

Introduction

The MAC 203-13 Work Group was created by AMPA 2013¹ at a time when greatly heightened attention was being attracted by the multiple publicly funded school systems in Ontario. It must be stressed that none of what follows should be interpreted as a lack of respect for the valuable work our members in the Catholic system do on behalf of students. Neither is it an indication that OSSTF/FEESO is anything less than fully committed to protecting our members' work and working conditions. Indeed, we can best defend all our members within an education system that is properly funded and not subject to the misuse of money through waste or duplication. Any discussion of the effort to implement our policies must be reasoned, respectful, and conducted in the full knowledge that the creation of a single publicly funded school system for each official language in Ontario will not occur rapidly; there will be time for preparation to establish safeguards for our members.

With this in mind, the work group believes that the prime motivation for any effort to move toward a single publicly funded education system in each official language must be:

- To reinvest any savings arising from amalgamation in the education system
- To use such reinvestment to protect our members' work, recognizing that their work creates the high quality educational experience Ontario's students enjoy

The context for the creation of the work group and the passage of related policy motions² is multi-faceted. Certainly the vexed process of contract renewal in 2012/13, with early agreement by one affiliate, namely OECTA, to unpalatable proposals, legislative interference in bargaining, and imposition of terms and conditions, focused scrutiny on the Catholic school system. Furthermore, it

¹ MAC 203-13

Cost Estimate: \$75,000

BE IT RESOLVED THAT AMPA direct the Provincial Executive to create an in-house work group that would:

- a. Study the implementation (with regard to financial, jobs, labour, and other implications) of moving to one publicly funded school system for each official language; and
- b. Prepare interim policy motions as necessary for presentation at Provincial Council; and
- c. Develop a multi-year action plan to create a public education campaign and lobby materials to promote the creation of one publicly funded school system for each official language; and
- d. Seek approval for the implementation of a strategic plan from the April and/or June 2013 meetings of Provincial Council.

² 7.5 Publicly Funded School Boards

7.5.1 It is the policy of OSSTF/FEESO that there should be only one publicly funded school system for each official language. (A.13)

7.5.2 It is the policy of OSSTF that no OSSTF/FEESO jobs should be lost as a result of moving to one publicly funded school system for each official language. (A.13)

is all but impossible for our members to hear about the government's focus on restructuring, modernization, and "efficiencies" without turning attention to the duplication inherent in the operation of parallel systems. Also, as Ontario's population becomes ever more diverse, the elevation—through access to public funds—of one denominational system over all others is increasingly discordant.

In the following pages, the research conducted by the various departments at provincial office, as assigned through the approval of a strategic action plan at Provincial Council on May 31, 2013, is presented. As is evident, each department is to be congratulated for their extensive and thoughtful engagement in this project. They have laid the groundwork from which we can continue to advocate for the implementation of our policies. Thanks to Domenic Bellissimo – Director, Communications/Political Action, Brad Bennett – Department Head, Negotiations and Contract Maintenance, Suzette Clark – Department Head, Educational Services, and Andy Simpson – Department Head, Member Protection, for overseeing the work contained herein.

Next Steps

During the months of January to March, *Public Education—Investing in Ontario*, the OSSTF/FEESO education platform, will have been distributed to all Directors and Chairs of Boards of Education. This will no doubt continue the discussion about each of the six demands we propose to the political parties in Ontario. We will reach out to the various stakeholders at the elementary, secondary and post-secondary level to debate our vision for a better public education system. In preparation for any "All Candidates" meetings, a series of MPP and Trustee questions will be designed by the CPA department to assist our local members in their election participation. In lobbying for our positions, OSSTF/FEESO may want to assist community organizations by circulating petitions that complement our policy on the single school system.

Before the end of this Federation year, the work group will also seek the support of a research company to assist us in determining the appropriate questions and messages we should use to influence public opinion. The MAC 203-13 motion at AMPA 2013 contained a \$75,000 budget for this work. Questions to be polled will focus on the reasons parents choose to send their children to some schools and not others. We will determine if opinions are shifted when we propose the concept of improved educational outcomes through better enrolled and financed schools. To gather political momentum, we also need to investigate how those who have no children in either education system feel. We will explore the most effective messages to promote a single system. This will include focus group discussions, which will inform our lobbying materials to be designed explicitly

for our policy demand. Themes and slogans to advocate for the best public education system will be created and tested during these sessions.

In all of this work, the findings of the various departments will be critical to shaping effective messages. We have seen, for example, that even while touting its supposedly values-laden education, the Catholic system is less engaged in equity initiatives than the public system; special education is also less developed than in the public system; there is, in fact, no constitutional impediment to the elimination of a denominational school system. We need to determine if these and similar issues are important to voters and decision makers and, if so, how are they best communicated.

From September to December 2014, the CPA Department will engage in an ongoing effort to identify and cooperate with allies in this initiative. Although this will be a slow-moving political campaign, our promotion of this policy will assure that we are in a position to be leading opinion on how best to implement an amalgamation rather than react to any government imposed restructuring.

In January 2015, along with our allies in the labour and community movements, we could initiate a “Charter for Public Education campaign”—emphasizing the need to move to one public secular system. Supporters could be asked to sign onto the Charter as a way of symbolically building public opinion for this transformation. Building public opinion and public pressure will be crucial to moving any elected official in this direction.

Referral Motions

Several motions were referred by AMPA 2013 to the MAC 203 Work Group. They are:

MAC 211-13 [as amended]

BE IT RESOLVED THAT all OSSTF/FEESO lobby strategies with Ontario politicians and at political party events and conventions include the promotion of one publicly funded school system for each official language.

MAC 212-13 [As Amended]

BE IT RESOLVED THAT OSSTF/FEESO develop, produce and distribute lobby materials to promote one publicly funded school system for each official language.

MAC 213-13 [As Amended]

BE IT RESOLVED THAT OSSTF/FEESO develop and implement a public campaign to promote one publicly funded school system for each official language and the reasons that one publicly funded school system for each official language is in the best interests of students, education finances and the citizens of Ontario.

As can be seen, the report and motions of the work group encompass the recommendations made in the referred motions, with one exception: MAC 211-13 proposed that “all OSSTF/FEESO lobby strategies with Ontario politicians and at political party events and conventions include the

promotion of one publicly funded school system for each official language”(emphasis added). The work group recommends that lobbying be done strategically and appropriately to the opportunity and, therefore, lobbying for the implementation of our policy will occur selectively on the most effective occasions.

Motions

- 1) That the report of the MAC 203–13 Work Group to AMPA 2014 be endorsed.
- 2) That the MAC 203 work group continue to meet in the 2014/2015 Federation year as required and provide reports to Provincial Council, when appropriate, and AMPA 2015.
- 3) That a lobbying plan and materials such as a “Charter for Public Education,” social media messages, flyers, posters, and talking points for members and local leaders be developed, produced, and distributed by the CPA department. (cost \$100,000)

MAC 203-13 Work Group Report

The MAC 203-13 Work Group presented an initial report to Provincial Council in November 2013. In this report the work group highlighted a strategic plan that included the following steps:

- 1) A study be conducted, through the Negotiations and Contract Maintenance Department, of the financial implications of the creation of a single publicly funded school system for each official language. That the department also consider the potential impact on members' jobs and recommend contract language and/or other provisions to protect members' work. A plan for potential representation votes under a changed board and union structure also be considered.
- 2) The legal basis for the current education system be studied, by the Member Protection Department, along with the necessary legislative steps that would be required to restructure the system in accordance with our policy. Additionally, the department will consider potential implications on the statutory membership regime within the education affiliates and the legal groundwork for possible representation votes.
- 3) Differences in curriculum and delivery between the systems be studied, by the Educational Services Department. For example, how are curriculum and delivery methods that promote equity implemented in the public and separate systems? How do the systems tend to differ in regard to approaches to Special Education?
- 4) A plan be developed, by the Communication/Political Action Department, for polling and/or focus groups to determine public attitudes toward the creation of a single publicly funded education system for each language in Ontario, the reasons parents and students choose the public or separate systems, and the most effective messages for promoting a single system. A lobbying strategy and materials to promote our goals be developed and implemented.

The results of the research are as follows:

Analysis of Potential Savings and Job Reduction for MAC 203-13

This analysis looked at the 2011–2012 Financial Statements of School Boards as it is the latest, most accurate picture of School Board funding and expenditure. An updated analysis can be complete once the 2012–2013 Financial Statements are released by the Ministry to OSSTF/FEESO. These latest numbers can be expected by March 2014; however, the conclusions would not be much different than is presented here.

As a focus for this analysis, we looked at efficiencies that result from amalgamating Catholic and Public School Boards in both the English and French language (Unified School Boards) that did not affect classroom expenditures or funding. The reason for this is that since the current funding model is predominantly Average Daily Enrolment based, amalgamation of School Boards will not alter the number of students that are enrolled in a particular school system. Thus, there would be no effect on direct ADE funding for grants such as the Pupil Foundation Grant, School Foundation Grant, or

Special Education Grants. Assumptions were based on finding efficiencies in the Administration and Governance as well as non-classroom funding.

The analysis also looked at Tangible Capital Assets, specifically buildings and land that are in a School Board's inventory. It should be noted that although each School Board must report the worth of Capital assets (as per PSAB rules instituted in 2010) these assets are recorded as a book value and not market value per se. As well, the depreciation on buildings is amortized over 20 or 40 years. Land is not depreciated nor is it assessed to realistic market values. Thus, the actual value of these assets is under represented. In other words, it is safe to assume that any land asset a School Board has is most likely worth more than it is being reported. It must be noted here that current regulation under *The Education Act* restricts what the proceeds of the sale of land and buildings can be used for. As of now, they cannot be used for salary or hiring staff. O. Reg. 193/10 provides a list of the permissible purchase from the proceeds of sale of property.

The analysis also attempts to quantify potential job efficiency as a result of school board amalgamation. This is a difficult (if not impossible) task since the degree of position efficiency is dependent on factors such as bargaining, attrition, demographics, and services contracts. However, it is a safe assumption that school board amalgamation will result in fewer central office operations personnel. It is up to collective bargaining to ultimately protect jobs for unionized employees.

Financial Impact of Amalgamation

Section 10 (Grant Allocations) and Schedule 10 (Actual Expenditures) of the Financial Statements from 2011-2012 were reviewed. As mentioned above, our focus was on grants and expenditures related to governance and administration (see Table 1 Attached).

Table 1 shows that over \$545,000,000 is allocated for Directors, Supervisory Officers, Trustees and Internal Audits. However, as the Actual Expense Reports show, the actual amount spent is \$589,000,000. This expense over the allocation in the amount of \$44,000,000 represents money taken from other funding allocations, thus potentially starving other Board based programs.

Table 1 also shows the provincial total spent on Supplies and Service, Rentals, Fees and Contracts, and Transportation. It is noteworthy that the amount spent on Fees and Contracts provincially is over \$1.2 billion. Although some of this represents IT and Printing (photocopying contracts) it does show the propensity of School Boards to hire outside contractors.

As a caveat, it must be noted that a portion of the amount from Table 1 is allocated and spent on unionized school board staff.

Table 1 also shows the total reported Tangible Capital Assets of School Boards. The totals include only land and building based assets only. Other assets such as equipment, fleet, computers, furniture, etc. were not considered since these could be either utilized more efficiently under amalgamation, or taken out of service and sold/disposed. In all, the "net book value" of land and buildings collectively

in the Province was almost \$20 billion. Although these assets are valued based upon fair market value, their true worth is most likely under-represented. Even so, under an amalgamated situation, if land and buildings were disposed of or even leased to other entities, the savings potential is enormous. Even at conservative estimate of 1% efficiency, the savings is \$200,000,000 for sale of these assets. (Note O. Reg. 193/10 that limits what the proceeds of the sale of real property can be used for)

Personnel Impact of Amalgamation

As mentioned earlier, it is incredibly difficult to predict with certainty what the effect of School Board amalgamation would be on jobs. It would be false to conclude that there would be zero impact. However, from a governance point of view, it is quite safe to assume that efficiencies can be found in upper management positions (Directors, Superintendents, and other management). The immediate savings will most likely be blunted (as happened in the 1998 amalgamations) by buy-outs of personal services contracts.

The most vulnerable jobs subject to amalgamation are the central office ones (clerical, technical and custodial). As central operations become harmonized, there is no doubt that natural efficiencies can be found. The safest positions would be school-based ADE generated ones such as teachers, ECE's, PSSP and EA's. Unless there are school amalgamations or closings, clerical, technical, and custodial positions would not likely be affected either. However, school closings and amalgamations under a One School Board System are almost inevitable. Hence, there would be some job reductions expected in school based positions.

Table 2 (Attached) is a summary of Appendix H – Staffing of the 2012–2013 Revised Estimates. It is separated into the categories Governance and Admin, In-School Admin, Non-Classified Staff, Office, Clerical and Technical, Plant, Education Assistants, PSSP, Supervision Monitors and Cafeteria Workers, Classroom Teachers, ECEs, Specialized Transportation Staff, and Con Ed and Summer School.

The FTE of various positions in each sub-category is totaled by both Unified English and Unified French. To provide a sense of job efficiency by category, an attrition factor is introduced that represents an estimated percentage of attrition that can be reasonably expected through a school board amalgamation. The efficiency rates (based upon conjecture only) range from 0 to 100% and represent what an expected attrition rate would be for that position. For example, in the Unified English system, there are a total of 604 trustees. A reasonable attrition rate for amalgamation is 50% since it is reasonable to assume that the number of trustees needed would be half of that amount. The largest attrition rates were attributed to non-school based and management positions. The attrition rate for Con Ed was set at zero because of the negligible number of staff in those positions on a provincial basis.

On a provincial basis, of the 211,585 FTE working in School Boards, the most conservative attrition numbers result in 5,021 potential job losses. This represents a 2.4% cumulative attrition rate and is inclusive of all possible jobs in education, from Director to Supervision Monitor.

It is critical, though, to recognize that this attrition rate is measured against existing system staffing. The current climate in Ontario provides no reason for optimism that support staff levels, which are not tied as directly to enrolment as teacher staffing levels, will not come under attack in the absence of a restructuring of the publicly funded school systems. For example, the Commission on the Reform of Ontario's Public Services (The Drummond Commission), the mandate for which explicitly barred it from considering school system amalgamation, recommended that almost 10,000 support staff positions be cut in order to assist in balancing the provincial budget. As previously mentioned, OSSTF/FEESO can better defend its members' work within a properly funded system.

Job Security language re. reduction in the number of publicly-funded school systems

Issue: A mechanism must be in place to protect existing jobs and members' rights in the event of school board amalgamation as a result of a reduction in the number of publicly-funded school systems.

A reduction in the number of publicly-funded school systems, and the associated amalgamation of existing school boards would potentially have implications on the staffing complement of all bargaining units. In this event a key priority would be the protection of jobs for existing members.

Ensuring that any required reductions in staffing levels are limited to attrition wherever possible, and ensuring that the bargaining unit has input into the process prior to any layoffs if they become necessary are both important pieces to consider. The following language provides a strategy for addressing these issues.

Recommended language:

XX.01 In the event of the amalgamation of school boards no employee in the bargaining unit shall be reduced in FTE entitlement, hours of work or days of work, be laid off or otherwise suffer any reduction in pay, when compared with entitlements on the date immediately preceding amalgamation.

XX.02.01 Any reduction in the FTE complement of the bargaining unit may occur only in the event of declining enrolment, and at a rate not greater than the rate of student loss in the amalgamated board as compared to total student enrolment in the pre-amalgamation boards.

XX.02.02 If the employer proposes a reduction in the FTE complement of the bargaining unit, the employer shall provide the following information from the amalgamated board and/or pre-amalgamation boards, as appropriate, to the bargaining unit:

- i) Funding received for the previous and current school years, and projected funding for the next school year;

- ii) Total student enrolment for the previous and current school years, and projected student enrolment for the next school year.

XX.02.03 The parties shall agree on the size of the reduction.

XX.03.01 Where a reduction in the FTE complement of the bargaining unit is required the parties agree that for a period of five years from the date of amalgamation any necessary reductions will be achieved only through attrition.

XX.03.02 In order to facilitate reduction through attrition, the employer will institute an Early Retirement Incentive Plan. The ERIP will be in the form of a payment to retirees of an amount agreed to by the parties.

XX.04 Where the required reduction has not been achieved in the period specified in Article XX.03, then any further necessary reductions shall be subject to the following procedure:

XX.04.01 The employer shall review the job descriptions and distribution of work among all employees in the Bargaining Unit, including an estimate of the workload of each employee in each job classification.

XX.04.02 The Bargaining Unit shall receive a copy of the study outlined in XX.04.1 prior to any action being taken by the employer to reduce staff.

XX.05 The employer shall take the following steps, in order, before utilizing the layoff procedure set out in Article _____:

XX.05.01 inviting retirements, including the agreed-to ERIP;

XX.05.02 accepting voluntary resignations;

XX.05.03 offering leaves of absence to interested employees;

XX.05.04 offering employees opportunities for alternate jobs within the Bargaining Unit;

XX.05.05 offering interested employees the option of taking a reduced workload;

XX.06 Where the number of employees in the Bargaining Unit is decreased, in accordance with the layoff procedure set out in Article _____, or for any other reason, the workload of remaining employees will not be increased.

Legal Basis of the Structure of Education

The legal basis for the current education system in Ontario is found in the Constitution Act, 1867 (CA). It establishes that although Provincial Legislatures had the authority to make laws in relation to education, the educational rights of Denominational Schools which existed at the time of Confederation (Catholic Schools in Ontario and Protestant Schools in Quebec) are protected. For provinces which entered Confederation after 1867, the laws governing denominational schools are included (where they exist) within the laws which made those provinces part of Canada.

Two provinces have moved to abandon historic denominational school governance.

Quebec

Since Confederation, school boards in Quebec were set up on a denominational basis (Catholic and Protestant) and the governance of publicly funded school rested with these denominational school boards. In October 1996 the report of the Commission for the Estates General on Education was released. This study called for the replacement of denominational based school boards with linguistic based school boards throughout the province. In 1997 the Quebec Legislature passed an amendment to Section 93 of the CA, repealing the denominational rights and privileges of Catholic and Protestant communities under the Act. After public hearings in Ottawa the House of Commons and the Senate voted in favour of the Quebec Resolution. The Canadian Federal Government was required to pass a resolution to enact the amendment requested by Quebec because this involved a change to the Canadian Constitution. It did so as the control of education was deemed to be the exclusive responsibility of the provinces. Section 93A below is the resulting change to the Constitution Act. In 1998 the denominational Boards were replaced by 9 English and 60 French language school boards.

EDUCATION

Legislation respecting Education

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union;

(2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec;

(3) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's

Subjects in relation to Education;

(4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section. (50)

Quebec

93A. Paragraphs (1) to (4) of section 93 do not apply to Quebec. (51)

The process used in Quebec, as stated above, involved a constitutional amendment which added Section 93A to the Charter. The process for a Constitutional amendment which impacts on one or more but not all provinces is established in Section 43 of the Canada Act.

Constitution Act, 1982

43. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all provinces, including

(a) any alteration to boundaries between provinces, and

(b) any amendment to any provisions that relate to the use of the English or the French language within a province

may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

Newfoundland-Labrador

In Newfoundland-Labrador, the Terms of Union with Canada protected denominational education. In addition to the Roman Catholic school system, a very small separate consolidated school system, composed mainly of Protestant denominations existed. Following years of debate regarding the denominational education system in Newfoundland-Labrador, a Royal Commission was established in 1990 to study the efficiency and operation of the school system. This Commission toured the province and held public consultations and a survey over a period of 2 years. The Commission Report recommended, among other things, the restructuring of school boards. Following unsuccessful negotiations between the government and churches to reform the system, two referenda were held which supported the change. The province then passed an amendment to the Terms of Union of Newfoundland with Canada which was then forwarded to the Canadian parliament for ratification. The Constitutional amendment was ratified in 1996. School Boards became non-

denominational and Board members were elected by the public rather than appointed by the Church. The new provisions are found in Section 17 of the Terms of Union Act.

EDUCATION

17. (1) In lieu of section ninety-three of the *Constitution Act, 1867*, this Term shall apply in respect of the Province of Newfoundland and Labrador:

(2) In and for the Province of Newfoundland and Labrador, the Legislature shall have exclusive authority to make laws in relation to education but shall provide for courses in religion that are not specific to a religious denomination.

(3) Religious observances shall be permitted in a school where requested by parents.

It is clear from this recent history that the ‘guarantees’ found in the Constitution are subject to amendment. It is clear that in these two examples, the Federal Government accepted the decisions made at the provincial level and amended the Constitution to give effect to the desires of the Provincial Legislatures. Ontario would require both an amendment to the Constitution following the Quebec example, at both the provincial and federal levels if such a change was to occur here.

Statutory Membership

Statutory membership for teachers is found in Part X.1 of the Education Act (see below). It defines the Bargaining Units in s. 277.3 (1) and connects these bargaining units to the applicable bargaining agents in s. 277.3 (2). Unlike the Constitution Act, the Education Act is legislation of the Province and only requires passage through the Provincial Legislature in order to become law.

The process for determining representation of the new bargaining units is entirely speculative. Since there would no longer be Catholic schools, it would seem redundant to have a Catholic Teachers’ Association as a Bargaining Agent. What form the new Bargaining Agent(s) might take would be a political and lobbying matter. It is entirely possible that, as with any unrepresented group of employees, the process would be for interested unions to sign interested members and the normal OLRA process would be used for determining which body represented the members.

**PART X.1
TEACHERS' COLLECTIVE BARGAINING**

INTERPRETATION

Interpretation

277.1 (1) In this Part,

“designated bargaining agent” for a teachers’ bargaining unit means the bargaining agent described in subsection 277.3 (2), 277.4 (3) or (4) as the bargaining agent for the unit; (“agent négociateur désigné”)

“Part X.1 teacher” means a teacher employed by a board to teach but does not include a supervisory officer, a principal, a vice-principal or an instructor in a teacher-training institution; (“enseignant visé par la partie X.1”)

“person” includes a designated bargaining agent and a trade union; (“personne”)

“teachers’ bargaining unit” means a bargaining unit described in subsection 277.3 (1), 277.4 (1) or (2) or 277.7 (1). (“unité de négociation d’enseignants”) 1997, c. 31, s. 122.

Same

(2) Unless a contrary intention appears, expressions used in this Act relating to collective bargaining have the same meaning as in the *Labour Relations Act, 1995*. 1997, c. 31, s. 122.

COLLECTIVE BARGAINING

Labour Relations Act, 1995

277.2 (1) The *Labour Relations Act, 1995* applies with necessary modifications with respect to boards, designated bargaining agents and Part X.1 teachers, except where otherwise provided or required by this Part. 1997, c. 31, s. 122.

Constitutional rights

(2) The *Labour Relations Act, 1995* shall not be interpreted so as to adversely affect any right or privilege guaranteed by section 93 of the *Constitution Act, 1867* or by section 23 of the *Canadian Charter of Rights and Freedoms*. 1997, c. 31, s. 122.

Related employers

(3) No person is entitled to make an application to the Ontario Labour Relations Board under subsection 1 (4) of the *Labour Relations Act, 1995* with respect to a board. 1997, c. 31, s. 122.

Strike

(4) For the purposes of subsection (1),

(a) the definition of “strike” in section 1 of the *Labour Relations Act, 1995* does not apply; and

(b) “strike” includes any action or activity by teachers in combination or in concert or in accordance with a common understanding that is designed or may reasonably be expected to have the effect of curtailing, restricting, limiting or interfering with,

(i) the normal activities of a board or its employees,

(ii) the operation or functioning of one or more of a board’s schools or of one or more of the programs in one or more schools of a board, or

(iii) the performance of the duties of teachers set out in the Act or the regulations under it,

including any withdrawal of services or work to rule by teachers acting in combination or in concert or in accordance with a common understanding.

2000, c. 11, s. 20; 2003, c. 2, s. 20 (2); 2009, c. 25, s. 40.

Role of residents

(5) Any supporter of a board may exercise the same rights that the board may exercise under sections 100 and 109 of the *Labour Relations Act, 1995*. 2000, c. 11, s. 20.

Teachers’ bargaining units, district school boards

277.3 (1) Each district school board has the following bargaining units:

1. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more elementary schools or to perform duties in respect of such schools all or most of the time.
2. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board’s roster of occasional teachers who may be assigned to an elementary school.
3. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more secondary schools or to perform duties in respect of such schools all or most of the time.
4. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board’s roster of occasional teachers who may be assigned to a secondary school. 1997, c. 31, s. 122.

Designated bargaining agents

(2) The following bargaining agents represent the corresponding bargaining units:

1. For the elementary school teachers’ unit at an English-language public district school board, the Elementary Teachers’ Federation of Ontario is the bargaining agent.
2. For each of the secondary school teachers’ units at an English-language public district school board, The Ontario Secondary School Teachers’ Federation is the bargaining agent.

3. For every teachers' bargaining unit at an English-language separate district school board, The Ontario English Catholic Teachers' Association is the bargaining agent.
4. For every teachers' bargaining unit at a French-language district school board, l'Association des enseignantes et des enseignants franco-ontariens is the bargaining agent. 1997, c. 31, s. 122; R.S.O. 1990, c. E.2, s. 277.6 (1).

Teachers' bargaining units, school authorities

277.4 (1) Every school authority (other than a board established under section 68) has the following bargaining units:

1. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to teach pupils enrolled in a French-language instructional unit or to perform duties in respect of such instructional units all or most of the time.
2. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the school authority's roster of occasional teachers who may be assigned to teach pupils enrolled in a French-language instructional unit.
3. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is not assigned to teach pupils enrolled in a French-language instructional unit or to perform duties in respect of such instructional units all or most of the time.
4. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the school authority's roster of occasional teachers who may be assigned to teach pupils other than those enrolled in a French-language instructional unit. 1997, c. 31, s. 122.

Same

(2) Every board established under section 68 has the following bargaining units:

1. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more elementary schools or to perform duties in respect of such schools all or most of the time.
2. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board's roster of occasional teachers who may be assigned to an elementary school.
3. One bargaining unit composed of every Part X.1 teacher, other than occasional teachers, who is assigned to one or more secondary schools or to perform duties in respect of such schools all or most of the time.
4. One bargaining unit composed of every Part X.1 teacher who is an occasional teacher and who is on the board's roster of occasional teachers who may be

assigned to a secondary school. 1997, c. 31, s. 122.

Designated bargaining agents

(3) The bargaining agent for a bargaining unit is each of the following organizations, acting jointly, that, on December 31, 1997, had a branch affiliate representing a member of the bargaining unit for collective bargaining purposes under the *School Boards and Teachers Collective Negotiations Act*:

1. L'Association des enseignantes et des enseignants franco-ontariens.
2. The Elementary Teachers' Federation of Ontario.
3. The Ontario English Catholic Teachers' Association.
4. Repealed: R.S.O. 1990, c. E.2, s. 277.6 (2).
5. The Ontario Secondary School Teachers' Federation. 1997, c. 31, s. 122; R.S.O. 1990, c. E.2, s. 277.6 (2).

Same

(4) Despite subsection (3), the bargaining agent for a bargaining unit described in paragraph 1 or 2 of subsection (1) is l'Association des enseignantes et des enseignants franco-ontariens. 1997, c. 31, s. 122.

Occasional teachers

277.5 (1) An occasional teacher may be a member of more than one teachers' bargaining unit. 1997, c. 31, s. 122.

Same

(2) An occasional teacher is on a board's roster of occasional teachers if he or she is on a list of occasional teachers maintained by a school operated by the board. 1997, c. 31, s. 122.

Same

(3) Upon request, a board shall give a designated bargaining agent a copy of the roster and a principal of a school operated by the board shall give a designated bargaining agent a copy of the list of occasional teachers maintained by the school. 1997, c. 31, s. 122.

Transition

(4) On January 1, 1998, occasional teachers who are members of a bargaining unit composed primarily of occasional teachers (other than a teachers' bargaining unit established under this Part) cease to be members of that unit. 1997, c. 31, s. 122.

Outstanding grievances

(5) A grievance with respect to an occasional teacher that is not finally determined on January 1, 1998 is continued and the designated bargaining agent for the teachers' bargaining unit in which the teacher is a member represents the teacher for the purposes of the grievance, instead of the bargaining agent that represented the teacher on December 31, 1997. 1997, c. 31, s. 122.

Curriculum and Delivery

The Educational Services Department has completed a thorough study of the differences in curriculum and delivery between the English Public and English Catholic school board systems. The examination hopes to identify how curriculum and delivery methods that promote equity are implemented in the public and separate systems. The Educational Services Department has completed an extensive analysis of Aboriginal, Advanced Placement, International Baccalaureate and Special Education programs offered by English speaking boards throughout Ontario.

Aboriginal Education

According to the 2013 document *A Solid Foundation, Second Progress Report on the Implementation of the Ontario First Nation, Metis, and Inuit Education Policy Framework*, the ministry launched its Aboriginal Education Strategy in 2007. The Framework provides “the strategic policy context within which the Ministry of Education, school boards and schools are working to improve the academic achievement and learning outcomes of the Aboriginal students who attend Ontario’s provincially funded elementary and secondary schools and to raise the awareness and knowledge of all students about First Nation, Métis and Inuit peoples’ cultures, histories and perspectives.”

Recent announcements suggest that Aboriginal education remains a key priority for the ministry. In this regard, the Ministry of Education has expressed its commitment to improving Aboriginal education in Ontario and closing the achievement gap between Aboriginal students and all students.

All but four English public school board websites identified resources supporting Aboriginal Education; approximately one third of the Catholic school board websites contained no information about the initiative. The majority of all boards are in the initial phase of promoting the self-identification of First Nations, Métis and Inuit students as well as planning events to raise awareness and enhance knowledge. Several boards have established Aboriginal Education Advisory Committees.

Advanced Placement/International Baccalaureate Programs

The general availability of Advanced Placement and International Baccalaureate programs follows a pattern that suggest if one board offers an AP or IB program, the coterminous board offers an alternative. A review of board websites indicated that 14 of 31 public boards offered no AP/IB program compared to 19 of 31 Catholic boards. Overall, public boards offer an approximate total of 70 AP/IB programs compared to a total of approximately 41 in the Catholic system. According to website information, newly approved IB programs are planned in public boards only.

Special Education Programs

According to the Ministry of Education website, funding is provided for Ontario's elementary and secondary schools operated by public and Catholic English and French boards.

The ministry allocates funding to each school board using a formula that is based on student enrolment and the unique needs of students in each board. The Special Education Grant (SEG)

provides additional funding for students who need special programs, services and equipment. SEG funding is enveloped which means this funding can only be used for those students who require special education programs, services or equipment. The SEG includes six components – the Special Education Per-Pupil Amount, the High Needs Amount, the Special Equipment Amount, the Special Incidence Portion, the Behaviour Expertise Amount and the Facilities Amount.

The analysis of the information gathered from 28 English district school board websites and 25 English Catholic district school board websites was completed. The majority of English district school boards offer the following placement options:

- Regular class with indirect support
- Regular class with resource assistance
- Regular class with withdrawal assistance
- Special education class with partial integration
- Special education class full time

The analysis of the information gathered from English Catholic district school boards found that a significant majority of special education plans report few or limited numbers of placement options. Many of the Catholic district school boards special websites included statements such as the following:

We believe that:

- All teachers are special educators.
- It is our responsibility as Catholic educators and parents to provide the opportunity for our special education students to share the school experience their brothers, sisters and friends enjoy. Therefore, integration is considered first when in the best interest of the child.
(source: Northeastern CDSB)

When specialized learning is required, our shared faith vision manifests in the integration of exceptional students in an atmosphere of loving acceptance, shared responsibility and continuous support. A recognition that students with special needs are more like other students than unlike them, and a focus on abilities rather than disabilities, is the primary focus in our Catholic schools.
(source: Nippissing-Parry Sound CDSB)

Less than a third of the Catholic district school boards reviewed, offer extensive special education programs. It is interesting to note that five of the eight boards that offer placement options comparable with those found in the majority of English district school boards, are supported by educational support staff represented by OSSTF/FEESO. The remaining three boards are large urban centres.

As educational systems compete for student enrollment, these three factors will continue to be monitored.

Communications/Political Action Plan

What has been done?

In year one of our work group, the communications and political action component consisted of the following work. Essentially, the CPA department began the task of publicizing our policy change to the membership who was not aware of the significant shift taken at AMPA.

The work group examined existing polling data to determine whether opinions have shifted on the merger of Ontario's school systems.

We determined that there have been at least 5 significant attempts to determine public opinion. They include:

- Civil Rights in Public Education *School Referendum, 1997* which asked “Do you support a single school system where all children, regardless of their religious affiliation, attend the same schools where opportunities for religious education, not specific to a religious denomination, is provided?”
- The OISE annual Survey of Educational Issues which is conducted by the University of Toronto Ontario Institute for Studies in Education. The most recent one being the 18th Survey 2012, asks a number of questions related to spending, faith based schools and views on public funding by religious orientation;
- Vector Research has conducted at least two opinion polls (2005 and 2013), asking about a unified school system and the merging of Ontario's school systems;
- Finally Forum Research Inc. released the results of a random sampling of public opinion done in May of 2013, “showing that most disagree with Catholic school funding”.

It would appear that public support has grown in Ontario to merge the two publicly funded school systems as evidenced by the polling and surveying done over the past 20 years. While remaining a polarizing issue, there are distinct differences in the opinion of those who have school age children and those in the public who do not. Not surprisingly, the strongest support to maintain Catholic school funding comes from those parents and elected officials who have chosen to send their children to these schools. The findings appear to show that Catholic system respondents feel more intensely about the issue than those who support “merging” the systems.

Any further investigation on our part will need to consider that in some parts of the province nearly 80% of the households do NOT have either elementary or secondary age children in them. These non-parent members of the “public” appear to be opposed to religious school funding.

According to a Vector poll of April 2013,

For advocates of Catholic education, the poll shows that insufficient numbers of Catholics are committed to a Catholic system although 33% disagree strongly with merging the two. Rallying Catholic voters—especially parents with children in Catholic schools—would turn opinion. An implication in the survey suggest that teacher unions and other unions representing education workers can find a reason to avoid drawing voters' attention to spending on two school systems and focus instead on education outcomes for students. As the poll shows, the public-school-parent share of the electorate is shrinking and inevitably in an aging society the voters' attention turns away from public education.”

In our response to the Ministry consultation on modernization and finding efficiencies OSSTF/FEESO submitted that “any modernization of our school systems must at a minimum, include a respectful discussion about moving towards one public secular system in English and one in French.”

Summer Leadership 2013 initiated our Education platform discussion in preparation for any provincial election called in this minority government situation. One of the demands in our consultation was the inclusion of moving to one public system in English and one in French. Overwhelmingly, local leaders thought that we should include this concept as a secondary theme.

Our current finalized education platform introduced the concept of two public secular systems at Lobby Day on December 5th and members were prepared with background notes and local examples supporting each of our platform planks. Despite our attempts to discuss a range of issues, media response focused almost entirely on this education governance issue. (Not surprisingly, the strongest resistance has come from the Catholic Trustees Associations and the leadership of OECTA.)

Issues of *Update* have continued to run articles outlining the change in our AMPA policy on the single school system authored by the Provincial Executive. The December/January issue received favourable feedback as readers learned more about the history, philosophy and the current context to our policy shift.

A few meetings have been held with bargaining unit presidents at their request and speaking notes for use with members have also been provided by the department. A District and Bargaining Unit memo (D/BU #77/2013-2014) also was released with the Single School System Policy info included.

What is to be done?

Over the next three months, (Jan-March) Public Education—Investing in Ontario will be distributed to all Directors and Chairs of Boards of Education. This will no doubt continue the discussion about each of the six demands we propose to the political parties in Ontario. We hope to

reach out to the various stakeholders at the elementary, secondary and post-secondary level to debate our vision for a better public education system. In preparation for any “All Candidates” meetings, a series of MPP and Trustee questions will be designed by the CPA department to assist our local members in their election participation. In lobbying for our positions, OSSTF/FEESO may want to assist community organizations by circulating any petitions which complement our policy on the single school system.

Between May-August, the work group will also seek the support of a research company to assist us in determining the appropriate questions and messages we should use to influence public opinion. We acknowledge that this is a long term process however our Federation has committed itself to design a lobbying strategy and keep our members informed about our political action.

Questions to be polled will focus on *the reasons* parents choose to send their children to some schools and not others? We will determine if opinions are shifted when we propose the concept of improved educational outcomes through better enrolled and financed schools. We will explore the most effective messages to promote a single system and this will include focus group discussions which will inform our lobbying materials to be designed explicitly for our policy demand. Themes and slogans to advocate for the best public education system will be created and tested during these sessions.

From September to December 2014, the CPAC department will redouble its efforts to reach out to the new government elected at Queen’s Park who ultimately, have the authority to launch any re-examination of public school funding. An on line ad campaign and a possible media buy, could be used to further publicize our message. Although this will be a slow moving political campaign, our promotion of this policy will assure that we are in a position to be leading opinion on how best to implement an amalgamation rather than react to any government imposed restructuring.

In January 2015, along with our allies in the labour and community movements, we could initiate a “Charter for Public Education campaign”—emphasizing the need to move to one public secular system. Supporters could be asked to sign onto the Charter as a way of symbolically building public opinion for this transformation. Building public opinion and public pressure will be key to moving any elected official in this direction.

Conclusion...

As the cliché goes, “...Busing students past one half-empty school so they can be educated in another half-empty school only impoverishes the entire system”. Our task will be to convince members of the public that one well-funded public education system in English and one in French give students the best opportunity to succeed.

As members of the Provincial Executive have reiterated however, we will be guided in all of this work, by the policy “that no OSSTF/FEESO job losses should result from eliminating the denominational school system in Ontario.

TABLE 1

Below is a chart compiled by the Negotiations and Contract Maintenance Department indicating areas in which savings may be found as they represent duplication that could be reduced or eliminated with the movement to a single board for each of English and French.

2011-12 Financial Statements Section 10 Grant Allocations			
Allocation for Directors and Supervisory Officers	91,847,274		
Allocation for Board Administration costs - ***	437,324,017		
Governance Allocation	11,141,886		
Internal Audit Allocation	5,127,498		
Total Administration and Governance	545,440,675		
2011-12 Financial Statements Schedule 10 Actual Expenses			
Board Administration Total - ***	473,613,971		
Non-class:Admin/Gov -Total number of trustees - PSAB	14,524,957		
Directors & Supervisory Officers Total - PSAB	101,722,685		
Total	589,861,613		
The following amounts are totals for classroom and non-classroom and show that efficiencies can be found through amalgamation:			
TOTAL EXPENSES Supplies & Services	1,975,194,519		
TOTAL EXPENDITURE Rental Expenditure	50,040,489		
TOTAL EXPENDITURE Fees & Contractual Services	1,251,933,136		
TRANSPORTATION: Subtotal - Total Expenses	888,806,429		
Total number of Trustees	699		
*** - denotes that funding is provided for unionized School Board staff			

TABLE 2 2012-13 Revised Estimates - Appendix H

	Unified English	Unified French	Efficiency Rate (estimate)	Surplus Staff Unified English	Surplus Staff Unified French	
Governance and Administration						
Trustees	604	138	50%	302.0	69.0	
Directors and Supervisory Officers	482.3	44.1	20%	96.5	8.8	
Managerial/Professional Staff	2218.3	139.5	20%	443.7	27.9	
Total	3304.6	321.6		842.1	105.7	26.1%
Salary					78,194,800	
In School Admin						
Principals - Administrative Time	4165.2	341.8	2%	83.3	6.8	
Vice-Principals - Administrative Time	2433.7	106.5	2%	48.7	2.1	
Principals - Instruction time only	40.7	19.5	100%	40.7	19.5	* increases teachers
Vice-Principals - instruction time only	496.8	25.4	100%	496.8	25.4	* increases teachers
Total	7136.4	493.2		669.5	53.9	9.5%
Salary					87,703,320	
Non Classified Staff						
Other Academic Staff - Teachers, Principals, VP's	50	10	90%	45.0	9.0	
Other Prof. and Paraprof. Staff, Teachers or Teacher Assistants	1837.7	151.8	50%	918.9	75.9	
Other staff - Library/Guidance	178.5	64.2	50%	89.3	32.1	
Total	2066.2	226		1053.1	117.0	51.0%
Salary					99,458,500	
Office, Clerical, Technical						
Clerical and Secretarial Staff - Day School Programs	8186.5	577.5	2%	163.7	11.6	
Clerical and Secretarial Staff - Student Transport	94.8	15.5	2%	1.9	0.3	
Clerical and Secretarial Staff - School Operations (Board Office)	566.1	43.8	2%	11.3	0.9	
Clerical / Secretarial / Technical and Specialized Staff - (Directors, SO's, Trustees)	2937.9	275	20%	587.6	55.0	
Prof./Para. Prof. - Clerical/Secretarial Staff	65.5	10	20%	13.1	2.0	
Computer and Other Technical Student Support Services - Day School Programs	1779.8	167.6	5%	89.0	8.4	
Library technician - Day School Programs	920.2	107.6	5%	46.0	5.4	
Coordinators & Consultants - Clerical/Secretarial staff	162	21.7	40%	64.8	8.7	
Transportation Assistants	16	0	0%	0.0	0.0	
Total	14728.8	1218.7		977.4	92.2	6.7%
Salary					53,480,200	

TABLE 2 2012-13 Revised Estimates - Appendix H

	Unified English	Unified French	Efficiency Rate (estimate)	Surplus Staff Unified English	Surplus Staff Unified French
Custodial Staff					
Maintenance Staff	14435.8	759.7	2%	288.7	15.2
Total	1979.6	119.8	0%	0.0	0.0
Salary	16415.4	879.5		288.7	15.2 1.8%
					16,715,050
Education Assistants					
Education Assistants - General	21052.5	1266.3	0%	0.0	0.0
Education Assistants (ISA4)	133.5	28.2	0%	0.0	0.0
Total	21186	1294.5		0.0	0.0
Salary					0
Professional Student Support Services					
Child & Youth Workers - Total Day School Programs	1151.7	4	0%	0.0	0.0
Social Services - Total Day School Programs	604.8	69.3	0%	0.0	0.0
Speech Services - Total Day School Programs	612.9	55.9	0%	0.0	0.0
Psychological Services - Total Day School Program	702.8	28.7	0%	0.0	0.0
Attendance Counselling - Total Day School Program	204.2	8	0%	0.0	0.0
Total	3276.4	165.9		0.0	0.0
Salary					0
Supervision Monitors and Cafeteria Workers					
Lunchroom/Noon hour/Bus/Yard Supervision - Total Day School Program	3758.9	209	2%	75.2	4.2
Salary					1,587,160
Classroom Instruction (Teachers)					
Classroom Teachers	116243.8	7095.7	0%	0.0	0.0
Teacher Librarians	1805.8	8.7	0%	0.0	0.0
Guidance Teachers	1825.4	84.7	0%	0.0	0.0
Department Heads - Release Time	29.3	0	0%	0.0	0.0
Coordinators and Consultants	1639.7	179.5	40%	655.9	71.8
Total	121544	7368.6		655.9	71.8
Salary					65,491,200
ECE's					
Early Childhood Educator FTE	4452.6	318	0%	0.0	0.0
Salary					0.0

TABLE 2 2012-13 Revised Estimates - Appendix H

	Unified English	Unified French	Efficiency Rate (estimate)	Surplus Staff Unified English	Surplus Staff Unified French	
Technical and Specialized/Bus Drivers Salary	55	6.6	??			0.0%
Continuing Education and Summer School						0.0
Education Assistants	4.9	0				
Social Services	0	1				
Speech Services	0	0				
Psychological Services	0	0				
Attendance Counselling	0	0				
Lunchroom Supervision	1.5	0				
Computer and Other Technical Student Support Services	1.5	0				
Other Prof. and Paraprof. Staff, Teachers or Teacher Assistants	361.8	10				
Teacher Librarians	0	0				
Guidance Teachers	0	0				
Principals - Administrative Time	26.2	0				
Vice-Principals - Administrative Time	30.9	1				
Department Heads - Release Time	0	0				
Clerical and Secretarial Staff	346.9	3				
Coordinators and Consultants	16.3	0				
Total Classroom Instruction Teachers	349.4	4.5				
Child & Youth workers	0	0				
Library technician	0.4	0				
Other staff - Library/Guidance	0	0				
Total	1139.8	19.5				0.0%
Totals	199064.1	12521.1		4561.9	459.9	2.4%
		211585.2			5021.8	
Total Salary Savings					402,630,230	

