



Q & A
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Executive Secretary

Q: I have been told that I have to reduce FTEs at my school for the fall. How do I handle this? Do I speak to my staff and ask them for suggestions? Do I suggest that they speak to other principals in the division and try and find another school? What about someone on maternity leave or on a probationary contract?

A: As an administrator you should not ask teachers to become involved in the staff reduction process at the school or district level that targets individuals.

Teachers who are on continuous contracts should expect that their contracts of employment will be respected by their employer and know that the Association will protect their contractual rights. If you, as the principal, know that your probationary teacher(s) will not be offered a contract for the following school year, the sooner that you can advise them of this, the better, so that they can begin looking for a position with another school. If you have to further reduce teaching staff and you have to identify for transfer teachers who are on continuous contracts, you should discuss this with those staff members individually. Your recommendation to the superintendent must be professionally defensible. Should a teacher be identified for transfer, the following should be taken into consideration when making your recommendation to the superintendent/board:

1. What criteria were applied to determine that the teacher was “surplus”?
2. Were the same criteria applied to all teachers in the school?
3. What teaching positions were considered as potential choices for the teacher?
4. What positions were/are open at the school or school division?
5. Are there any specific programming needs that had to be taken into consideration?

Alternatively, some options that could be explored by the school board would be

- a. natural attrition (retirement, teachers leaving the board),
- b. job sharing,
- c. early retirement incentive plans (ERIPS),
- d. leaves of absence and/or
- e. voluntary transfers.

If teachers from your school are currently on maternity/parental leave, then you must NOT automatically surplus them. They have a right to return from their leave and, in some collective agreements, the right to their former positions. In any event, they must be considered as members of the school staff with the same rights and privileges as teachers currently working. At the same time, be very careful not to make assumptions about any teachers who may be contemplating maternity/parental leave. These teachers are required to provide only six weeks’ notice, including the summer, and while the expectation is that every pregnancy is successful, there are some that are not. To assume that a pregnant teacher will take a year off is contrary to human rights.

Asking a teacher to go from school to school, looking for a position for the following school year and interviewing for positions that are open, is demeaning and fails to recognize the teacher’s service or to show any commitment by the district to honour the teacher’s contract. It may constitute constructive dismissal or a significant change in working conditions and may be subject to appeal. Teachers are district employees, not school employees, and it is the responsibility of district-level administrators to formulate and implement staffing policies in a way that best utilizes the resources of the district as a whole.

Given the above information, if there are more teachers on continuous contract than there are continuous positions available, the superintendent needs to make some tough decisions. Should another position within the school district and within a reasonable distance from the school where the teacher is currently working not be found for a teacher on a continuous contract, the superintendent of schools must provide the teacher with reasons for a recommendation to terminate, allow the teacher ample time to prepare arguments for an appeal before the school district and provide official notice of intent to terminate.

In your role as principal, you may have an opportunity to raise questions with more senior administrators concerning the school board's budget and its implications for staffing. On March 22, 2010, Education Minister Dave Hancock advised school board chairs by e-mail that Treasury Board had allocated additional funds to cover the cost of the 5.99 per cent increase in teacher salaries, retroactive to September 1, 2009. As a result, for the 2009/10 school year, base and class size grants have been increased from 4.8 per cent to 5.99 per cent over 2008/09 levels. This means that the cost of teachers' salary increases for 2009/10 has been covered. At the same time, the minister acknowledged that the government had made no provision in its 2010/11 budget to fund the 2.92 per cent salary increase that teachers will be entitled to receive effective September 1, 2010. The minister stated that

“Long-term strategic requirements, a continuing commitment to class size guidelines and continued growth in the student population indicate that we must sustain employment in the teaching workforce, particularly in support of students in the classroom. It is also recognized that the new increased grant rates may not, in some cases, be sufficient to accommodate staff contractual obligations that are effective September 1, 2010. I expect jurisdictions will be rigorous in evaluating programs and initiatives to ensure there is value to students in the classroom.”

Furthermore, the minister encouraged school boards to run deficit budgets, drawing down their accumulated surpluses (or potentially increasing accumulated deficits), in order to preserve programs:

“We also acknowledge that in order to sustain student-focused services and supports, jurisdictions may have to draw on accumulated reserves and surpluses. As in previous years, prior ministerial approval is not required for deficit budgets. In fact, deficit budgets are the only means of drawing down accumulated operating surpluses. However, where a deficit budget is expected to result in (or increase) an accumulated operating deficit, ministerial approval will be required. ... I expect that approval will be granted where there is clear indication that programs, services and supports were rigorously evaluated, and expenditure plans are focused on sustaining classrooms and student-focused services.”

The minister has signalled that boards can expect government to adjust future grants to ensure adequate funding: “While expenditure pressures and revenue capacity may not be well matched in a particular year, it is my objective to match long-term revenue with long-term expenditures.”

While running deficits is not a sustainable solution over the long run, it does provide a mechanism to protect staffing and programs during the current economic situation and it is a solution endorsed by the government. Protecting student programs and ensuring the quality of teaching and learning conditions, including reasonable class sizes, are more important than balancing board budgets.