

Bill 11

Education Statutes Amendment Act

April 28th, 2015

Background and context

- For some time, there have been several key themes on the priority list of government. Mention has been made over the past few years about each of the following topics which now see themselves highlighted in legislation through Bill 11.
- The topics are:
 - Professional Development
 - Shared Services
 - Accountability
 - The use of data

Professional Development

- The Ministry has talked about the six non-instructional days provided to those who hold a teaching certificate and they have wanted some alignment with the expectations of other professions like nursing, law, and accounting.
- Bill 11 paves the way for the establishment of a framework for professional development including standards for pro-d, criteria, and assessment of opportunities.

Professional Development

- Bill 11 states that those who hold teaching certificates shall complete a series of professional development activities. These activities are broad in range and some professional autonomy will be maintained.
- The Minister has the power to create categories of “Continuing Education Activities” (CEA) and to require a specific minimum number of hours that a certificate holder must complete each year.
- The Director of Certification for the Teacher Regulation Branch has the power to approve CEAs and to establish processes for people to apply for an activity to be approved.

Professional Development

- The Director also may define a process to consider someone exempt from CEA and define a process to verify that someone has undertaken CEA programs or opportunities.

Professional Development Summary

- The Ministry recognized that there is a wide variety of pro-d underway each year. They also recognize that teachers need choice in their activities and intend to work with teachers to establish a process to consider the range of activities that must be undertaken.
- Teachers will be required to complete approved activities and there will be a process to track and monitor completion through the certification branch. This implies but is not explicit that the completion of these activities is a requirement for renewal of certification.

Professional Development Summary

- Teacher professional development is a longstanding centrepiece of the professional autonomy of teachers and is deeply rooted in Collective Agreements.
- One would expect that the BCTF will have a significant voice in how this legislation unfolds and how it impacts the professional autonomy of teachers.
- The legislation impacts all holders of certificates and other groups (BCPVPA and BCSSA) will certainly be also deeply interested in how this unfolds for their members.

Shared Services

- There has been a longstanding belief in government that districts could realize substantial savings if there were more purposeful and direct sharing of services between districts.
- Rooted in a report by Deloitte identifying several tiers of shared services, there are specific plans to consider procurement (already well underway), legal services (also underway), transportation, and other services. There have been working groups, partners have been involved, and there are detailed options with feedback. Targeted savings have been identified by government as part of the budget.

Shared Services

- In prior conversations, these services were always considered optional for boards although there was always a question whether boards would be compelled to participate.
- Bill 11 allows the Minister to make orders identifying certain service providers who provide “procurement, managerial, administrative, or other services” to boards. It further identifies that other boards may be the service provider.
- Bill 11 also allows the Minister to require boards to enter into shared service agreements with a specific provider as designated by the Minister.

Shared Services - Summary

- BC is very diverse and shared services provides opportunities for some while in other places the opportunities are less well defined.
- Procurement is an example where buying in bulk clearly has a savings benefit and districts can build on the expertise of consortiums already in place. However, many small rural districts may want to support their local economy and the procurement options need to, and do, consider those diverse needs.
- Other shared services include less well defined benefits and increased complexity. The services proposed vary widely. Complete province participation in the student information system MyEducationBC where almost every district is already involved is very different from the complexity of a common Human Resources and Labour Litigation pool where 60 school districts have 60 different versions of collective agreements and in many cases districts have multiple collective agreements.

Shared Services - Summary

- There will need to be purposeful work between districts and the Ministry to determine which shared services work for districts and where savings and efficiencies can be realized.
- Districts are likely more than willing to consider opportunities to share services where there are clear benefits and many examples of shared services could already be identified (e.g. Education Resources Acquisition Consortium (ERAC))
- The plans for shared services should be well considered and actual savings should be identified.
- Where shared services impact on collective agreements across multiple districts, these will be the most complex of issues

Shared Services Summary

- It is clear that shared services is a key initiative from the Ministry and central to their vision for boards of education and school districts.
- From the Ministry's key messages: *"The system needs to be more ambitious and it is no longer feasible for school districts to consider their involvement as optional."*
- Changes to the Jurisdiction of the Minister underscore the changes that will compel boards to participate in shared services or other student achievement initiatives as required by the Minister.

Jurisdiction of the Minister

- The Minister may now issue Administrative Directives to Boards of Education:
 - If a Board has failed to meet its obligations under the act; or
 - It is in the public interest to do so.
- The Minister may issue an administrative directive to a board to enable the board to participate in or undertake a project in respect of improvement of student performance or any other matter specified by the Minister.

Jurisdiction of the Minister

- During the time of an administrative directive, a board:
 - May be exempted from the application of any or all of the following:
 - Regulations of Lieutenant Governor in Council;
 - A Regulation of the Minister; or
 - A Ministerial Order.
 - Failure by a board to comply with an administrative directive is grounds for the appointment of an official trustee.

Accountability

- Schools are presently required to do plans for student achievement. Districts are required to do accountability contracts, reports on achievement, and district literacy plans.
- The formation of these plans includes School Planning Councils at the school level.
- There currently is a limited framework for district and provincial accountability as the data to support such planning is rooted in FSA or Provincial Examination data. FSA is highly political and the majority of provincial exams are now optional.
- School Planning Councils have had limited effect from their inception since teachers largely do not participate.

Accountability - summary

- Bill 11 removes School Planning Councils but retains school planning through Parent Advisory Councils.
- District Accountability Contracts have been removed from legislation.
- The Superintendent's Report on Achievement has been removed.
- The District Literacy Plan has been removed.
- A longstanding request from the field has been to eliminate these district level reports.

Accountability - summary

- It is now expected that the Ministry will initiate a series of Orders that clarify what types of reports or accountability measures will be required. With the changes to student data, it is likely that there will be a more robust accountability framework that goes beyond FSA and provincial exams.
- The hope is that any new Orders occur prior to June 30th of this year so that planning for next year can begin.

Student Data

- There clearly is a desire to make better use of data that resides within the Ministry and within districts. Currently, there are no substantial mechanisms outside of Foundation Skills and Provincial Exam data to evaluate how the education system is performing.
- There also has been a disconnect between the K-12 and Post-Secondary sectors in how student achievement information is collected, analyzed and shared between sectors. It has previously been very difficult to determine how our students or programs perform because of the ways that Personal Education Numbers (PEN - individual student data) are supported and because the use of data as stated in the School Act has clearly not been for research and analysis.

Student Data

- Bill 11 allows for alignment of individual student data and the uses outlined in FOIPPA which includes broader research and analysis.
- Student information may now be used to conduct research and analysis.
- Student information may be used for evaluating the effectiveness of boards and programs.
- The language has been aligned to allow post-secondary institutions to do the research and analysis as outlined above.

Student Data - summary

- Traditionally, there has been great difficulty obtaining information of student achievement in a manner that would allow the evaluation of boards. This now appears not only to be possible but to be a focus.
- Traditionally, the School Act has been very restrictive on the ability to do analysis and research of student progress and the effectiveness of programs. The new language both aligns with FOIPPA which allows research and analysis and permits data to be used to evaluate the effectiveness of boards.

Student Data - summary

- If the legislation provides what it appears to provide, the tracking of student information and analysis of the effectiveness of programs and boards of education will be enormously simplified and access to this data along with reporting may be an expectation of a much broader accountability framework.
- The full scope of the student data part of the legislation will not be known until there is more information on the accountability framework through additional Orders or Regulations.

Appendix

- The actual legislation – Key Points

Key points for Boards of Education

In relation to the School Act (SA)

- The elimination of School Planning Councils (SA 8.1, 8.2)
- The streamlining of School Plans (SA 8.3)
- Change name of Superintendent of Achievement to Superintendent of Appeals (SA 11.2,3,4,6,7,8)
- The elimination of Achievement Contracts (SA 79.2)
- The elimination of Superintendent's Report on Achievement (SA 79.3)
- The elimination of District Literacy Plans (SA 81.1)
- Lessening the restrictions on the creation of specialty academies (SA 82.1 (2))

Key points for Boards of Education

In relation to the School Act (SA)

- Expanding the jurisdiction of the Minister to initiate Administrative Directives (eliminate SA 79.4 and introduce new sections 168.03 and 168.04)
- Altered the purposes for which the Ministry can collect and disclose student data (SA 170 (1))
- Altered the purposes for which the Ministry may use student information from public post-secondary institutions to include research and statistical analysis on student PEN information covered under the School Act (SA 170.2)

Key points for Boards of Education

In relation to the School Act (SA)

- Provide more flexibility on the creation of Education Advisory Councils (previously Minister “must”, now “may”) (SA 171)
- Permit Special Advisory Committee in addition to Special Advisors (SA 171.1)