



# Negotiations

L'ASSOCIATION PROVINCIALE DES ENSEIGNANTES ET ENSEIGNANTS DU QUÉBEC

## *Principal Elements of the Agreement in Principle Concerning Sectorial Issues*

Reached on May 28, 2010

### Introduction

We believe that the agreement in principle on sectorial questions (i.e. non-salary) satisfactorily responds to the three priority targets we established at the beginning of the round of negotiations. The agreement also improves professional working conditions in all three sectors: youth, adult education and vocational training.

The road to the agreement, though difficult, has been much shorter than in previous negotiations, and took into account the current economic context. For that reason we had adopted a strategic framework with short timelines. We wanted to avoid the major pitfall of the past: a negotiation that dragged on indeterminately leaving us at an impasse. However, we also were determined to take the time necessary to obtain a satisfactory settlement.

A factor in our evaluation was whether or not the result could be improved by waiting until the fall and using stronger pressure tactics. Our judgement is that the political climate in the fall may quite likely be worse, and there is no reason to believe that we could improve, or even retain, what was on the table. Finally, the agreement presents opportunities in the form of joint task forces, primarily with regard to special needs students, the problems experienced by preschool and elementary specialists, and progressive entry into preschool.



### TARGET 1

Problems associated with special needs integration

#### Youth sector

- 1 Maintain the addition of remedial teachers (\$30 million) based on the situation of June 30, 2009, for the next five years.
- 2 Maintain the 600 current supporting teachers (\$30 million) using the current parameters.
- 3 Add 200 supporting teachers at the secondary level (\$11 million) for the 2010-2011 and 2011-2012 school years.
- 4 Add an additional responsibility to that of supporting teachers: to provide personalised support, particularly to students entering the secondary level with a year's delay. Application 2010-2011.
- 5 Addition of a new rule: weighting of students with SBD, PD or PDD when student groups are being formed (i.e. *a priori* weighting). Application 2011-2012.
- 6 Addition of a special allocation of \$20 million. Application 2010-2011.
  - a) The amount is to be used for taking into account students with behavioural difficulties in regular classes when forming student groups;

- b) The board level parity committee recommends:
- the distribution of the amounts among the schools;
  - models for the organisation of services.

Examples of models include: *a priori* weighting in the creation of a class, time-out or resource classes, additional services, etc.

- c) The school level special needs committee decides on the use of the allocated sums.

- 7** Creation of a joint task force to study the problems associated with integration, and this respecting the legal and ministerial frameworks:

- a) The mandate would cover:
- the procedure for identifying students to make it more efficient;
  - the criteria and the guidelines for limiting integration, particularly the maximum number of special needs students that can be integrated into a single class;
  - the notions of excessive constraint and significant undermining of the rights of the other students;
  - the definitions in Appendix XXVI (definition of each category of special education student);
  - the situation and follow-up of at-risk students;
  - help for students demonstrating learning delays with a view to early intervention.

- b) In the absence of an agreement, the subjects would be submitted to a mediation procedure with recommendations to be made to the Minister;

- c) The deadline for the completion of work is the end of the 2010-2011 school year.

## Adult education and vocational training sector

- 1** In order to ensure follow-up of IEPs and files of students coming from the youth sector, a simplified procedure will provide continuity of services for clientele 18 years and under (and handicapped students 21 years and under) in adult education and vocational training.

- 2** These services are offered in the context of available resources.

- 3** Reference will be made to other bodies that deal with an adult clientele.



## TARGET 2

### The rules for the formation of student groups

- 1** New rules for the formation of groups at the 2<sup>nd</sup> and 3<sup>rd</sup> cycles of elementary and the 1<sup>st</sup> cycle of secondary will be added (see Table 1).

- (Applicable to some targeted schools) Subject to procedures to be determined by the parties, when compensation for exceeding maximum class sizes as a result of application of the strategic action plan on persistence and success in school (elementary) is payable, it shall be reinvested by the school team in direct services to students with special needs;

- The Ministry establishes the list of schools located in disadvantaged areas and updates it when data become available from new censuses.



## TARGET 3

### Job security

- 1** Improved criteria for obtaining a part-time contract:

- a) In the youth sector: a part-time contract for the occasional substitute teacher replacing a full-time or part-time teacher after 40 consecutive days (instead of 60 days). Application 2011-2012;

- b) In vocational training: a part-time contract for providing, in a given school year, a predetermined number of teaching hours equal to or greater than 216 (instead of 432). Application 2011-2012;

- c) In adult education: a part-time contract for providing, in a given school year, a predetermined number of teaching hours equal to or greater than 240 (instead of 480). Application 2012-2013.

## Other Changes

- 1 Addition of a joint task force to analyse problems experienced by specialists (arts, music, physical education teachers, etc.) at the preschool and elementary levels and to find solutions.
- 2 Progressive entry of preschool students over a minimum of three days. Application 2010 2011.
- 3 Integration into the agreement of provisions concerning department heads.
- 4 Priority of employment lists, previously only a local arrangement, become true local negotiations.
- 5 A local arrangement will cover the problem, which occurs periodically, of a pay period exceeding 14 days.
- 6 For purposes of a promotion, a non-teaching professional position is deemed to be a promotion.
- 7 In order to limit the number of replacement teachers in the situation of a progressive return, clarify certain conditions.
- 8 Additional payment to teachers for added value or to target specific problems (e.g.: ECA, particular project, dropouts, etc.). This is to be negotiated in a separate letter of agreement, subject to approval by the treasury board, as an amendment to the agreement.
- 9 Progressive integration (over three years) into the single salary scale of persons with a doctorate.
- 10 The workload provisions (8-10.00) will now be able to be changed at the level of the school (or part of a school) via a new process:

*“Changes concerning all the teachers in a school must receive the consent, at the time the proposal is adopted, of 75% of the teachers present during the process provided in clause 8-10.02.*

*Changes concerning only a portion of the teachers of the school must receive the consent of the teachers concerned who are present during the process provided in clause 8-10.02 (The definition of what constitutes ‘teachers concerned’ is to come).*

*The board and the union may amend or replace the present text.”*

- 11 Clarify and make uniform the method for deciding salary cuts in a case of an absence of part of a day.
- 12 A non-arbitrable statement of intent is added regarding professional improvement encouraging teachers to take the appropriate measures to attain and retain a high level of professional competence (article 22 of the Education Act).

## Conclusion

On what basis do we recommend this agreement? First, certain of its provisions will take effect next September: the \$20 million allocation, the temporary addition of supporting teachers, the reduction in ratios at grades 3 and 4 (disadvantaged areas), and the increase in the number of days of progressive entry. The agreement responds, over the course of the next four years, to the concerns we had regarding pupil-teacher ratios, some of the problems with the integration of special needs students, and teachers at the beginning of their careers.

We should stress three elements that represent important progress during this negotiation. First, we succeeded in introducing the concept of *class composition* in the youth sector. From now on, it will be necessary to take into account the level of difficulty of certain students in creating groups. This is important, since it is the first time the agreement has recognised that integration has consequences that must be considered. Secondly, in adult education, we introduced a procedure of access to services and file follow-up for students with special needs. Where there was nothing, we now have something! Finally, we have made advances in the reduction of class size at the secondary level similar to those we obtained for preschool and elementary cycle 1 in 1999.

In vocational education, we successfully opposed two management demands: the 12-month work-year and the 7-day workweek. Deemed essential by management, they nevertheless eventually disappeared from the radar.

Along with breaking away from the model of eternal negotiations, we have succeeded, in an extremely difficult economic context, in entrenching in the contract gains worth \$200 million, resulting in the addition of 3,100 teaching positions. By comparison, in the economic downturn of 1997, less serious than the one we are experiencing now, we suffered losses of roughly \$150 million. Today, we are looking at significant gains.



**TABLE 1**

Reduction in the number of students per class

School year and area	Current class size (average : maximum)	Proposed class size (average : maximum)
<b>SCHOOL YEAR 2009-2010</b>		
3 <sup>rd</sup> year of elementary – Other areas	25 : 27	24 : 26
<b>SCHOOL YEAR 2010-2011</b>		
3 <sup>rd</sup> year of elementary – Disadvantaged areas	22 : 24	18 : 20
4 <sup>th</sup> year of elementary – Disadvantaged areas	22 : 24	18 : 20
<b>SCHOOL YEAR 2011-2012</b>		
5 <sup>th</sup> year of elementary – Disadvantaged areas	27 : 29	22 : 24
6 <sup>th</sup> year of elementary – Disadvantaged areas	27 : 29	22 : 24
4 <sup>th</sup> year of elementary – Other areas	27 : 29	24 : 26
1 <sup>st</sup> year of secondary	30 : 32	29 : 31
2 <sup>nd</sup> year of secondary	30 : 32	29 : 31
<b>SCHOOL YEAR 2012-2013</b>		
5 <sup>th</sup> year of elementary – Disadvantaged areas	22 : 24	18 : 20
6 <sup>th</sup> year of elementary – Disadvantaged areas	22 : 24	18 : 20
5 <sup>th</sup> year of elementary – Other areas	27 : 29	24 : 26
6 <sup>th</sup> year of elementary – Other areas	27 : 29	24 : 26
1 <sup>st</sup> year of secondary	29 : 31	28 : 30
2 <sup>nd</sup> year of secondary	29 : 31	28 : 30
<b>SCHOOL YEAR 2013-2014</b>		
1 <sup>st</sup> year of secondary	28 : 30	26 : 28
2 <sup>nd</sup> year of secondary	28 : 30	27 : 29