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| **Response to the Levin Report**  Steps to Effective and Sustainable Public Education in Nova Scotia  [educconsultations@gov.ns.ca](mailto:educconsultations@gov.ns.ca)  Opportunities to Improve Quality in Public Education in Nova Scotia c/o Corporate Policy Department of Education 2021 Brunswick Street, P.O. Box 578 Halifax, NS, B3J 2S9  Fax (902) 424-0519 |

1. The Canadian Union of Public Employees is Canada's largest union, representing more than 610,000 members working in virtually every community across the country. Tens of thousands of CUPE members work in public schools across the country as education assistants, administrative and student support staff, technicians, trades people, transportation providers, maintenance and custodial staff.
2. In Nova Scotia, we proudly represent over 18,000 working women and men. Our members work on the front lines of our communities. They are tax-paying citizens and users of the public services in the Province. More importantly, they are proud of the role that they play in delivering public services to the people of Nova Scotia in education, health care, municipalities, public utilities*,* community and social services, housing, libraries, post-secondary education, early childhood education, andairlines and many more sectors of the economy.
3. CUPE represents many employees in the public education sector, employed by each of the School Boards in the Province. Some of the classifications in those bargaining units include:

**STRAIT REGIONAL SCHOOL BOARD** - **CUPE LOCAL 955** – Library Technicians, Teacher Assistants, Student Support Workers, Secretaries, Custodians, Trades and Labourers, Mechanics, Bus Drivers.

**TRI-COUNTY REGIONAL SCHOOL BOARD** - **CUPE LOCAL 964** – Bus Drivers, Custodians, Trades And Labourers, Mechanics.

**ANNAPOLIS VALLEY REGIONAL SCHOOL BOARD** - **CUPE LOCAL 3876** – Bus Drivers, Trades and Labourers, Mechanics, Custodians, Cafeteria Workers, Secretaries.

**CHIGNECTO-CENTRAL REG. SCHOOL BOARD** - **CUPE LOCAL 3890** – Custodians, Trades and Labourers, Bus Drivers, Mechanics.

**SOUTH SHORE REGIONAL SCHOOL BOARD** - **CUPE LOCAL 4682** – Bus Drivers, Trades and Labourers, Mechanics, Custodians.

**HALIFAX REGIONAL SCHOOL BOARD** **CUPE LOCAL 5047** – Library Support Specialists, Early Childhood Educators, Student Support Workers, Community Outreach Workers, Educational Program Assistants.

**CAPE BRETON-VICTORIA REGIONAL SCHOOL BOARD** - **CUPE LOCAL 5050** – Teacher Assistants, Accounting Clerks, Mechanics, Bus Drivers, Custodians, Computer Technicians, Trades And Labourers, Library Technicians, Lunch Supervisors, Student Support Workers, Secretaries.

**CONSEIL SCOLAIRE ACADIEN PROVINCIAL** - **CUPE LOCAL 2272** – Custodians, Bus Drivers, Mechanics.

1. These members of CUPE have children and grandchildren who attend public school in the Province. They have friends and neighbours whose children and grandchildren attend public schools in the Province. They are deeply concerned about the public education system in Nova Scotia as citizens and as workers.
2. CUPE recognizes the Federal Government and its taxation policies have been instrumental over the last thirty (30) years in reducing the public resources available to provide for public programs.
3. Deliberate policy choices have steadily decreased the level of corporate taxation in Canada. This has left all levels of government (Federal, Provincial and Municipal) starved and increasingly unable to provide the services that Canadians expect in the 21st century as citizens of one of the wealthiest countries in the world.
4. Canadian Governments do not have a “spending” problem. They have a revenue problem. Unfortunately, this explanation does not change the fiscal situation of this Provincial Government. However, even within this financial framework, Governments make policy choices about how best to support public education.

**PROVINCIAL EDUCATION FUNDING**

1. The members of CUPE in Nova Scotia worry about the direction of the Provincial Government with respect to the public education. These fears were significantly heightened by the decision to reduce funding to the eight provincial school boards by 1.65% or $1.07 billion for the 2011-2012 budget year: <http://gov.ns.ca/news/details.asp?id=20110209010> (February 9, 2001 letter).
2. Our concern about the funding decision was somewhat mediated by the decision of the Minister of Education to provide specific direction to school boards in Nova Scotia as to how to implement spending cuts: <http://gov.ns.ca/news/details.asp?id=20110208003> (February 8, 2011 Letter).
3. Teacher and support staff reductions should be done by retirements and attrition in order to keep the student-teacher ratio below 15 to 1. Administration costs were to be reduced by 15% and consultants were to be reduced by 50% over three years. Funding for teacher mentors was to be reduced by 50%. Class sizes were to remain capped for Primary to Grade three (3) with a maximum allowance of two (2) students above the cap only to avoid a split or combined class: <http://gov.ns.ca/news/details.asp?id=20110208003> (February 8, 2011 letter).
4. Funding for special education would remain at $125 million, the same level as 2010-11. However, maintaining funding for special needs at the same rate for 2011-2012, is essentially a cut by any other name.
5. Nova Scotia has the highest inflation rate in the country. Between March 2010 and March 2011, our CPI increased by 3.9%, the largest increase in the country due largely to increases in the price of energy, particularly fuel oil: <http://www.gov.ns.ca/finance/publish/cpi/cpi1103.pdf>
6. The Provincial Government has a simplistic view of public education spending. In its view, declining enrollment should equal declining public spending. Throughout the budget discussions, the simplistic Government position has been reflected by the following statements:

Between 2000-01 and 2010-11, funding for school boards increased by more than $320 million or 43 per cent, even as enrolment dropped by almost 30,000 students.

<http://gov.ns.ca/news/details.asp?id=20110208003> (February 8, 2011 letter)

1. School board funding increased between 2000 and 2011 despite decreases in enrolment in part because salaries increased after a decade of wage roll backs and freezes (1990-1997), fuel prices increased, and additional demands were placed on school boards to provide particular and expanded programming among other reasons.
2. The Provincial Government spent far more paying for the “public private” schools fiasco than it would have if it kept schools in the public system: Chapter 3, **Contract Management of Public-Private Partnership Schools,** Nova Scotia Auditor General Report, February 2010, <http://www.oag-ns.ca/feb2010/ch3.pdf>
3. The fixed costs of heating and student transportation remain the same regardless of student enrollment in a particular school. The class room must be heated and cleaned whether 15 or 17 students are in it. The teacher and teacher assistant must be paid for the value of her or his work and are not paid piece work by the number of students. School closures might bring some monetary savings but at the cost of longer bus rides for students among other costs. Given this reality, *status quo* funding by the Provincial Government means a reduction in funding.

**THE LEVIN REPORT**

1. On December 23, 2010, the then Minister of Education, Marilyn More appointed Professor Levin to study certain elements of the Nova Scotia public education system. His Terms of Reference are found at Appendix “A” of this document. The **LEVIN REPORT** was released on May 5, 2011: <http://gov.ns.ca/news/details.asp?id=20110505010>
2. Our members were immediately and publicly concerned to read the **LEVIN REPORT** recommendation about “education assistants” which read as follows:

Meanwhile, the goal should be to **reduce gradually the number of education assistants** and to have schools and districts consider whether some of these resources could be better used to help classroom teachers support a range of students, or to provide intensive but short-term interventions for struggling students with the goal of getting them back to regular programs and expectations in a short period of time (weeks, not years). **LEVIN REPORT, PAGE 13.**

1. The Minister of Education obviously heard our concerns because on May 12, 2011, the Minister wrote an opinion piece which stated in part, as follows:

Teaching assistants are, and will continue to be, a valued part of the educational team at a school. We must protect learning in the classroom and maintain our targeted investments in special needs education. The right balance must be sought by looking at need and student enrollment.

**Dr. Levin has not recommended taking away teacher assistants supporting students who need personal care and/or safety or behaviour management support**. He is noting that the range of

behaviours that can trigger the assigning of a teaching assistant has widened over the years and we should carefully examine how we deploy our resources to better support students with special needs and teachers.

<http://gov.ns.ca/news/details.asp?id=20110512007> (May 12, 2011 letter)

**RECOMMENDATIONS FOR SPECIAL EDUCATION**

1. Notwithstanding the public comments of the Minister, CUPE is deeply concerned about the views of Professor Levin regarding special education in the Province of Nova Scotia.
2. In our view, Professor Levin clearly misunderstands the legal requirements for special education in our Province. He clearly misunderstands the role and responsibility of “teacher assistants” as they are called in our Province.
3. Professor Levin did no primary research for his Report. He used secondary research, which CUPE submits he misapplied. Professor Levin also used secondary research about the use of teacher assistants with specific academic teaching responsibilities which bears no relationship to the actual personal support role of teacher assistants in Nova Scotia.
4. It is troubling the Department of Education published a report based on such thin research with recommendations with far reaching consequences for students with special needs in our Province.
5. Professor Levin makes three specific recommendations with regard to special education as follows:

This report makes three recommendations in this area. First, every effort should be made to **reduce paperwork requirements** related to the special education system and **to ensure that such requirements do have clear benefits for students**.

Second, the province should **assess the academic progress of students identified with learning disabilities or behavioural issues to see if they are making reasonable progress**.

Third, **given the weak evidence on benefits**, Nova Scotia should consider **reducing the number of teaching assistants in special education** in favour of **more training for classroom teachers to support a wider range**

**of students and intensive interventions** that allow struggling students return to regular programs and expectations in a short period of time.

**LEVIN REPORT, Page iv [emphasis added]**

1. We will address each of these recommendations in turn. It is first important to review the reality of special education in Nova Scotia, which Professor Levin failed to do.

**SPECIAL EDUCATION IN NOVA SCOTIA**

1. Professor Levin refers to two (2) reviews of the Nova Scotia approach to special education, without naming either of them or providing them in his list of references.
2. One report Professor Levin ought to have reviewed was published in 2007 and is easily accessible on the Department of Education web site: Minister’s Review of Services for Students with Special Needs Review Committee Report and Recommendations (July 2007):

<http://www.ednet.ns.ca/events/special_education_review/documents/review-committee-report-e.pdf>

1. It is clear Professor Levin did not read the cautionary remarks of the Committee which read as follows**:**

The committee would like to provide this cautionary note: If the number of teacher assistants were reduced without an increase in the number of teaching staff, then capacity to meet the needs of all students would obviously be reduced. This would be detrimental to the system.

<http://www.ednet.ns.ca/events/special_education_review/documents/review-committee-report-e.pdf> **Page 22**

1. Professor Levin makes no recommendation to increase the number of teachers, and instead suggests “more training for classroom teachers”: **LEVIN REPORT PAGE IV**.
2. Professor Levin should also have reviewed the 2008 Special Education Policy of the Government of Nova Scotia which is also easily available on the Government of Nova Scotia website:

<http://www.ednet.ns.ca/pdfdocs/studentsvcs/specialed/speceng.pdf>

1. The 2008 Special Education Policy is based on the broadest principles of Section 15 of the Canadian Charter of Rights and Freedoms which provides as follows:

**15.** (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

1. These fundamental rights have been included in our Provincial *Education Act* and Regulations. Section 67 of the consolidated Regulations under the *Education Act* provides for “designated special education private schools” for students with special needs. These needs include, but are not limited to, students with Attention Deficit Disorder (ADD), Attention Deficit Hyperactivity Disorder (ADHD), Autistic Spectrum Disorder (ASD) or Learning Disability (LD). The diagnosis must be supported by a trained medical professional.
2. However, in Nova Scotia, we have gone beyond special schools, to provide for full integration in public schools in the Province. Section 64(d) of the *Education Act* **requires** school boards to “develop and implement educational programs for students with special needs within regular instructional settings with their peers in age, in accordance with the regulations and the Minister's policies and guidelines”.
3. Section 26(g) of the *Education Act* **requires** teachers to “participate in individual-program planning and implement individual program plans, as required, for students with special needs”.
4. Professor Levin also should have reviewed the 2009 Teacher Assistant Guidelines which were substantially revised in response to the 2007 Report. These Teacher Assistant Guidelines are also easily available on the Government of Nova Scotia website:

<http://www.ednet.ns.ca/pdfdocs/studentsvcs/taguidelines/ta-full.pdf>

1. The 2009 Teacher Assistant Guidelines provide, in part, as follows:

The role of the teacher assistant continues to evolve under the “**only as special as necessary”** guiding principle of inclusive education. **Student independence and self-reliance are to be promoted and expected in order for students to reach their potential**. However, the complexities of

responding to the diverse strengths and challenges of our student population may require trained and qualified teacher assistants to support a continuum of programming options established by the program planning team. Teacher assistant support **should be considered only when the student cannot perform prescribed outcomes independently**, as determined by the program planning process.

….. **Teachers have responsibility for planning, programming, teaching, evaluating, and reporting for all students in the class**. The support of a teacher assistant is one of the many potential resources that can assist or support the teacher, or the program planning team, in meeting the needs of students. **2009 Teacher Assistant Guidelines, Page vi. [emphasis added]**

**‘SOFT’ SPECIAL NEEDS**

1. Professor Levin believes too many children are being identified as having special need. He appears to believe the students who currently receive support do not actually warrant it:

**This growth is due almost entirely to increases in what might be called the ‘soft’ areas of identification**, especially students thought to have learning disabilities or behaviour problems. **The number of children with actual physical disabilities has remained constant or possibly even declined**. Nobody really knows whether the increases in these other categories are a result of real change in student performance or increased sensitivity to differences that at one time would have been regarded as part of the normal range of student behaviour; these are issues on which there is considerable disagreement.

**LEVIN REPORT, PAGES 11-12 [emphasis added]**

1. CUPE submits the process to obtain the services of teacher assistant in a classroom for a particular student or group of students is complex and relies on expert medical diagnosis. The process is clearly set out in the 2009 Teacher Assistant Guidelines. Again, we suggest Professor Levin did not actually review this document: <http://www.ednet.ns.ca/pdfdocs/studentsvcs/taguidelines/ta-full.pdf>

**2009** **Teacher Assistant Guidelines** Page 3, and Page 20, Identification, Assessment, and Program Planning

1. If Professor Levin believes school boards are not following the law or the policy of the Province in allocating teacher assistants, he should state this, rather than calling for whole scale reductions in the number of teacher assistants.
2. Professor Levin believes if students are not “identified” as having special needs, the public education system will need less “education assistants”: **LEVIN REPORT PAGE 13.**
3. The Department of Education does not have a magic wand whereby it can simply reduce the number of children who require special education services. Many genetic, environmental and social factors create circumstances where children will need additional supports to complete the educational requirements of the public education curriculum.
4. We have attached job postings for the Cape Breton Victoria Regional School Board at Appendix “B” of this document. They indicate teacher assistants are needed to support students with very particular needs including Autism, Cerebral Palsy, or Asperger’s Syndrome. These students have a wide range of medical, physical, behavioural, and social challenges. These students have extensive mobility issues, medication requirements, as well as high personal needs like dressing, toileting; lifting and positioning require support.
5. Is Professor Levin suggesting these students should not have been identified as having special needs? Is Professor Levin suggesting these students have been improperly diagnosed? Is Professor Levin suggesting children with these particular needs should not be in the public school system? Is Professor Levin suggesting students with these particular issues should not have the support of teacher assistants in the classroom? Is Professor Levin suggesting teachers need “more training” to provide the kind of physical support to truly integrate these children in the public education system?

**NO ACADEMIC GAIN**

1. Professor Levin believes special education programs do not improve academic achievement outcomes for students as follows:

A more serious problem is that **it is not clear that special education programs, although expensive, actually result in improved outcomes for students diagnosed with learning disabilities or behavioural problems.** While experts do not agree on these matters, in all systems

students placed in these programs continue to lag behind other students and sometimes the gap gets bigger rather than smaller. ……

**LEVIN REPORT PAGE 12 [emphasis added]**

1. Professor Levin writes of students with learning disabilities who continue to “lag behind” other students despite participation in special education programs or not. However, special education programs are not provided in Nova Scotia to improve academic outcomes. Inclusive education is not about setting a bar for academic progress by which the success or failure of the inclusion policy will be monitored.
2. Nova Scotia’s Special Education Policy believes all students can learn and further:

The goal of inclusive schooling is to facilitate the membership, participation, and learning of all students in school programs and activities: <http://www.ednet.ns.ca/pdfdocs/studentsvcs/specialed/speceng.pdf>

2008 Special Education Policy Pages 19 and 20

1. Professor Levin states “The highest performing countries tend to have very low rates of special education placement**”**. Professor Levin refers to the Finland and Singapore education systems, not two places one would naturally associate with the actual experience of Nova Scotia: **LEVIN REPORT, PAGE 12**.
2. Professor Levin does not clarify what he means by “highest performing”. What criteria is Professor Levin using for performance? Does this mean economically? Academically? In efforts to reduce economic, racial and gender inequality?
3. Professor Levin refers to “self-contained special education classes**”** and discusses the matter in Note 5 of his Report. Professor Levin cites a 2010 study which suggests putting all students with aggressive or delinquent behaviours together in one class worsens individual and collective behaviour: **LEVIN REPORT** **PAGE 12 AND PAGE 28** (Mueller, 2010).
4. Professor Levin misunderstands the integration goals of special education in Nova Scotia. Our system of support for children with

special needs is designed to integrate all students, not segregate those children.

1. Professor Levin minimizes the results of the secondary research he uses when it does not support his opinion. For example, the Texas study Professor Levin refers to in Note 5 found the use of teaching assistants “**significantlyboosts** mathematics achievement”. Professor Levin says “the study found **small** gains in mathematics achievemen*t*”.
2. The North Carolina study in Note 5 concluded students made “significantly larger gains” with teaching assistants. Professor Levin tries to negate this finding by suggesting a cost benefit analysis to the cost of providing special education had not been done.
3. Professor Levin does not provide his own quantification. What are the costs of not providing education support to special needs children? What are the costs to the other children in a classroom if special needs children are not properly supported? What are the costs to teachers?

**RESEARCH FROM ENGLAND AND WALES**

1. Professor Levin goes beyond his concern about failure to improve outcomes and suggests education assistants actually reduce the academic achievement of special needs students. Professor Levin writes as follows:

Third, much of the ‘programming’ for students in special education consists of attaching an education assistant or teacher aide to them on a full- or part-time basis. There are now some 2000 staff in Nova Scotia schools doing this work. Although parents often value their presence as showing some effort to support students**, the empirical evidence does not show that having aides results in improved student performance, and at least some evidence shows that they can have the opposite effect**—for example by creating situations in which these students actually get less time and attention from trained teachers [Note 6].

**LEVIN REPORT, PAGE 12 [emphasis added]**

1. Professor Levin refers to research from England and Wales in Note 6 of his report. The Deployment and Impact of Support Staff Study was a

series of published reports of more than 500 pages summarizing data collected in Wales and England.

1. The final report of the multi-year study was published in 2009, and is titled Deployment and Impact of Support Staff in Schools: The Impact of Support Staff in Schools (Results from Strand 2, Wave 2). We will refer to it as **Blatchford, DCSF-RR149, 2009**. It is easily available on the internet: <http://www.ioe.ac.uk/DISS_Strand_2_Wave_2_Report.pdf>
2. Researchers made in-class observations of three (3) grade levels for a school year. This full year multi-grade process was repeated a second and third time. One part of the multi-year study was designed to describe what support staff actually did in a classroom. The second part of the study was to determine the effect of support staff on teaching and learning in the schools: **Blatchford, DCSF-RR149, 2009 Pages 1-2**.
3. Unfortunately it appears Professor Levin did not read the actual reports in full. Instead, he relied on a summary in a journal which appears in his references: Webster, R., Blatchford, P., Basset, P., Brown, P., Martin, C., & Russel, A. (2010). **Double standards and first principles: Framing teacher assistant support for pupils with special educational needs.** *European Journal of Special Needs Education, 25*(4), 319-336, **Levin Report, Page 36.**
4. Based on this summary, Professor Levin wrote as follows:

The largest ever study of EAs called the Deployment and Impact of Support Staff, conducted in the UK over a five year period, **found no positive effects of EA support on the academic progress of students**. In fact, the study found that students receiving the most EA support made less academic progress than similar students who received little or no EA support, even after controlling for factors like prior attainment and degree of special education needs (Webster et al., 2010). The study also found that **the use of EAs resulted in students having less interaction with both teachers and their peers**. **LEVIN REPORT PAGES 28-29 [emphasis added]**

**ACADEMIC SUPPORT**

1. In England and Wales, teaching assistants provide “*overtly pedagogical input*”, unlike teacher assistants in Nova Scotia: **Blatchford, DCSF-RR149, 2009, Page 4.**
2. On the specific question of whether pedagogical support by teaching assistants improved the academic performance of students, the results of the study demonstrated increased teaching assistant support **did not** lead to higher academic achievement.

We found a negative relationship between the amount of additional support provided by support staff and the academic progress of pupils in Years 1, 3 and 7 (English and mathematics) and 10 (English) in Wave 1, and Years 2, 6 and 9 (English, mathematics and science) for Wave 2.

**Blatchford, DCSF-RR149 2009, PAGE 129**

1. The inclusive philosophy of the Nova Scotia Special Education Policy does not value standard tests as a true measure of learning. Without being unkind, for many students with special needs, standards of academic achievement might always be out of reach. This is not the only measure of success.
2. The comprehensive study from England and Wales forms the basis for the future work. In order for teaching assistants to actually teach students, they need better and particular training, integration, and supervision throughout the school year by the teacher. The study discussed other research as follows:

However, a recent systematic review by Alborz, Pearson, Farrell and Howes (2009) shows that studies that have examined the effect of support staff when they are **prepared and trained for specific curricular interventions** (most studies have been in the area of literacy), with **support and guidance from the teacher and school about practice**, tend to show positive effects on pupil progress. **Blatchford, DCSF-RR149 2009, PAGE 139**

1. Most schools and teachers -- and consequently students -- are under great pressure. Rather than remove teaching assistants from the classroom, their work will be supported.
2. Professor Blatchford commented on the effect of the research of his colleagues as follows:

We argue that current methods of deploying TAs… are understandable but misguided. But we also argue that the right policy is to fundamentally rethink how TAs are deployed, in order to add value to teachers (rather than replace them). **We also argue that we are not advocating simply getting rid of TAs**. I am not sure about the situation in Nova Scotia, but **here in England**

**many head teachers tell us that without TAs things would be very difficult indeed.**

Personal electronic correspondence, CUPE Research, Friday June 10, 2011

**SUPPORT FOR STUDENTS AND TEACHERS**

1. As previously indicated, the Nova Scotia Education Support Guidelines were completely revised as recently as 2009. The roles and responsibilities of teacher assistants were clearly set out. In Nova Scotia, teachers teach. Teacher assistants in Nova Scotia do not provide academic or pedagogical support to special needs students. Nor do teacher assistants provide support to children with learning disabilities. Teacher assistants provide support to children with special needs.
2. This would have been clear to Professor Levin if he had actually talked to a teacher assistant, or simply reviewed a job description. We have provided a copy of a job description for a teacher assistant at Appendix “C” of this document. It clearly demonstrates teacher assistants provide support to students, but teaching and academic instruction remains the job of teachers.
3. Professor Levin again reveals his misunderstanding of the role of teacher assistants when he suggests they could be replaced by “intensive but short-term interventions for struggling students” to get them back in the regular academic program: **LEVIN REPORT AND PAGE 13**.
4. Teacher assistants are not providing temporary help. As the job descriptions reveal, they provide physical assistance with elementary skills like toileting and getting dressed. These are not the types of supports which will be “learned” by students in a matter of weeks.
5. Professor Levin demonstrates his further ignorance of the actual work of teacher assistants in Nova Scotia by his suggestion the work could be done by parents and communities: **LEVIN REPORT PAGE 13**.
6. The support Nova Scotia teacher assistants provide to students with special needs cannot be done by a few after hour programs run by volunteers and parents. They are not “teaching”, but actually providing physical support for students in the classroom.
7. When the results of teaching assistants in England and Wales are measured on the criteria of support for teachers and students in the classroom (both those with special needs and without), as opposed to actual teaching, the results of the Blatchford, DCSF-RR149 2009 study are tremendously encouraging for the public education system and the role of teacher assistants, as they are actually used in Nova Scotia. Those results concluded as follows:
8. Support staff improve pupils’ attitudes and motivation to work
9. Support staff have a general positive effect on pupil learning and behaviour
10. Support staff have an indirect effect on pupil learning and behaviour

4. Support staff allow more individualization and differentiation

**Blatchford, DCSF-RR149 2009 PAGES 35-36**

1. We have provided the Final conclusions of the Blatchford, DCSF-RR149 2009 study at Appendix “D” of this report, as well as additional comments about the positive role of education assistants for special needs students. Blatchford’s work specifically acknowledges the debt owed to education assistants for significantly reducing teachers’ onerous workloads, for creating calm and peace within the classroom that allows for integration, and for providing much needed respite, overall for the entire classroom population.
2. CUPE is very troubled the Department of Education published the Report of Professor Levin which called for reductions in the classification of teacher assistants in Nova Scotia based on an over-simplified and inaccurate use of the research in England and Wales.
3. Professor Levin claims he wants to reduce teacher turnover through his recommendations. CUPE submits the workload situation of Nova Scotia teachers would be significantly adversely affected by a decision to reduce the numbers of teacher assistants in the classroom to support the physical, medical and behavioural needs of children.
4. If this Government were to adopt the recommendations of Professor Levin with respect to the reduction of teacher assistants, without fundamentally altering the statutory goals of inclusive education, CUPE believes even greater numbers of teachers would chose to leave their profession.

**MAKING BETTER USE OF EXISTING FACILITIES AND RESOURCES - EARLY LEARNING AND CHILD CARE AND**

1. CUPE does have some positive comments to make about one of the recommendations of Professor Levin – the need to increase the link between public education and early learning and child care and to use public facilities such as schools for community purposes like child care:

One important way to reduce the pressure for retention in elementary schools is to build stronger connections with preschool programs. …. Co-operation among staff in terms of expectations and approaches to working with children is helpful to transition at every stage, including initial entry to school.

**LEVIN REPORT, PAGE 10**

*Community use of schools:* **It makes much sense to have school facilities used more extensively for a range of related purposes, from community recreation to associated services to child care.** This is especially the case in rural areas where such facilities are often limited. …. The province should experiment with allowing school boards and other partners to recapture funds freed by more effective use of facilities.

**LEVIN REPORT PAGE 22**

1. For decades, CUPE has championed the cause of early learning and child care. Since the Government was elected in June 2009, CUPE has used every opportunity to point out the merits of a publicly funded and administered early learning and child care system. Just prior to the release of the **LEVIN REPORT**, CUPE provided research and a briefing note to every member of the Nova Scotia Cabinet which clearly demonstrates the importance of early learning and a publicly funded and administered child care system. CUPE commends those documents to you. *February 8, 2011 covering letter; research brief and report of Robert Fairholm.*
2. CUPE has already indicated our support for efforts by the Provincial Government to transform public buildings. For example, in our March 2011 submissions to the Finance Minister regarding the economic and social benefits of a seamless publicly funded and administered early learning and child care system, we wrote as follows:

22. CUPE strongly encourages the Government to explore the use of already existing public education facilities across the Province (in rural and urban communities) to provide these new services. In some cases, these facilities are vastly under-utilized and represent a good use of public resources

providing a new public good. The Province would be putting money into its own resources, rather than into the bank accounts of private operators.

1. In the same March 2011 submissions, we also suggested to the Finance Minister as follows:

26. In the interim, vacant schools and school space could be used for a multitude of community purposes, especially if they were retrofitted through a green jobs retrofitting program.  They are, of course, the optimal location for a seamless, publicly-funded, not-for-profit learning system with many other potential highly rewarding, non-profit community uses. Further, we could move government services into those buildings and save on leasing costs.

**SCHOOL CLOSURES**

1. CUPE opposes the suggestion of Professor Levin with respect to school closures, and in particular, the suggestion “to relax some of the current rules around closing”: **LEVIN REPORT PAGE 21-22**.
2. This recommendation is directly contrary to the recent amendments to the *Education Act* by this Provincial Government to increase the notice and consultation period surrounding school closures: *Education Act*, S.N.S. 2010, c. 13.

**GRADE RETENTION**

1. Professor Levin is concerned about undefined and undocumented “grade retention” in elementary school. He cites no Nova Scotia specific data and provides no footnotes for his concern: **LEVIN REPORT, PAGE 7.**
2. Despite the lack of data, Professor Levin recommends our Province should spend money determining whether grade retention actually exists, and how we should reduce it: **LEVIN REPORT, PAGE 10.**
3. Then Professor Levin suggests how to reduce the undocumented problem by a common sense suggestion to develop systems “*to ensure that students get additional support quickly to allow them to catch up*”: **LEVIN REPORT, PAGE IV.**
4. CUPE supports this recommendation, if it based on a real existing problem and if “additional support” means providing real teaching opportunities for children. Additional support does not mean increased class sizes and over-worked teachers. CUPE rejects the recommendation to study the issue further.

**OUT OF SCHOOL CREDITS**

1. CUPE is deeply concerned with the recommendation of Professor Levin with respect to “out of school” credits. Although couched in language about independent learning, it is clear Professor Levin views it as a way to reduce costs in the public school system. Professor Levin’s summary provided as follows:

“Students should be encouraged to enroll in courses or programs that do not require physical attendance at a school, or require it only some of the time”.

**LEVIN REPORT PAGE V**

1. Professor Levin undertakes no discussion about how such “out of public school” learning would be provided or how it would be paid for.
2. The reader makes the assumption such learning activities would be paid for by the families of the children financially able to undertake them. While it is clear in one example Professor Levin provides, a child would be paid for working, one wonders who would pay for the student “who who spends a summer on an archaeology or forestry project”: **LEVIN PAGE 16.**
3. Professor Levin views “out of public school learning” as an option which will reduce the number of high school courses taught, thereby presumably lessening the numbers of teachers required to teach. Further, Professor Levin does not envisage any increase in teaching staff to provide the one on one, individual support and assessment of a student’s independent study: **LEVIN REPORT PAGES 17 -18**.
4. CUPE strongly objects to any proposal which would privatize public education, and in particular, objects to any proposal which would require individual families to pay for “learning opportunities” beyond

their payment for a strong public education system through income taxes.

**CONCLUSION**

1. The more than 18,000 members of CUPE who work in Nova Scotia expected real change as a result of the election of a majority Government of members of the New Democratic Party. We are deeply concerned your Department has not met the expectations of our members who work in the education sector.
2. We call on you to publicly reject the recommendations of Professor Levin with respect to reductions in the classification of teacher assistants. These recommendations are wrong headed, and based on a completely wrong understanding of what teacher assistants actually do in our Province – support teachers and students.

Yours truly,



Danny Cavanagh

President, CUPE Nova Scotia

DC/js

cope491

c. Nova Scotia CUPE School Board Servicing Representatives;

Nova Scotia CUPE School Board Presidents (Local’s 955, 964, 3876, 3890, 4682, 5047, 5050 and 2272)

**APPENDIX “A” [emphasis added]**

**Terms of Reference**

**Consultant:** Dr. Ben Levin

Professor and Canada Research Chair on Educational Leadership

Ontario Institute for Studies in Education

Nova Scotia, like other jurisdictions, is seeking to enhance the quality of its public school system

so that more students can reach higher levels of performance than ever before in order to meet

the future needs of the province and the country. This goal involves both higher levels of performance (broadly defined to include a range of important outcomes of schooling) and smaller gaps in performance across the population, as well as a system that maintains high levels of public confidence.

**The challenge in Nova Scotia, as elsewhere, is exacerbated by a changing financial picture and changing demographics.** In Nova Scotia school enrolment has been decreasing steadily and is expected to continue to do so. At the same time, **fiscal pressures, like those in other provinces, make it increasingly difficult to sustain overall and per pupil spending levels**.

The purpose of this report is to provide some **medium-term (3-5 years) options** for Nova Scotia as to how it can best manage these twin challenges. Accordingly, the report will provide proposals that indicate **ways in which public education in Nova Scotia can become more effective and more efficient given the realities of social and fiscal pressures**.

The focus will be on **strategies that affect the learning experiences and outcomes of students**.

Areas likely to be addressed include student and parent engagement, rural and urban schools,

school-family-community relationships, development and deployment of human resources,

optimal use of capital facilities, and teaching, learning and assessment practices. **The report will**

**not address issues of governance or of funding models.** The report will make use of Nova Scotia data and examples wherever possible and should reflect an understanding of the Nova Scotia context.

The main product will be a concise report, **due the end of February 2011**, with clear proposals or recommendations. This document will be supported by a longer report that will provide a fuller explanation and justification of the proposals, including relevant data and references to relevant research.

The primary contact for this work will be the Deputy Minister of Education. The consultant and

Nova Scotia will jointly determine what in-person or other discussions are needed either with

Department of Education staff or other stakeholders in Nova Scotia. This may involve up to 2

visits by the consultant to Nova Scotia if these can be scheduled at mutually convenient times,

# and video and audio conferencing as appropriate. The Nova Scotia Department of Education will provide data as requested or, if unavailable, make reasonable efforts to produce related data.

# APPENDIX “B”

# Job Postings for Teacher Assistants as of June 10, 2011

# Cape Breton Victoria Regional School Board

# <http://www.cbv.ns.ca/welcome/modules/news/article.php?storyid=403>

The Teacher Assistant works under the immediate supervision of the classroom teacher and is responsible, through that individual, to the school principal, to the Coordinator of Special Services and to the Director of Programs. The Teacher Assistant is required to provide assistance to students with special needs (see attached duties).

**QUALIFICATIONS AND TRAINING:**

It would be an asset for those applying for the position of Teacher Assistant to have some classroom experience working with children with handicaps, learning disabilities, learning problems, etc. One of the following programs is required:

 Nursing, CNA - **REGISTERED**

* Child Development - from a recognized institution
* Successful Completion of Four Block Public Program Assistants Course
* Successful Completion of the Teacher Assistant Program
* Teacher Education

**Copy of Diploma or certificate must accompany application.**

|  |  |
| --- | --- |
| 1. | **60% position** Must be computer literate. To work in the S.T.E.P.S program to assist with students who have **social and/or behaviour challenges**. Any other related duties as assigned by the classroom teachers and/or administration. |
| 2. | **60% position** Must be computer literate.  Experience working with elementary school age children with **autism**.  Must be able to work with students with behavioral and social changes as well as students with varying degrees of difficulty in multiple classrooms.  Any other related duties as assigned by the classroom teachers and/or administration. |
| 3. | Must be computer literate.  Working with a student with **severe medical concerns** which **require constant supervision both for oncoming symptoms and overseeing administration of medication**.  If necessary, you will be a part of an emergency response team.  This assignment requires full time supervision before class, at recess and lunch.  Any other related duties as assigned by the classroom teachers and/or administration. |
| 4. | Must be computer literate.  Must be able to work with student(s) with behavioral challenges who requires supervision before class, at recess and lunch and **requiring feeding, toileting and personal hygiene.  Assistance required with dressing and undressing.  Must be accompanied to and from the bus**.  Implementation of a behavioral management plan and supervision is necessary to ensure a safe environment.  The T.A. will assist the student in following programs, strategies and exercises developed and introduced by the teachers.  Any other related duties as assigned by the classroom teachers and/or administration. |
| 5. | Must be computer literate.  Working with students with **non-verbal learning disorder and aggressive behavior**.  Familiarity with working with children with **Autism Spectrum disorder and anxiety caused by transition**.  T.A must supervise to ensure a safe environment before class, at recess, and lunch.  T.A. should be familiar with behavior strategies and following a behavior plan, which is in place.   T.A will assist with promoting student’s emotional growth, well-being, independence and positive behaviors.  Assistance in the classroom/school environment with implementation of IPPs.  Facilitate positive interactions among all students. Any other related duties as assigned by the classroom teachers and/or administration. |
| 6. | Must be computer literate.  Must be familiar with and have experience working with **Autism Spectrum Disorder, the Star Program and PECS.  Assisting students with personal hygiene issues such as toileting.  Requires assistance with mobility issues i.e. getting on and off the bus**.  Non-Violent Crisis Intervention training is an asset.  Any other related duties as assigned by the classroom teachers and/or administration. |
| 7. | **60% POSITION** Must be computer literate.  TA will work in an elementary classroom. **Student requires one on one support**, must be capable and willing to apply non-violent crisis intervention skills in a consistent and positive manner and must be comfortable in working with a team approach in a primary to twelve school environment. Any other related duties as assigned by the classroom teachers and/or administration. |
| 8. | **LPN Required** Must be computer literate.  Working with a student(s) with **complex medical conditions and several behavioral issues**.    Administration of medication may be part of daily tasks.  Overseeing of behavior management plan to address possible periodic aggressions, in class and at play is required.  **Assistance with toiletry skills/changing required.**  Any other related duties as assigned by the classroom teachers and/or administration. |
| 9. | **Male Teacher Assistant Designated** Must be computer literate. Required for **personal care and medical needs**.  **Student requires constant monitoring due to safety issues** (this includes recess and lunch breaks and while boarding and un-boarding the bus) in order to ensure a safe learning environment. Any other related duties as assigned by the classroom teachers and/or administration. |
| 10. | **Male Teacher Assistant Designated** Must be computer literate.  Must have familiarity and experience working with **Autistic students**.  Working with students having **behavioral challenges which could be explosive and possible flight risk**.  **Safety for self and others, with constant supervision required,** Non-violent crisis intervention training required.  Any other related duties as assigned by the classroom teachers and/or administration. |
| 11. | Must be computer literate. Working with student(s) integrated in high school academic setting.  Must have experience with assistive technology.  Applicant must be able to work with a student with **extensive mobility issues, as well as high personal needs:  including toileting; lifting and positioning students**; exercising and supporting as outlined in a physiotherapy plan.  Individual may require lunch time supervision and assistance with eating.  Any other related duties as assigned by the classroom teacher and/or principal. |
| 12. | **Male Teacher Assistant Designated**   Must be computer literate.  Must be experienced in Non-Violent Crisis Intervention and be able to work with students having **behavioral challenges and possible flight risks**. Experience using visual schedules, visual supports, etc. would be an asset. Any other related duties as assigned by the classroom teachers and/or administration. |
| 13. | Must be computer literate. Will be working in a Learning Center and classroom environment.  Working with students with varying needs such as **Cerebral Palsy and Autism Spectrum Disorder**.  Must assist student(s) with **all personal hygiene.  Lifting and tube feeding are also required**.  Student(s) who are **potential flight risks** require constant supervision.  Experience in using the STAR program would be an asset, as well as having experience using visual schedules, visual supports, etc.  Any other related duties as assigned by the classroom teachers and/or administration. |
| 14. | **Male Teacher Assistant Designated** Must be computer literate.  Working with student(s) with **autism in French Immersion setting**. Assistance required with behavioural/emotional challenges.  **Supervision is required due to safety; flight risk.** Any other related duties as assigned by the classroom teachers and/or administration. |
| 15. | **60% Position** – Must be computer literate.  Assist students with physical and behavioral needs in the classroom.  Any other related duties as assigned by the classroom teacher and/or principal. |
| 16. | **LPN Required** Must be computer literate.  Non-violent crisis intervention training would be an asset.  Teacher Assistant must be able to provide assistance to students who may have a **wide range, of medical, physical, behavioural, and social challenges.**  The teacher assistant must also be comfortable providing this assistance in a classroom, learning centre and/or alternate setting.  This position may involve supporting students with **mobility issues or high personal needs such as toileting**.  Any other related duties as assigned by the classroom teacher and/or principal. |
| 17. | **Male Teacher Assistant Designated** – **TCBP POSITION** Must be computer literate.  Must have experience working with a student(s) with **Asperger’s Syndrome.**  Assisting in the implementation of occupational and physical therapy management plans as developed by specialists; the implementation of communication programming as developed **by speech-language consultant,** and with **mobility issues throughout the day**.  Will be working in both a Learning Center and classroom environment.  May work with multiple students requiring physical, communication and social support.  Supervising students to ensure a safe environment.  Implementing a behavior management plans as developed by teacher and/or program planning team.  Any other related duties as assigned by the classroom teacher and/or principal. |

# APPENDIX “C”

# Job Description – Teacher Assistant

# Cape Breton Victoria Regional School Board

# <http://www.cbv.ns.ca/hr/modules/mastop_publish/?tac=Teacher_Assistant>

**RESPONSIBLE TO:** Principal or Principal’s Designate of school of employment

**ROLE:** The provision of personal care, behaviour management support and/or instructional support to students under the direction of the principal, supervising teacher, and/or school team.

**QUALIFICATIONS AND TRAINING:**

It would be an asset for those applying for the position of Teacher Assistant to have some classroom experience working with children with handicaps, learning disabilities, learning problems, etc. One of the following programs is required:

* Nursing, CNA - REGISTERED
* Child Development - from a recognized institution
* Successful Completion of Four Block Public Program Assistants Course
* Successful Completion of the Teacher Assistant Program
* Teacher Education

**RESPONSIBILITIES**:

The responsibilities which are listed below provide an outline of the major responsibilities Teacher Assistants assume.

1. **Personal Care**: Under the direction of the supervising teacher and/or school team, the Teacher Assistant will:

* Assist students with **feeding, with toileting needs and personal hygiene** as required;
* Administer medication and carry out medical procedures under the direction of the school principal in accordance with Regional School Board policy and the Department of Education and the Department of Health’s policies and protocols on administering medication to students;
* Assist students **to move about during the school day, including lifting and positioning students, exercising and supporting as outlined in their Individualized Program Plan (IPP) or physiotherapy/occupational therapy plan**, assist when embarking and disembarking from transportation vehicles, and accompany students to community based educational programs as appropriate;
* Supervise students to ensure a safe environment;
* Assist the students in the operation of support equipment as needed;
* Assist students in dressing and undressing as required.

2. **Behaviour Management Support**: Under the direction of the supervising teacher and/or school team, the Teacher Assistant will:

* Assist in promoting student’s emotional growth, well-being, and independence;
* Encourage the development of student dignity and self-esteem;
* Facilitate positive interactions among all students;
* Help motivate students and encourage student participation;
* Assist in the implementation of behaviour management plans as developed by the teacher and/or school team.

3. **Support for Instructional Program**: Under the direction of the supervising teacher and/or school team, the Teacher Assistant will:

* Assist students in following programs, strategies, exercises and materials identified/developed and introduced by the teacher;
* Assist the teacher(s) in the preparation of material;
* Provide feedback to the supervisory teacher on his/her observations of students;
* Accompany students to and from community work placements and provide support within these programs, as necessary.

4. **Other related duties as assigned.**

**APPENDIX “D”**

**2009 final report of the *Deployment and Impact of Support Staff in Schools***

***The Impact of Support Staff in Schools (Results from Strand 2, Wave 2),* Research Report No DCSF-RR148, *Institute of Education, University of London***

***Various Quotations***

**Support staff had a positive effect on teachers’ level of job satisfaction**. The main reasons given for the impact of support staff on teachers’ job satisfaction were: more of the individual needs of their pupils were being met; **pupils’ learning and achievement were enhanced**; the personal qualities and skills of the support staff; **time available for teaching was increased and the quality improved**.

Blatchford, DCSF-RR149 2009 PAGE 17

One can see that the benefits of support staff, from a teacher’s point of view, stem largely from providing specialist skills, extending the curriculum and their function of taking on particular pupils, usually those who have difficulties, thus allowing more individual attention. **The benefits of support staff to teaching are therefore not in terms of enhancing teachers’ own interactions with pupils in need of support, but rather in terms of allowing more time with the rest of the class.**

These results indicated that the presence of support staff had two general beneficial effects on teaching. First, support staff seem to allow more individualisation of attention from adults, as seen in the greater amount of individual attention (‘focus’) and the reduced amount of whole class teaching. Second, **there seemed to be benefits in terms of classroom control**, with the presence of support staff leading to reductions in the amount of talk from adults (teachers or support staff) dealing with negative behaviour. These benefits are similar to those found in studies of the effect of class size reductions on pupil behaviour (Blatchford, Bassett and Brown, 2005).

Blatchford, DCSF-RR149 2009 PAGE 125

**6.9.8 Summing up the impact of support staff**

The DISS study has been the first in the UK to address the impact of support staff in a systematic way across multiple outcomes. The results were mixed. **We found positive effects of support staff on teachers and teaching, in terms of teacher job satisfaction, stress and workloads; activities passed from teachers to support staff; and teacher views on effects of support staff on their teaching.** To these we should add the **positive effect of classroom based support staff on classroom control**, as shown in the Strand 2 Wave 1 report (Blatchford et al., 2007).This was found in the systematic observation findings and also the case studies, and should not be underestimated as a main contribution to schools, sometimes working under challenging conditions.

**Support staff also had beneficial effects on pupils in terms of the effect of support staff on pupil learning and behaviour (from teacher views), and 8 positive approaches to learning (PAL) for example confidence, motivation and ability to work independently and complete assigned work (from teacher ratings in Year 9)**. We know that teachers like having support staff in the classroom because support staff can give individual attention to children, often, but not always, those in most need. It seems a sensible solution because the teacher can then attend to the rest of the class without interruption. It also allows relatively easy and non-disruptive differentiation in the class. **Results from the systematic observation study also showed positive effects of the presence of support staff on pupil classroom engagement**. On the other hand, as we have seen, the negative results concerning pupils’ academic progress are worrying.

One possible way of reconciling the positive picture that emerges, particularly from the teachers’ positive experience of the effect of support staff, with the PAL and attainment results, is that from the teacher’s point of view extra support can free them up to devote more attention to the rest of the class. **This is a productive arrangement for them and seems also to be having a positive effect in terms of pupil engagement, classroom control and (at secondary level) in terms of the PAL measures of confidence, motivation, independence, and good relationships with other pupils**. On the other hand it seems that this may be at some cost to supported pupils’ academic progress, perhaps through the resulting reduction of teacher input.

The picture concerning impact is therefore a mixed one. Though some of the results presented here have identified problems in current deployment and practice **we would not want to give the impression that support staff do not have an important role to play**. Our general view is that problems may have arisen from **assuming that extra support will lead to positive outcomes for pupils** without first establishing a clear understanding and view of the role of support staff and how it affects pupils. Classroom based support staff have huge potential in helping teachers and pupils but there are questions raised in this report concerning the way they are currently deployed in schools and this may be one reason why supported pupils may not make as much progress as expected. The findings have wide significance in the context of concern with the lack of progress made by some pupils in school. Given that lower attaining pupils are more likely to be given extra support in schools it is vital that this support is well organised, prepared and effective. **Blatchford, DCSF-RR149 2009, PAGES 139-140**

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