



## BC CONFEDERATION OF PARENT ADVISORY COUNCILS

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### Education (Learning Enhancement) Statutes Amendment Act: Bill 33

#### Frequently Asked Questions:

##### **How will the new legislation affect my child?**

At this time we are not sure how this new legislation will affect individual children. If you have concerns over your child's class placement, discuss this with your Principal and/or designate. If you are still concerned after talking with your Principal, then remember to report your concern to your PAC, SPC and DPAC.

##### **Are parents directly involved with classroom organization?**

No, this is the primary responsibility of the Principal. Parents do have an indirect role through amendments to the School Act under Bill 33. The Bill states that School Planning Councils (which have three parent reps) must be consulted with respect to the proposed organization of classes at the school level. At the district level, the District Parent Advisory Council (*if there is a District Parent Advisory Council in your district*) must be presented with a signed written report on the organization of classes in the district on or before October 1<sup>st</sup> of each school year.

##### **What is the role of School Planning Councils under Bill 33?**

Within 15 school days of the beginning day of each school year, a draft organizational plan showing the proposed size of classes and the distribution of students with special needs should be provided to the School Planning Council (SPC). The rationale for any classes over 30 should also be provided to the SPC. After meeting and taking into consideration SPC views, the Principal must make a report to the Superintendent respecting the organization of classes.

##### **What is the role of District Parent Advisory Councils under Bill 33?**

Once individual schools are organized and school Principals present their report to the School District Superintendent, the Superintendent prepares a district-wide report on the organization of classrooms. The Superintendent must sign the report stating that classrooms are in compliance with the School Act and are appropriate for student learning. This signed report is then presented to the School Board Trustees and to the District Parent Advisory Council (if there is one established in the school district) by October 1. The report must include a rationale for each class that exceeds 30 students.

**How many students with special needs are permitted in a class? Is there a cap of three?**

There is no cap on the number of students with special needs in a class. The legislation says when there are more than three students with identified special needs (and with IEPs) integrated into one class, that meaningful consultation will occur with the teacher of that class. The Principal and Superintendent must confirm that they are of the opinion the learning condition in the classroom is appropriate for all students. The final decision on the number of identified special needs children with IEPs permitted in one classroom lies in the hands of the School Principal and School District Superintendent.

**Is every child with special needs counted in the class composition portion of Bill 33?**

The legislation specifies that students designated with Special Needs and who have a designed IEP must be counted (*excluding gifted students*). A student who is thought to have special needs, but who does not have an IEP, will not be counted. A student who has an IEP but is not a student with special needs in a designated category is not counted.

The Individual Education Plan Order (*see references below*) outlines the conditions to be met in order for students to have IEPs. There can be more than three students with IEPs in a class if the Principal has consulted with the classroom teacher and the Principal and Superintendent are of the opinion that the class size and composition are appropriate for student learning. Parents of special needs children still have the right to be consulted on placement of their child, in accordance with Ministerial Order 150/89 (*see references*).

**What happens if class sizes or numbers of students with special needs changes during the year to exceed the numbers in the 30 or 3 respectively?**

The new requirements under Bill 33 regarding class size and composition apply for the entire school year. If the Principal wishes to place the 31<sup>st</sup> student in a grade 4 to 7 class at any time during the school year, the Principal will need to seek the **consent** of the teacher, consult the SPC, and be of the opinion that the learning conditions remain appropriate. If this is a grade 8 to 12 classroom, the principal must **consult** with the teacher, SPC and be of the opinion that the learning conditions remain appropriate.

If a fourth student with special needs is enrolled in a class during the year, the Principal must consult with the teacher, consider the learning conditions of the class and must be of the opinion that learning conditions are appropriate, prior to the addition. The Principal must also report these changes to SPC and the Superintendent. The Superintendent must also support that the learning conditions are appropriate for students in the class.

**What happens in communities where there is only one school?**

The legislation does provide for flexibility in organizing classes, though the classroom teacher has to give **consent** to taking more than 30 students in grades 4 to 7 and the Principal and Superintendent must approve of this classroom being appropriate for student learning. For grades 8 to 12, the teacher must be **consulted**, but the Principal and Superintendent can choose to exceed 30 students, if they are of the opinion that the class size and composition are appropriate for student learning.

**Will band, tour band, physical education and/or drama classes be allowed to have more than 30 students per classroom?**

Yes, in grades 8 to 12, as long as the teacher has been consulted and the Principal and Superintendent are of the opinion that the class is appropriate for student learning. For grades 4 – 7 the teacher must first give consent and the Principal and Superintendent are of the opinion that the class is appropriate for student learning.

**Will the Ministry review Bill 33 to ensure that the changes to the School Act support student success?**

Yes, the Ministry within one year after the date of the legislation coming into effect must appoint a committee to review the amendments made to the School Act. This committee will be made up of representatives from BCCPAC, Ministry of Education, Teachers, Principals, Trustees and Superintendents.

**If a school has a high transient population, how will the school be affected under Bill 33?**

Principals are responsible for classroom organization at the school level, so with high transient populations, they may be able to keep classes basically the same; or create split classes; or request additional teachers/support workers into classrooms, or they might need to refuse to take new students. Any changes to the number of students either by grade or in the numbers of students with IEPs, could affect classroom organization, as the legislation applies for the entire school year. When the student population changes in either of these areas, under Bill 33, Principals must go through the same process that they do at the beginning of each school year.

**What happens if my district is in violation of the class size limits?**

The legislation includes provisions for the Minister to appoint a special administrator if a board fails to comply with class size and composition requirements. If the Board fails to follow the direction of the special administrator, the board may be dissolved and a trustee appointed to conduct the affairs of the school district.

**What else does Bill 33, the Education (Learning Enhancement) Statutes Amendment Act cover?**

The legislation also included two other pieces:

- ◆ The term “distance learning” is replaced by “distributed learning”, to reflect the changes that have occurred in moving from paper-based correspondence courses, to those offered online or by video technology. The amendments will allow students on the graduation program in grades 10 to 12 to enroll in courses offered by more than one distributed learning program at the same time. For example, rural students who may want to take courses not offered in their district can link by computer to another district that offers the course. The legislation will require school boards to enter into an agreement with the Ministry in order to offer distributed learning courses, to ensure that quality is maintained.
- ◆ The College of Teachers is required to make an annual report to the Minister of Education on teacher competence and performance. The legislation makes it mandatory for school districts to provide the College with district-based information it needs in order to make the report. Upon receiving this report, the Minister must make it public within 45 days.

**Additional Comments:**

Until Bill 33 is put into practice, we do not know what its effects will be. Bill 33 requires Principals to consult with the School Planning Council and Superintendents to present a signed report to District Parent Advisory Councils and School Boards. The School Boards will accept reports at a public meeting. The Superintendent will forward accepted reports to the Minister of Education, who will then make reports available to the public.

It is important that we all work together to ensure that process is followed, and that the decisions are made based on what is best for students.

**Reference in relation to Bill 33:**

Education (Learning Enhancement) Statutes Amendment Act (Bill 33)

[http://www.legis.gov.bc.ca/38th2nd/3rd\\_read/gov33-3.htm](http://www.legis.gov.bc.ca/38th2nd/3rd_read/gov33-3.htm)

Ministry of Education press releases and backgrounders on Bill 33:

<http://www.bced.gov.bc.ca>

BCCPAC Letter to Minister of Education on Resolution 2006.20, *Ensuring the Rights of All Students*

[http://www.bccpac.bc.ca/letters/MOE\\_res20\\_may9.06.pdf](http://www.bccpac.bc.ca/letters/MOE_res20_may9.06.pdf)

BCCPAC Press Release on Bill 33

[http://www.bccpac.bc.ca/Press\\_Releases/class\\_size\\_composition.apr28.06.htm](http://www.bccpac.bc.ca/Press_Releases/class_size_composition.apr28.06.htm)

**Special Education:**

Index of guidelines, policies, topics:

<http://www.bced.gov.bc.ca/specialed/>

Individual Education Plan Order 638/95

<http://www.bced.gov.bc.ca/legislation/schoollaw/e/m638-95.pdf>

Special Needs Students Order 150/89

<http://www.bced.gov.bc.ca/legislation/schoollaw/e/m150-89.pdf>

**Teachers Profession Act:**

[http://www.qp.gov.bc.ca/statreg/stat/T/96449\\_01.htm#section2](http://www.qp.gov.bc.ca/statreg/stat/T/96449_01.htm#section2)