

## Review of Bill 33 Provisions and Implementation

Prepared for the Learning Roundtable  
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### Introduction

Bill 33, *Education (Learning Enhancement) Statutes Amendment Act*, was adopted in May 2006. Among its requirements was that provisions respecting class size and organization be reviewed after one year. Participants of the Learning Roundtable were asked to provide their views and opinions on the impacts of implementing the provisions of Bill 33 and put forward recommendations regarding maintenance and change.

The British Columbia School Superintendents Association surveyed all superintendents of schools during the period of June 4–11, 2007. The survey posed a number of questions about the implementation of Bill 33 in their school districts and asked for recommendations. The results of this survey are the foundation for this paper.

### Questions for Superintendents

The survey asked superintendents to reflect on experiences in their school districts and comment on the following general questions:

- Are things better now than they were a year ago, before Bill 33?
- What has worked well as a result of Bill 33 provisions?
- Is there any evidence or other reasons to believe that learning has improved due to the implementation of Bill 33 provisions?
- Were there any unintended consequences of Bill 33?
- Were there any challenges specific to unique school district characteristics?
- Were there some things that could not be done as a consequence of Bill 33 constraints?
- What will be the future impact of Bill 33 as enrollments continue to decline and combined/split classes become more frequent?
- In regard to the class composition provisions of Bill 33, what has worked effectively?
- In regard to the class composition provisions of Bill 33, what

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have been the challenges and what could have been done differently?

## **Points of Discussion**

### ***What is Improving***

The majority (62%) of superintendents responding to the survey indicated that things are better now than they were a year ago, before Bill 33, and reported that many things are working well in school districts as a consequence of Bill 33 provisions.

Superintendents reported that teachers appear to have valued and appreciated the consultation process, which allowed them more opportunity to formulate and express professional opinions and concerns respecting educational needs in their classrooms and the learning supports needed to be in place for students.

From the perspective of superintendents, it appears that all stakeholders—individual teachers, local teachers associations, principals and parents—are making every effort to ensure the processes set out in Bill 33 work to the benefit of students and the preservation of learning opportunities for them. For example, there are suggestions that dialogue has improved at the school level respecting student learning needs, student placement, learning supports required and tracking student progress.

Principals, particularly at the secondary level, are becoming more cognizant of the special learning needs of students and the supports required for their success at an earlier time in the school year. Similarly, teachers, by being more engaged in the consideration of enablers and restraints of secondary-school organization, are more aware of the complexities and needed flexibility associated with scheduling secondary schools.

By many accounts, the provisions of Bill 33 respecting class size and composition and the consultations and conversations associated with organizing classes have improved organizational learning. This has enhanced the targeting of resources to where they are most needed. Implementing Bill 33 is shining a bright light on the complexity of teaching and learning in diverse social contexts, and making more transparent the real teaching, classroom management and

assessment challenges associated with meeting the varied learning needs of students in classrooms. The dialogue contemplated by Bill 33 has encouraged principals and teachers to look at class size and composition more collaboratively and closely, to move beyond numbers alone, and to reflect and act upon constraints and practical responses to challenging situations.

### ***Evidence of Improved Learning***

Evidence refers to an available body of facts or information indicating whether a belief or proposition is true or valid. Strictly speaking, there is no reported evidence that student learning has improved due to the implementation of the class size, class composition, and consultation and reporting provisions of Bill 33.

The absence of evidence does not mean that there are no achievement gains attributable to reductions in class size or constraints on class composition. It is not possible to isolate a single strategy or set of strategies, in place for one school year, as having a demonstrable impact on student learning. Throughout the province the provisions of Bill 33 were not implemented in a vacuum, but within a context of many and varied strategies and interventions—at the classroom, school and district levels—put in place to improve student learning and success.

From anecdotal accounts, the reductions in class size and constraints on class composition of Bill 33 are cited as positive steps in supporting instructional and curricular initiatives in school districts. In time and in combination with other initiatives and necessary supports, the intentions of Bill 33 (more productive working conditions for teachers and meaningful dialogue around learning needs, instructional methods and appropriate classroom supports) are likely to be reflected in achievement gains and increases in student learning.

### ***Consequences and Challenges***

While there were consequences and outcomes associated with the first year of Bill 33, it is not readily apparent from the accounts provided that any of the outcomes and consequences reported were unintended or completely unexpected.

Among the outcomes and challenges cited as being associated with implementing the class size

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and composition requirements of Bill 33 were: an increase in the number of combined classes; widened differences in working and learning conditions between English and French classes in dual-track schools (e.g., few designated students in French Immersion classes); perceptions by advocates for children with special learning needs that choices for certain learners are more limited than in the past; difficulties experienced in sole/small schools in small communities (e.g., costly solutions) in accommodating students requiring placement during the school year; the teaching and leadership time (particularly evident in larger secondary schools) needed to manage, meaningfully, the ambitious consultation timelines and reporting requirements contemplated in the legislation; and managing the early expectations of Bill 33 held by teachers and the public (e.g., “hard” class-size caps, the availability of additional funding and the provision of additional supports when maximums are exceeded).

Upon reviewing the specific examples reported by superintendents, it can reasonably be assumed that a significant portion of the reported outcomes and challenges are consequences of the *practicalities* (e.g., small schools, schools on a quarter system, schools with highly transient populations), *politics* (e.g., allocation of scarce staffing resources, early expectations of Bill 33, beliefs about what is meaningful consultation) and *changes of behaviour* associated with the first year of implementing new and potentially conflictual practices in a short period of time.

Many of the experiences and challenges reported were predictable given that the intentions of Bill 33 are, in some respects, quite contradictory. Bill 33 is an instrument of provincial policy that seeks to balance three aims: the requirement for predictable and acceptable working and learning conditions for teachers (e.g., matters that impact teacher wellness and satisfaction affect student learning); supportive conditions for the successful integration of students with special learning needs; and flexibility and variance based on careful consideration of students’ interests and local circumstances. Meeting all three aims in what may be described as a politically charged and resource-challenged environment is not always easy.

### **Opportunity Costs**

Discussions about class size and composition at the

district and school levels cannot easily be separated from financial considerations. Arguably, meeting the requirements of Bill 33 reduced flexibility in meeting learning needs in an economical and sensible manner, required additional classroom teachers, and represented additional costs to school districts over 2005/06.

The extent to which individual school districts were able to close in on the numbers set out in Bill 33 were dependent upon their past investments in reducing class size and their operating-fund surpluses from 2005/06.

There are opportunity costs associated with implementing any provincial mandate, and meeting the requirements of Bill 33 is no exception. In economics, an opportunity cost is the cost of an alternative that must be foregone in order to pursue a certain action. For example, if a resource is used for one purpose (e.g., reducing class size, limiting the number of special needs students in classes or increasing the number of divisions or classes in a school), the opportunity cost is the value of the next best purpose the resource could have been used for (e.g., specialist teachers, educational assistants, learning opportunity options or learning resources).

There is a view that even if it can be demonstrated that reduced class size and constraints on the number of designated students in classrooms result in greater learning and achievement gains for some students, these positive effects may be moderated by the consequences of reducing or foregoing needed service levels in other areas.

Opportunity cost analysis is an important part of an education board’s decision-making respecting its annual operating budget. There were actions that school districts did not take or could not do as a result of targeting their resources to meeting the class size reductions and school organization requirements of Bill 33. It is evident from the accounts of superintendents that local initiatives or actions not taken as a consequence of addressing the provincial guidelines of class size and composition varied considerably from district to district and included staff development, electives in secondary schools, and same-gender classes.

### **Future Impacts**

While class size and class composition are important

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factors in organizing schools for optimal student learning, class composition was judged as being, in many respects, more critical to student learning than class size alone. By most accounts, class composition clearly influences what teachers do, how they organize for instruction, how they interpret and adapt curriculum, how they accommodate individual differences and how they are able to manage their classrooms in ways that engage all students and personalize their learning. How successful teachers are at these tasks is dependent upon reasonable class sizes and educationally sound class compositions, their repertoire and skill level, and the supports they are able to engage and receive in a timely manner.

Current enrollment trends suggest that enrollment will continue to decline in public schools and many districts report that the percentage of students identified as having special learning needs—both students that are experiencing academic difficulties and students who meet the requirements of designation—will increase. This will mean that the aims and requirements of Bill 33 are likely to become more difficult to meet in an economical manner (e.g., creating very small classes). Second, the challenges for teachers to meaningfully differentiate their instruction will increase. Third, the time for consultation respecting educationally sound practices (a major investment during 2006/07, particularly in secondary schools) will increase. Fourth, the need for resources and expertise to support classroom success for all students will continue to grow as an issue and possible source of conflict.

The experiences associated with addressing the requirements of Bill 33 vary district to district. Not surprisingly, there is a variety of forecasts reflecting these experiences. Forecasted future impacts include: no significant changes to what was experienced in 2006/07; the evolution of better models and methods of thoughtful consultation; greater attention on meeting the learning needs of every child; better tracking of student progress; increased pressure from teacher associations for guarantees (e.g., caps) on the number of special needs students in classes combined with principals' expectations for greater flexibility in creating optimal learning environments; increased "labeling" of students; more combined (including multi-grade) classes; reduced options and electives for learners; continuing threats to the viability of small neighbourhood schools; and managing

parents' placement expectations (e.g., for a straight class or for a specific teacher).

## Recommendations

There is general support for the intentions of Bill 33—reasonable and predictable working conditions for teachers, conditions conducive to the successful integration of designated students, and desired flexibility for accommodating educationally sound school organizations—and general satisfaction with the experiences in implementing the provisions in 2006–2007.

It is recommended that the adoption of more reasonable timelines for consultation, specifically in secondary schools, will be helpful in advancing the objectives of Bill 33. It is also suggested that there be recognition of the opportunity costs that many districts face as a result of the legislation, particularly in rural and remote schools where class or school reconfiguration options are limited and costly.

Not unexpectedly, superintendents are of the view that the dynamic balance currently evident in the provisions of Bill 33 not be altered for 2007–2008. Keeping the intentions of Bill 33 in dynamic equilibrium should be a priority. The spirit of the legislation and its contemplated collaborative inquiry should be given a chance to influence the culture of school districts over a period of time.