the school staff will develop and distribute written procedures regarding the process for referrals under Article 18.40; the schedule and location of meetings; and the process for establishing and distributing the agenda, minutes and/or recommendations. These procedures shall not be inconsistent with the provisions of Article 18.

**ARTICLE 22
CLASS SIZE**

22.10 OBJECTIVE

To provide class sizes that are conducive to effective learning situations, the class size guidelines provided herein will become effective **July 1, 1991**.

***22.20 CLASS SIZE GUIDELINES**

*22.21 **Initial Class Size:** Subject to Article 22.32 staffing plans for the commencement of the school year shall be based upon the levels indicated in Article 22.22.

*22.22a Where possible to do so, classes will be established by the first week of October. **Maximum enrollment in regular classes, subject to Article 22.22b 22.22d, shall be:**

- *22.221a Primary 1 (Kindergarten) 20 students
- *22.222a Primary Split/Multi-age (Grades 1-3)..... 23 students
- *22.223a Primary 2-4 (Grades 1-3)..... .25 students

| | | |
|----------|---|-------------|
| *22.224a | Primary 4/Intermediate 1 (Grade 3/4 split). | 26 students |
| *22.225a | Intermediate Split/Multi-age (Grades 4-7) | 26 students |
| *22.226a | Intermediate 1-4 (Grades 4-7) | 29 students |
| *22.227a | Secondary English Class | 25 students |
| *22.228a | H.E. Labs & I.E. Shops | 24 students |
| *22.229a | Secondary Class (Grades 8-12) | 30 students |

Note: The application of provisions 22.22b to 22.22d, inclusive, is subject to sufficient government target funding and, in any event, the application of these provisions will be consistent with that provided for in the legislated Memorandum of Agreement for K-3 Primary Class Size entered into on April 17, 1998. Notwithstanding any of the foregoing, in no event will the financial obligation to Government or school districts resulting from this Agreement exceed the funding being made available by Government

- *22.22b Where possible to do so, classes will be established by the first week of October. Maximum enrollment in regular classes for 1998-1999 shall be:
 - *22.221b Primary 1 (Kindergarten).....20 students
 - *22.222b Primary Split/Multi-age (Grades 1-3) 23 students
 - *22.223b Primary 2-4 (Grades 1-3). 25 students
 - *22.224b Primary 4/Intermediate 1 (Grade 3/4 split). 26 students

- *22.22c Where possible to do so, classes will be established by the first week of October. Maximum enrollment in regular classes for 1999-2000 shall be:
 - *22.221c Primary 1 (Kindergarten).....20 students
 - *22.222c Primary Split/Multi-age (Grades 1-3). 23 students
 - *22.223c Primary 2-4 (Grades 1-3) 23 students
 - *22.224c Primary 4/Intermediate 1 (Grade 3/4 split) 26 students

- *22.22d Where possible to do so, classes will be established by the first week of October. Maximum enrollment in regular classes for 2000-2001 shall be:
 - *22.221d Primary 1 (Kindergarten).....20 students
 - *22.222d Primary Split/Multi-age (Grades 1-3). 22 students
 - *22.223d Primary 2-4 (Grades 1-3). 22 students
 - *22.224d Primary 4/Intermediate 1 (Grade 3/4 split). 25 students

***22.23 Special Education Classes**

The district will employ a number of teachers for special classes which as of September 30 of each school year is no less than:

- *22.231 Educable Mentally Handicapped (EMH) or Secondary Multi-category 1FTE per (TMH & EMH).....12 students
- *22.232 Educational Continuance Program or Elementary Multi-category (TMH &EMH) or Primary Language or Regular Alternate..... 1 FTE per 10 students
- *22.233 Princess Margaret Alternate 1 FTE per 9 students
- *22.234 Severe Learning Disabled Alternate or Social Development or Trainable Mentally Handicapped (TMH) 1 FTE per 8 students
- *22.235 Multi-category (Including TMH/ Autistic/Severe Profound) or Multi-handicapped 1 FTE per 7 students
- *22.236 Multi-category (Including Autistic, Dependent, Severe Profound) 1 FTE per 6 students

***22.24 Resource and Tutorial Rooms**

*22.241 The district will employ a number of teachers for Special Education Resource and Tutorial Rooms which as of September 30 of each school year is no less than:

- *22.2411 Multi-category (EMH & SLD) Resource Room or Multi-category (TMH & EMH) Secondary Resource Room or Physically Handicapped Resource Room 1 FTE per 12 students
- *22.2412 Severe Learning Disabled (SLD) Resource Room 12 students + 0.5 Teachers' Assistant 1 FTE per
- *22.2413 Multi-category (EMH & SLD) Tutorial or Multi-category (TMH & EMH) Elementary Tutorial or Severe Learning Disabled (SLD) Tutorial 1 FTE per 10 students
- *22.2414 Career Education for Learning Disabled (SLD) 1 FTE per 14 junior secondary students & 15 senior secondary students

*22.242 Each Resource Room (other than SLD in Article 22.2412, above) will receive teacher assistant support.

*22.243 A student who falls within one of the above groups and is also physically handicapped shall be counted as falling within the applicable group listed above.

*22.25 **Integration of Students With Special Needs:** In accordance with Article 23.22 an administrative officer shall make reasonable efforts to ensure that unreasonable numbers of E.M.H., S.L.D., and Severe Behaviour students are not placed in any one "regular" class, and in any event:

*22.251 Not more than two (2) low incidence students with special needs (See Article 2.60) will be enrolled in a "regular" class.

*22.252 Not more than one (1) high incidence (Severe Behaviour) student with special needs will be enrolled in a "regular" class.

*22.253 When a high incidence (Severe Behaviour) student with special needs is enrolled in a "regular" class, only one (1) low incidence special education student may be enrolled in that class.

*22.254 When low incidence and/or high incidence (Severe Behaviour) students with special needs are enrolled in a "regular" class, that class will be smaller than the guidelines and the flexibility factor in Article 22.30 will not apply.

22.26 Home education students attending school will be included in the student count of each class in which the home education student is enrolled.

*22.30 **FLEXIBILITY FACTOR**

*22.31 When additional students enrol after the first week in October the guidelines may be exceeded by up to:

*22.311 Two (2) students in primary classes (including K), except as the the K-3 Primary Class Size Provincial Memorandum of Agreement of April 28, 1998 impacts on Primary class size flexibility factors. (i.e. NO FLEX in Article 22.22 b-d where Ministry funding exists)

*22.312 Three (3) students in intermediate classes.

*22.313 A Primary 4/Intermediate/ (Grade 3/4 split) may not exceed the guidelines.

*22.32 At any time during the school year the guidelines may be exceeded by up to three (3) students in a secondary class but in such event the total teaching load of any secondary teacher thus affected shall not exceed the sum of the guidelines for the classes taught by that teacher during the year.

*22.40 **SAFETY FACTOR**

Where safety is a factor, the number of students in a laboratory, shop or other specialized classroom shall not exceed the number for which the

facilities were designed and in no case shall the number of students exceed the class size limits in Article 22.22 a, b, c, d.

***22.50 OTHER FACTORS**

In the case of dual, gradual or phased entry, the class size limits shall be honoured at both entry points.

22.60 CLASS SIZE -ADULT EDUCATION

22.61 The Board shall establish class sizes according to the following:

| | |
|------------------------------|---------------|
| ABE (if attendance required) | 25 |
| HSC | 30 |
| HSC (secondary English) | 29 |
| ESL Beginners | 21 |
| ESL Intermediate/Advanced | 25 |
| Literacy Beginners | 21 |
| Literacy Intermediate | 25 |
| Tutorial (drop-in) | 1:75 enrolled |
| Computer Assisted Labs | 1:75 enrolled |

22.62 The guidelines shall be in force no later than two weeks following the first scheduled class for regular classroom programs and no later than two weeks following notification to the administrative officer by the adult education teacher for continuous intake programs.

22.63 The number of students in a laboratory, shop or other specialized classroom shall not exceed the number for which the facilities were designed or equipped or which can be safely accommodated.

22.64 The guidelines may be exceeded in regular classroom programs with the agreement of the instructor subject to any terms agreed upon by the adult education teacher, the Association and the Board.

22.65 Whenever a tutorial or computer assisted laboratory class exceeds 24 students in attendance another adult education teacher shall be called or other resources shall be provided for that day, as requested by the adult education teacher.

***22.70 NON-ENROLLING EMPLOYEES**

*22.71 The case load/work load of non-enrolling employees will not increase above those in effect as of September 1990. (See also: Letter of Understanding, Appendix A)

*22.72 The Government will provide funding in order to decrease the ratios of non-enrolling teachers to students. Notwithstanding the ratios established in this article, in no event will the financial obligations to Government or School Districts resulting from this article exceed the funding being made available by Government, in each year of the Agreement, as follows:

Year 1 (July 1, 1998 to June 30, 1999) \$20 million
Year 2 (July 1, 1999 to June 30, 2000) \$5 million
Year 3 (July 1, 2000 to June 30, 2001) \$5 million

- *22.73 Districts shall utilize the funding outlined above, exclusively for the purposes of hiring additional non-enrolling teachers and will make all reasonable efforts to comply with the non-enrolling staffing ratios agreed by the Parties, which are estimated to be achievable within the allocation of funding and are described below.

*22.74 **NON-ENROLLING STAFFING RATIOS**

- i. Employee staffing ratios in each category shall not decrease below the number reported in the 1997/98 Ministry form 1530, as follows:

ii. Teacher Librarians

Effective July 1, 1998, teacher librarians shall be provided on a minimum pro-rated basis of teacher librarians to students in the ratio 1:649.

Effective July 1, 1999, teacher librarians shall be provided on a minimum pro-rated basis of at least one teacher librarian to 649 students.

iii. Counsellors

Effective July 1, 1998, counsellors shall be provided on a minimum pro-rated basis of at least one counsellor to 628 student

iv. Learning Assistance Teachers

Effective July 1, 1998, learning assistance teachers shall be provided on a minimum pro-rated basis of learning assistance teachers to students in the ratio 1:565.

Effective July 1, 2000, learning assistance teachers shall be provided on a minimum pro-rated basis of at least one learning assistance teacher to 504 students.

v. Special Education Resource Teachers

Special education resource teachers shall be defined as those teachers assigned to programs 1.16, 1.17 and 1.18 by School Districts on Ministry form 1530, September 1997.

Effective July 1, 1998, special education resource teachers shall be provided on a minimum pro-rated basis of at least one special education resource teacher to 218 students.

***22.75 Support for ESL Students**

- i. ESL students shall be defined pursuant to the definition used for reporting to the Ministry in the 1996 form 1701, "those students whose English language performance is sufficiently different from standard English to prevent them from reaching their potential".
- ii. Effective July 1, 1998, teachers specifically assigned to providing instruction to ESL students shall be provided on a minimum pro-rated basis of at least one (1) ESL teacher to 74 identified students. Staffing ratios shall not decrease below the number (1:60.6) reflected in the 1997/98 Ministry form 1530.

***22.76 Process [New Process Provisions as revised by June 4, 1999 Letter of Understanding]**

- i. By May 15, 1998, the Ministry of Education will provide to each district, in writing, an estimated funding amount that will be provided to achieve the goals of this article, subject to all of the provisions and expectations of this article. This funding will be based on the non-enrolling requirements as delineated in Appendix A.
- iii. Prior to June 10, 1999 and May 30 in subsequent years, each school district shall hold a meeting with representatives of the Local for the purpose of general discussion of staffing plans for schools within that school district. The district shall make the Local aware of any potential non-compliance with non-enrolling/ESL staffing ratios and the reasons for that potential non-compliance.
- iv. In the event that the District concludes it is not able to achieve the required ratios with the estimated funds, or that implementation of the article creates other costs which cannot be met with the allocated funds, the District shall, by no later than June 15 of that year submit its staffing plan to the Ministry, with copies to the Local, BCTF and BCPSEA and state therein the reasons why, in the opinion of the District, it is not possible to achieve the ratios which would otherwise apply.
- iv. Between June 16 and September 15, inclusive, the staffing plan may be referred to a joint committee of no more than 3 representatives of the District and no more than 3 representatives of the Local. Any Local believing its Board not to be in compliance with respect to meeting required ratios, may also call for and have a meeting of the joint committee. The joint committee shall meet within five working days of such referral and shall address whether or not it is possible to resolve any outstanding issues in order to achieve the non-enrolling/ESL ratios referred to in the Agreement.
- v. When this process fails, either party, within 5 working days, may refer the matter to a mutually acceptable arbitrator from the agreed upon list for an expedited arbitration..
- vi. By September 30, the Ministry of Education shall communicate to School Districts, in writing, the level of funding the District will receive in each year to support increased levels of non-enrolling staffing.
- vii. By September 30 in each year of this agreement, each District shall submit to the Ministry with copies to the Local and the BCTF, the Staffing Formulae Implementation Plan detailing the actual staffing formulae for the categories identified in paragraphs 3 and 4 above.

[Note: Please refer to June 22, 1999 Letter of Understanding #4, page ____, for list of agreed-to arbitrators.]

- *22.77 The process set out in 22.76 will be implemented on an accelerated schedule as determined by the Ministry of Education, in consultation with the Parties, for years 2 and 3 of the Agreement.

*22.78 All provisions regarding non-enrolling teachers, in the previous Collective Agreement shall apply, except as modified by this article. Where the previous Collective Agreement provides for services, case load limits or ratios additional or superior to those established through this process, the services, case load limits or ratios from the previous Collective Agreement shall continue to apply.

*22.80 **EXCEEDING CLASS SIZE MAXIMA**

Classes may exceed these limits in the following circumstances:

*22.81 For educational purposes, in Band, Choir, P.E. or other specialized classes where the teacher has so requested, or

*22.82 Where the member(s) of a school staff, after consultation with the Association, who is(are) affected by a class size situation choose to exceed the guidelines for educationally sound reasons.

*22.90 **EXTERNAL CONSTRAINTS**

The provisions of this Article shall be in place save and except where external financial constraints are imposed upon the Board, in which case the guidelines may be exceeded, as required, in whole or in part.

**ARTICLE 23
INTEGRATION**

*23.10 **INTEGRATION SUPPORT**

Integration Support Teachers will be employed by the Board to assist with and facilitate integration.

*23.20 **INTEGRATION PLACEMENT**

When the integration of students with special needs is planned:

*23.21 The teacher in whose class the student is to be integrated and the school-based team shall be consulted and involved in the placement decisions.

*23.22 Class composition, physical space, supply and equipment requirements shall be major considerations.

*23.23 Accessibility, safety procedures, medical needs and support service requirements, relative to the severity of the student's disability, will all be taken into consideration.

*23.24 Program implementation will be in accordance with the *School Act* and, as such, a joint responsibility between the integration support teacher or school-based special education teacher and the integrating teacher.

*23.30 **REFERRALS**

*23.31 Referrals to the school-based team may be made by the student's parents or guardians, the student (if appropriate), teachers of the student, an administrative officer of the school, the Student Support Center or appropriate external agencies.

*23.32 Further referral to a district level placement review meeting may be made by the school-based team. (See Article 18)

***23.40 RELEASE TIME**

*23.41 As determined by the Director of Instruction - Student Support Center or designate and in consultation with the school's Principal, release time for teachers of students with special needs:

*23.411 Will be granted to develop an individual educational plan (IEP) for students with special needs in the "Low Incidence" category and in the Severe Behavior "High Incidence" category.

*23.412 May be granted to develop an individual education plan for students with special needs in the "High Incidence" SLD and EMH categories.

*23.42 As determined by the Director of Instruction - Student Support Center or designate and in consultation with the school's principal, teachers of students with special needs may be granted release time required to:

*23.421 Where practicable, visit students with special needs in the student's environment.

*23.422 Receive integration and/or special education in-service, both prior to integration, and on an ongoing basis.

*23.423 Consult with other staff and resource persons regarding student needs, program planning, and to evaluate program effectiveness.

APPENDIX A LETTER OF UNDERSTANDING

The Board and the Association agree that the intent of Article 22.60, when it was negotiated, is as follows:

***COUNSELLORS:**

1 FTE **Counsellor** or portion thereof for every 965 elementary school students (head count) based on the district's mid-year student projections.

1 FTE **Counsellor** in each secondary school for every 380 secondary school students (head count) based on the district's mid-year student projections.

***ESL:** A district-wide average **ESL student FTE teacher ratio of 41.2:1** applied as per the June 15, 1992 memorandum of agreement between the parties.

***HEARING IMPAIRED:**

1 FTE **Teacher of the Hearing Impaired** or proportion thereof for every 28 hearing impaired students based on the projected enrollment of hearing impaired students in the district.

***HOSPITAL/HOMEBOUND:**

The full-time case load for a **Teacher of the Hospital/Homebound** will not exceed 10 students on a weekly basis inclusive of other related duties.

***INTEGRATION SUPPORT:**

1 FTE **Integration Support teacher** or proportion thereof for every 15 students on the case load of integration support teachers as of September 30.

***LEARNING ASSISTANCE:**

1 FTE **Learning Assistance Teacher** or portion thereof in each school for every 410 elementary school students (primary 2 - Grade 7 regular, ESL, Gifted, and First Nations Students in regular classes) based on the district's mid-year student projections.

1 FTE **Learning Assistance Teacher** or portion thereof in each school for every 550 Grade 8-10 secondary school students (regular, ESL, Gifted, and First Nations and Career Preparation students in regular classes) based on the district's mid-year student projections.

1 FTE **Learning Assistance Teacher** or portion thereof in each school for every 1000 Grade 11-12 secondary school students (regular, ESL, Gifted, and First Nations and Career Preparation students in regular classes) based on the district's mid-year student projections.

***LIBRARY:**

1 FTE **Teacher Librarian** or portion thereof in each elementary school for every 500 elementary school students (head count) based on the district's mid-year student projections.

1 FTE **Teacher Librarian** in each secondary school.

***SCHOOL PSYCHOLOGISTS:**

1 FTE **School Psychologist** or portion thereof for every 3410 students (head count) based on the district's mid-year student projections.

***SPEECH LANGUAGE PATHOLOGISTS:**

1 FTE **Speech Language Pathologist** for each full group of 2319 students (head count) in the district as of September 30.

***VISITING:** The full-time case load for a **Visiting Teacher** will not exceed 12 students except in the case of the Emergency Receiving Home where the visiting teacher, part-time or otherwise, will have a case load of no more than 12 students at one time. The district's present practice with regard to the rounding of entitlements shall continue.

Article 22.60 does not apply to Work and Learn Centres and is subject to Article 22.80.