

Wednesday, February 15, 2017

To: the Law Amendments Committee
Fr: W. Andrew Gosney, M.Ed.
Re: Bill 75, An Act Respecting a Teachers' Professional Agreement

I am a School Counsellor working with the HRSB. I've worked at all levels of school in the role. I live in Upper Tantallon, Nova Scotia. Ben Jesssome is the MLA. I am also a father with three children in our school system. A daughter, Catherine, in grade 7; a son, Connor, in grade 5 who lives with a learning disability; and a son, Elliot, in grade 1. I wish to speak to these roles, my role as an educator and my thoughts about the process leading to the presentation of Bill 75 and beyond.

As a father, I'd like to focus on my son Connor. My partner, Anne Gosney, also asked me to speak about him. Connor is in Grade 5 and his education thus far has been a journey.

At the end of Grade 3 he was diagnosed with a language based learning disability. His story began in grade primary. He started school in French Immersion, which in hindsight was not a fit for him but we didn't know of his challenges yet. We requested that he be seen by the Educational Psychologist at the school for an observation. In June of that year we were able to receive a Psychological observation, but there wasn't time or resources available for him to have a full assessment. That observation concluded that he would benefit from an assessment from the Speech Language Pathologist at the school. Then we started Grade one.

After significant pushing and calling, we were able to get him a language assessment, which concluded that his language comprehension skills were significantly below those of his peers. We immediately removed him from French Immersion and moved him to an English classroom. He continued to receive some support from the school SLP, however, her caseload was so large the level of support was limited. In grade 2 he received little to no support from the SLP (again due to caseload - there were other children who had a higher level of need and he was pushed back) and he had some Resource support to assist with social development. The language issues were virtually unaddressed that year. Again, resources were strapped and there wasn't enough time to give him.

I should add that he is not a behaviour problem. He is a quiet and kind little boy who just wants to be successful. However, because he is not disruptive, he was often missed. This is not because the teachers do not want to help him; it's because there isn't enough time or people to support the level of need in the classrooms.

In Grade 3 he was reassessed by the SLP at the school (at our insistence) and it was again concluded that his comprehension levels continued to be well below average. At this point we were referred for an assessment with the School Psychologist. We waited the entire school year for this assessment. And you know how he got it? Another child didn't come to school on the day he or she was supposed to be assessed and my son got in. Otherwise we would have waited until at least grade 4 for him to be assessed. At this point we are 4 years into this journey.

The school psychologist concluded that he did indeed have a language comprehension learning disability - a deficit that is defined as severe. The thing is, his learning disability has nothing to do with intellect. He is actually a very intelligent little boy. He learns differently. He requires specialized programming that should be available to him at school (in fact, most learning centre teachers have been trained in the Visualization and Verbalization program he requires). But the 200 hours per year that are required to administer this program is not available to him at school. Why? Because the learning centre teacher doesn't have enough time or resources to dedicate that amount of time to one student. So my family needs to spend \$10000 per year for him to receive this specialized support privately from another organization. Our benefit plan covers 80 percent of \$2000 of that bill (teacher plan). Without this support, he absolutely cannot be successful. This type of support will likely be required until he finishes grade 12. He also receives support at school via the Resource teacher, however she must do much of her learning support in a group format. This is because for a school of over 500 students (and increasing need every year), her position is kept at 80 percent. 80 percent for over 100 percent need. By the time he finishes school we will have spent well over \$100,000 for support he should be able to receive at school. AND we have been denied the federal Disability Tax Credit as well - a whole other issue all together.

So now my son is in Grade 5. He struggles socially. He struggles to complete his day to day work. And we struggle to keep him with any form of support at school. The issue is not his

teachers, Resource Teacher, and School Counsellor. They have been outstanding. The issue is the number of students in his classroom who are high needs, the lack of resources, the lack of available specialized support, the lack of educational assistants who can help the teacher provide more one on one support for the children who need it.

Connor is not alone in his situation. There are many stories like his and families like ours. I ask you, where does Bill 75 address this? Where is the change that is needed now?

As a Counsellor, part of my role is to advocate for children. I service over 630 students between two schools. There are School Counsellors in similar split school situations with larger caseloads. I provide professional counselling services to about 15-18% of them, in addition to in class instruction on a variety of topics. These include: social and emotional learning and self regulation, and professional counselling services for students who are living with grief disorders, anxiety disorders, suicidality, harassment, complex trauma, depression, relationship issues, and conflict issues...the list goes on. I do the best I can to support these students.

Work to rule, which I fully support, has not disrupted my ability to service any of these students. In fact, the only disruptions have been the weather and the Liberal government's poor judgment in willfully, and unnecessarily, choosing to lockout students last December. You will never know the situations I work with because of confidentiality, but I will say there were students who needed me that day. Students dealing with suicidality, neglect, and trauma. No teacher, nor the NSTU, was responsible for that disruption of service.

I have been an educator since May 1999. I've seen governments come and go, and negotiations come and go. I am very familiar with the legislative process, the Charter, the Collective Bargaining process as outlined in the Teachers Collective Bargaining Act, The Education Act, and the contracts outlining my obligations as an educator.

In my time, I have not witnessed a government so unwilling to adhere to provincial law, to clearly manipulate legislative authority (e.g. the unconstitutional Bill 148 and Bill 75), to claim that an "emergency session" of the Legislative Assembly is required (during a blizzard no less) all to orchestrate our current dilemma and to achieve your government's orchestrated outcome.

Liberal MLAs are on record as a participant in this.

All of it.

You are a participant in this now. And you have a choice.

Under these circumstances, can anyone truly defend a statement that claims any of the Tentative Agreements reached between the Government of Nova Scotia and the NSTU, and recommended to teachers, were bargained in good faith? That this is the best option for students, teachers and families? I don't think so. Not with the threat of Bill 148 lingering over the process. Mr. McNeil suggests fair bargaining took place resulting in the Tentative Agreements recommended to the NSTU membership. None of which were bargained in good faith with Bill 148 maligning the process coupled with a clear refusal by this government to engage in arbitration. Our NSTU Executive had little choice, but to demonstrate they felt they were getting the best deal they could under those oppressive circumstances. The "no" vote was not a vote against the NSTU Executive, or its President. In addition to, the contents of the Tentative Agreements, the "no" vote was also a statement against the willful interference with the process and prevention of access to all available remedies in the Teachers Collective Bargaining Act. Including: mediation, binding arbitration, and a conciliation board.

There is little that is fair in any of this. For example, the offered "wage increase" is in fact a wage reduction once inflation is accounted. This is all the more injurious when one considers the removal of the Service Award/ Death Benefit. A fact easily calculated.

Then there are the classrooms. No actual commitment was made to provide the supports needed for students in the classrooms. Supports needed now. Not after layers of time consuming committee meetings that our collective experience and wisdom tells us to expect arbitration at every turn. There was no guarantee that the \$20 000 000 suggested in the most recent Tentative Agreement would actually be used, or for what it would be used. Like our current Government, this cannot be trusted. All parties were well aware of what teachers, and families like mine, have clearly, and publicly, stated are the immediate and pressing needs in Nova Scotia classrooms. This includes: changes in attendance policy, ending meaningless time consuming data collection, ending continuous improvement programming, eliminating standardized testing, hiring more EPAs and funding to increase the number of and percentages of specialist teachers (including: Counsellors, Resource Teachers, Learning Centre Teachers,

Educational Psychologists, and Speech Language Pathologists), making Vice-Principals full time instead of working out of a classroom, and establishing proper classroom caps from P-12 to generate an environment where teachers can actually get to their students to provide the necessary support they need in class, to name a few. Naturally, my mind goes to my son, Connor.

At this moment, I firmly oppose Bill 75 and, for that matter, Bill 148. These represent an affront and violation of worker's Constitutional right to free and collective bargaining and fails to address the immediate need in our classrooms. If fully legislated into law, Bill 75, will doom our province to years of expensive litigation. This will needlessly cost taxpayers. And for what? Other similar Supreme Court challenges have found in favour of the teachers on these matters in other provinces. The relationship between the teachers and the Province will be irreparably damaged for years to come. The trust will be eroded.

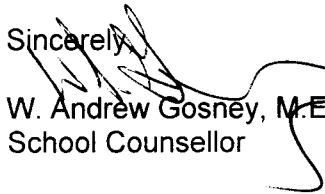
At this moment you have a choice. I implore you to act this week as a responsible member of our community and as the duly elected representatives of the people. I ask that you represent the students and future of our province and not support Bill 75, a legislated contract. Such a contract will not resolve the issues that are pending and have inspired the resistance of every teacher in this province in concert with thousands of families and students.

Do not support this approach to resolving a contract issue! Vote against Bill 75 and the removal of collective bargaining rights! Avoid the eventual Charter litigation and expensive court costs! Get back to the negotiating table in the spirit of true negotiation! Ask for mediation! Ask for binding arbitration! But do not participate in the willful removal of the rights of Canadian citizens under the guise of fiscal responsibility! Consider the students in classroom today.

In closing, I want to express during the last election my family was happy to vote Liberal. It was my first time. I cannot say the same today. My expectation is my elected government represent me and my family, and all Nova Scotians, in the legislature. This is your opportunity to leave your mark in Nova Scotia's history. What will this legacy be?

Thank you for considering these words. The hearts and minds of thousands of Nova Scotians, not just teachers, but parents, students, and members of labour unions, are on the Nova Scotia Legislature this week.

Sincerely,


W. Andrew Gosney, M.Ed. (Counselling)
School Counsellor