



Bill 22: The Education Improvement Act Information Sheet

What is Bill 22?

In part, Bill 22 is the government's response to the 2011 BC Supreme Court decision striking down parts of *Education Services Collective Agreement Act* (Bill No. 27) and the *Public Education Flexibility and Choice Act* (Bill No. 28) enacted in 2002. Most of its provisions came into effect July 1, 2012. The BC Teachers Federation (BCTF) opposes Bill 22 and has filed a civil suit in BC Supreme Court to have it overturned.

What does Bill 22 do?

- Sets a process to settle the teacher collective agreement for 2011 to 2013. Mediation is imposed on both the BC Public School Employers' Association (BCPSEA) and the BCTF but legislation limits the mediator's power to settlements within Net Zero mandate (no wage increases and a two year term). A "cooling off" period was also imposed until August 31, 2012. **UPDATE:** *Agreement reached and ratified.*
- Imposes large and specified fines in the event of a walk out during the cooling off period: \$1.3 million per day on the union, \$475 per day on each teacher. (The \$475 number is about \$25 more than the average pre-tax compensation of a teacher including benefits per day.) Fines are also imposed on BCPSEA in the event of a lock out but at a lower level.
- Establishes the Learning Improvement Fund (LIF) – a new grant to boards of education to support special needs. This is projected as \$30 million in the first year, \$60 million in the second, and \$75 million in years following. Amounts allocated to individual boards will be based on total enrolment, number of special needs students and location of schools in each district. **UPDATE:** *The funding for the LIF was increased in the first year to \$60 million adding the \$30 million in savings realized during the BCTF job action.*
- LIF amounts will be announced in the spring but boards must apply for the LIF grant in the fall with a final spending plan. LIF money can only be used for additional teaching staff (e.g. educational assistants, para

professionals, additional teaching time, and staff development) and is governed by regulation.

- Recognizes class size and composition as a teacher workload issue. (The BCTF may bargain class size and composition in the next round of contract bargaining scheduled to start March 2013 to replace the new contract expiring June 2013).
- Eliminates required district class size averages. This has been an ongoing request from school trustees since 2002. Some classes (such as band and choir where larger classes are desirable) will have higher class size limits; other categories of classes may have lower limits (not yet designated).
- Eliminates the requirement to obtain the teacher's permission before creating a grade 4 to 7 class larger than 28 students.
- Gives compensation to teachers for a grade 4 to 12 class over 30 students with some exceptions. The value is approximately \$2500 per student over the limit for grades 4 to 7 and about \$300 for grades 8 to 12. This money may be used in a variety of ways.
- Eliminates the limit of 3 students with an IEP (Individual Education Plan) in a class.
- Principals will consult with all teachers on class composition (not just classes over limit). The teacher has a duty to report class size issues and this is continuous whenever classes change (no longer on a one time basis).

What *doesn't* Bill 22 do?

- It does not impose a contract. Both sides have to negotiate an agreement under a mediator within Net Zero mandate. **UPDATE:** *Agreement reached and ratified.*
- Bill 22 makes no changes to hiring, firing or evaluation practices of teachers or to regulations pertaining to teacher professional autonomy or discretion.
- It makes no changes to the current Provincial Collective agreement.
- It does not remove class size limits. The limits remain hard caps of 22 for K and, 24 for grades 1-3 and soft caps of 30 for grades 8 to 12. The hard cap of 28 students for grades 4-7 is removed and replaced by a soft cap of 30. The limit of 30 students in grades 4 to 12 can only be exceeded if both the principal and the superintendent agree that the larger class is suitable for learning. Boards of Education and Schools set classes, not the Ministry of Education.

- It does not increase class size. The expectation is that class sizes will be the same or even smaller due to the elimination of the required district averages.
- It does not eliminate public reporting of class sizes, but does move this reporting to the regulations. These regulations have not been announced.
- It does not eliminate the consultation with teachers on class size or organization. In fact it expands this consultation to all classes.
- It does not address the issue of seniority versus ability. Bill 22 is silent on this issue.
- It does not prevent the bargaining of class size or composition after June 2013.

What does Bill 22 mean in the long run?

Bill 22 is a complex piece of legislation that comes at a challenging time for education in BC. It affects many aspects of public education and also refers to sections of other Acts being changed. It has clearly put an end to the labour dispute, however, it remains to be seen how class size and composition issues are actually addressed in September, how the LIF addresses students' special needs, or how any court rulings arise stemming from the Bill will affect our schools.

Quick links to more information

Full text of Bill 22: http://www.leg.bc.ca/39th4th/3rd_read/gov22-3.htm

Updated School Act:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96412_00

Full LIF regulation:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/53_2012