

**A CASE STUDY OF THE IMPLEMENTATION OF
EDUCATION POLICY**

**THE IMPACT OF BILL 33 - 2006 EDUCATION (LEARNING
ENHANCEMENT) STATUTES AMENDMENT ACT ON
ELEMENTARY SPECIAL EDUCATION IN A MID-SIZED URBAN
SCHOOL DISTRICT**

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ABSTRACT

This study provides an interpretive account of the implementation of class composition policy introduced following the 2005 teachers' strike in British Columbia (BC). The specific policy regulation concerned a suggested limit of three students with special needs in each class. Investigation of the implementation of this policy aimed to determine its outcomes in practice. The research used a conceptual framework that connected the contested concept of class composition with contemporary models of policy implementation and special education. In the absence of any known evaluation of this particular policy change, the research was timely, relevant and potentially instructive.

The social constructivist approach to mixed methods case study focussed on six elementary schools in a single mid-sized urban school district (SD). Investigation of the political history and context revealed adversarial relationships between the Ministry of Education and BC Teachers' Federation (BCTF). Class composition and students with special needs feature largely in the ongoing debate. The purpose of the study was to uncover the actual and perceived impacts of this policy on special education in particular. The aim was to inform future directions regarding the problem of class composition, that teachers report being their biggest challenge.

Emerging themes raise important questions about the policy, financial, organizational and special (inclusive) education impacts. Research findings suggest that both teachers and administrators consider the legislation a largely inappropriate solution to the problem of class composition. The recommended need to review current class composition policies

and practices, has implications for BC teachers, school districts and government to work together to find improved resolutions.

Key Words: Education Policy Implementation, Inclusive Education, Class Composition, Wicked Problems, Systems Thinking, Organisational Learning.

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The idea for this thesis stemmed from a need for improved understanding of BC's school system. As a newcomer in 2003, I was ill prepared for the teachers' strike. The doctoral program fulfilled my learning needs. A cohort of exceptional colleagues provided rich dialogue and professors shared ideas, suggested readings and challenging assignments. Particular thanks go to Geoff Madoc-Jones who became my senior supervisor and to Robin Brayne whose unwavering demands for focus, synthesis and correct grammar resulted in timely completion. I am also indebted to David Carter the third committee member who rescued me from a potentially lengthy stroll down the "wrong path" of academia. These *Three Wise Men* became my mentors and I know that this work would not have been possible without them. Thanks also go to Fred Renihan for his instructional leadership, teaching excellence and great chairing skills at the oral defence.

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CHAPTER 1

INTRODUCTION: CLASS COMPOSITION LEGISLATION

Class composition concerns the increasing range of student diversity, instructional and organisational arrangements that affect classrooms (Levin & Riffel, 1994; Thrupp, Lauder & Robinson, 2002). This has always been an important consideration for teachers, but it has only recently become the focus of legislation. In BC, the policy that regulates class composition, specifically concerns students with special needs. This case study provides an interpretive account of the intended and unintended consequences of BC's 2006 class composition legislation. It aims to uncover the experiences of school and district administrators, teachers and others, to provide insights into the implementation of this policy as it affects elementary special education in a mid-sized urban school district.

The research context reflects the influences of globalization, development of inclusive education and local political forces that have resulted in particular challenges for schools. There are increasing demands to provide high quality and appropriate teaching and learning opportunities for all students. For students with special needs this involves liaison and planning with specialist teachers and teaching assistants (TAs). The result is more complex curricular, financial and organisational arrangements than in the past. Although there is general agreement about the notion of class composition concerning the inclusion of students with special needs, there are competing interests with regard to the necessary arrangements in practice.

For the purposes of this research a number of terms are used as follows:

- The term class composition is used according to section 76.1 of *The School Act*.¹ This specifically concerns students with special needs. The term is often used more broadly to include all types of student diversity, but for the purposes of this research, the term will be limited to that reflected in BC policy.
- The term Bill 33 is used specifically to refer to the amendment to section 76.1 of The School Act (see Appendix A) that concerns class composition and students with special needs. The Bill 33 debate is reported in Hansard (see Appendix D).
- The term students with special needs is used according to the BC Ministerial Order M397/95: “A student with special needs means a student who has a disability of an intellectual, physical, sensory, emotional or behavioural nature, has a learning disability or has exceptional gifts and talents.” These students are reported in twelve categories as outlined in *Special Education: A Manual of Policies, Procedures and Guidelines* (Ministry of Education, 2009).
- The term inclusion is used according to the special education manual (Ministry of Education, 2009, P.2), “BC promotes an inclusive education system in which students with special needs are fully participating members of a community of learners. Inclusion describes the principle that all students are entitled to equitable access to learning, achievement, and the pursuit of excellence in all aspects of their educational programs. The practice of inclusion is not necessarily synonymous with full integration in regular classrooms and goes beyond placement to include meaningful participation and the promotion of interaction with others.”

Outline of Chapters

This introductory chapter provides an overview of the context, including the political and historical background that contributed to a perceived need for class

¹ *The School Act*: BC policy outlining the rights and responsibilities of students, parents, teachers, principals, SD officials, school boards and Minister of Education.

composition regulations through The School Act in 2006. The research problem, research questions and methodology are also summarized.

Chapter 2 introduces the conceptual foundation of the study and literature review presented in three parts. Part 1 is a literature review of policy implementation processes (Honig, 2006; Radin, 2000; Sabatier & Jenkins-Smith, 1993; Yanow, 2007). Part 2 outlines trends from special education to inclusive education (Ainscow, 2001; Armstrong & Barton, 2007; UNESCO, 2000). Part 3 provides a conceptual framework that considers class composition as an essentially contested concept (Gallie, 1956) that contributes to the wicked problems (Rittel & Webber, 1973) of special education.

The mixed methods research design outlined in Chapter 3 incorporates data from document analysis, interviews and participant observation. This aims to provide an empirical case study account of a real life context. The intention is to reveal the actual and perceived consequences of the class composition policy that resulted from Bill 33.

In Chapter 4, the research findings summarize the investigation of documents and thematic analysis from semi-structured interviews undertaken with six principals and seventeen teachers in a sample of six elementary schools. The findings raise further questions with regard to the utility of this bill. Its impacts continue to influence the ongoing class size and composition debate between the BCTF and Ministry.

In Chapter 5, discussion of the research findings relate to policy implementation processes, financial and organizational impacts, and special education impacts. The suggested need for improved policy alignment may require a major shift in the current

roles and responsibilities of the BCTF and Ministry. The work of school districts as policy intermediaries requires co-construction, improved consideration of organizational learning theory and systems thinking (Ackoff, 1994; Checkland & Howell, 1998; Senge, 2006) to tackle the issues of class composition in relation to special (inclusive) education. Implications for theory, policy and practice are reviewed, recommendations made and possibilities for future research considered.

Background: Education Policy and Governance in BC

In order to understand class composition matters, it is necessary to review the historical development of related policy and governance systems in context. In Canada, provincial governments have responsibility for education. The BC Ministry of Education (hereafter referred to as *the Ministry*) therefore administers the education system. The Ministry's mission statement articulates the purpose of the BC school system and the associated goals. Ministry policies provide a governance framework as outlined in *The School Act* (Ministry of Education, 1989). Various policy instruments that include laws, fines, partnerships, contracts and the funding formula promote these policies and guide the delivery of services. Particularly relevant policies to this case study are:

- *The Teaching Profession Act* (Ministry of Education, 1987)
- *The Industrial Relations Reform Act* (Ministry of Education, 1987)
- *Diversity in BC Schools: A Framework* (Ministry of Education, 2004)
- *Special Education: A Manual of Policies, Procedures and Guidelines* (Ministry of Education, 2009). Hereafter this is referred to as the *special education manual*.

The Teaching Profession Act establishes and outlines requirements for teachers and administrators to belong to the BC College of Teachers (BCCT). All BC teachers must belong to the BCTF². School administrators belong to the principals' and vice principals' association (BCPVPA) or school superintendents' association (BCSSA). Administrators are excluded from teacher's local bargaining units affiliated to the BCTF.

The Industrial Relations Reform Act (IRA) effectively provided full scope in teacher's collective bargaining matters in 1987. This included staffing levels and class organisation arrangements related to class composition and students with special needs. This policy was amended in 2002 and 2006. A provincial bargaining system and the Public Schools Employers' Association (BCPSEA) were introduced in 1994.

Diversity in BC Schools outlines requirements in response to the increasing student diversity in BC schools. This raises class composition issues relevant to the research. Schools must create and maintain conditions that promote fair and equitable treatment and success for all students, including those with special needs.

The special education manual articulates the principle of inclusion in supporting equitable access to learning by all students. Associated ministerial orders also provide direction. Those referred to in the 2006 changes to section 76.1 of The School Act, are:

- The Special Needs Students Order (M150/89)
- The Individual Education Plan (IEP) Order (M638/95)

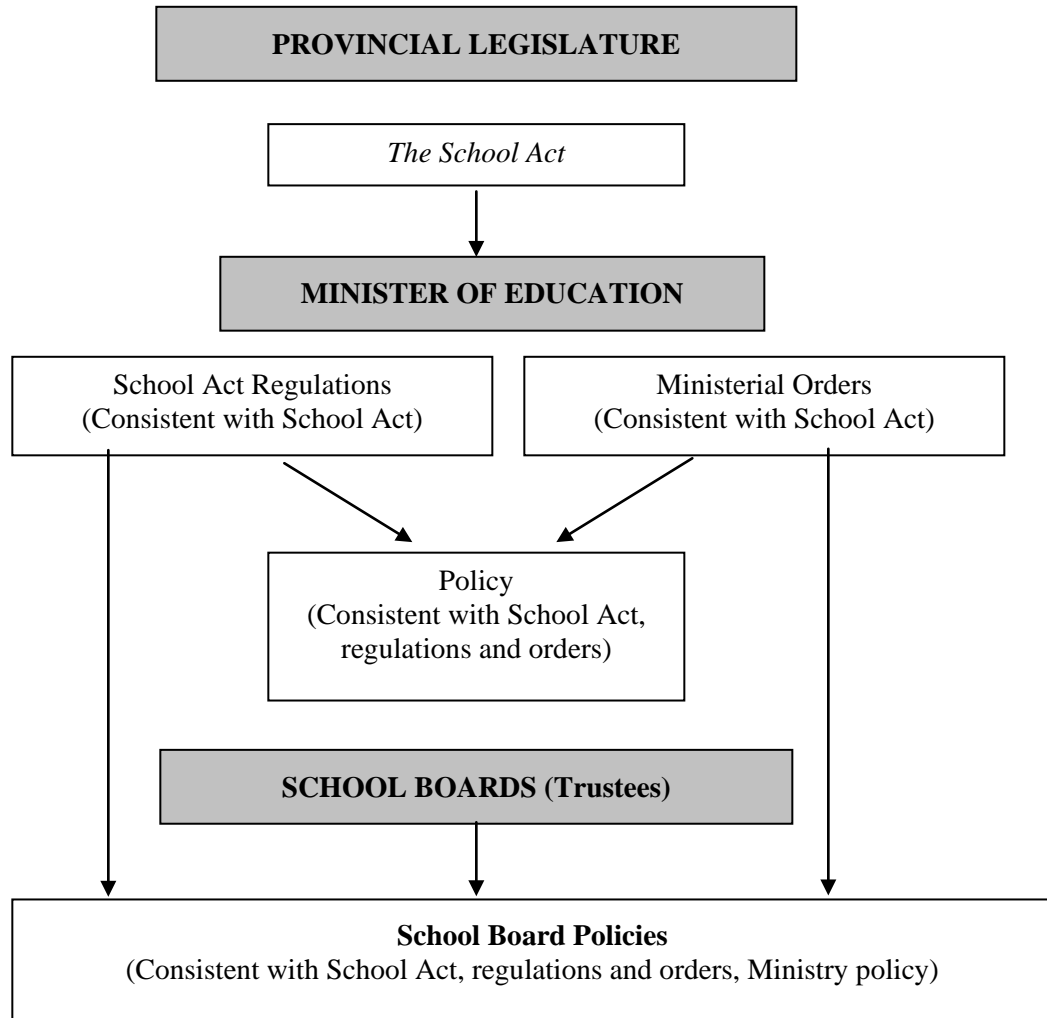
² In Europe the requirement to join a union to gain employment is illegal. Such *closed shop* practices are considered a contravention of human rights (freedom of choice).

Provincial authority for determining education policy is sometimes delegated to the 60 SDs and their Boards of Education comprised of elected Trustees. They may further delegate policy implementation to individual schools. This centralized-decentralized governance system of shared responsibility “consists of a loose connection of interlocking autonomies, sometimes interacting amicably but often not, organized in fragmented collectives (unions, trustees, principals superintendents, parents, First Nations) each advocating or defending something, often different things, all in the name of educational quality and for the sake of the kids” (Jago, 2006, p.22). There have been a number of provincial initiatives to restructure school governance systems in the 1990s (Fleming, 1997). As referred to later in this chapter, these initiatives needed to take into account the particular history and relationships between the Ministry, SDs, schools and:

- BC College of Teachers (BCCT)
- BC Teachers’ Federation (BCTF)
- BC Principals and Vice Principals’ Association (BCPVPA)
- BC School Superintendents’ Association (BCSSA)
- BC Public School Employers’ Association’ (BCPSEA)
- BC School Trustees Association (BCSTA)
- Boards of Education and their elected Trustees

The Ministry of Education policy and governance system is outlined in Fig. 1.1 below.

Figure 1.1 Policy and Governance in BC Public Schools



Note. Source: BC Ministry of Education Policy website

Class Composition: a Contested Concept

Class composition affects teaching and learning arrangements. The literature reveals no consensus in terms of optimal arrangements (Thrupp, Lauder & Robinson, 2002; p.483). However, the successful inclusion of students with significant disabilities

requires various organisational and teaching approaches. This important issue has been central to collective bargaining matters and is the priority in the 2009 BCTF Action Plan:

- To use every opportunity to advance class size and composition limits and supports for students with special needs.

The BCTF and collective bargaining

From its inception in 1917, the BCTF as a federation of local SD associations, increasingly organised SD bargaining units to influence government decision making with regard to teaching salaries, working conditions and class size and composition matters. The BCTF also encouraged local associations to organise as unions. By the 1970s, class size and teacher-pupil ratios provided key indicators of human resource allocation and working conditions. Local SD associations successfully lobbied governments to enhance BC's teacher-student ratio from 1:22.79 in 1970, to 1:16.2 in 2002. However, by the late 1980s, increasing student diversity and inclusive education policies contributed to the addition of class composition, as a key indicator of working conditions. The 1988 Royal Commission on Education (known as the Sullivan Commission) suggested that although class size was important, special needs learners were integral to any discussion regarding teacher's working conditions. Current dialogue thus concerns both class size and composition.

In response to a deepening recession and increasing education costs in the 1980s, the government imposed financial controls. 1983 legislation curtailed SD autonomy and increased class sizes (and therefore teacher layoffs). The resulting solidarity strike aggravated tensions between local associations, the Ministry and administrators. At the

time, teacher associations could only negotiate with school boards within the constraints of The School Act. However, a 1985 challenge based on clauses from *The Canadian Charter of Rights and Freedoms*,³ resulted in BC's social credit government of the time, implementing the 1987 Industrial Relations Reform Act and Teaching Profession Act. This attempted to curb local association powers and regulate teaching standards through establishment of the BC College of Teachers (BCCT). However, the government had not anticipated the 75 local associations becoming trade unions with full bargaining rights under the new acts. This contributed to *the school wars* (Kilian in Fleming, 2002, p.230) of the 1980s and continued disagreements over class size and composition matters.

As the Ministry developed twenty-nine branches and eleven Ministers of Education held office between 1980 and 1996, consistency, co-operation and co-ordination were a challenge. With the 1987 legislation working in their favour, localized collective bargaining concerning class size and composition matters consequently resulted in various agreements. In some SDs, this included class size limits, special needs limits, salary differentials, additional payment for extra-curricular activities and duty free lunch breaks (Fleming, 2002). As the BCTF increasingly co-ordinated bargaining at the local level, strike action was used to achieve equitable gains across SDs.

The Ministry attempts to regain control

In an effort to regain some control over the increasing costs of education, the government imposed a provincial bargaining system in 1994. The policy established the

³*The Canadian Charter of Rights and Freedoms*: Federal charter that guarantees the rights and freedoms as demonstrated by a free and democratic society. This includes *freedom of association* for workers to organise and collectively bargain.

BC Public Schools Employers Association (BCPSEA) and the BCTF as provincial bargaining agents for the employers and local unions respectively (BCPSEA, n.d.). Their inability to negotiate a provincial collective agreement, resulted in further legislation in 1998 and 2002. This aimed to improve the collective bargaining process and for the first time, provide a new public policy on class size and composition. As a result, class size and composition matters moved from BCTF bargaining, to ministerial control.

When the Liberals came to power in 2001, they attempted to change the balance of power from a majority teacher membership on the BC College of Teachers' (BCCT) council. In January 2002, they also removed a number of protections for students with special needs by eliminating class – size and special educator limits from the teachers' collective agreement. Further legislation in 2004 effectively overturned the successful BCTF appeal of the 2002 Public Education Flexibility and Choice Act. These moves escalated tensions between the BCTF and government, contributing to stalled negotiations when the legislated contract expired in June 2004, (Poole, 2007). Under the threat of strike action, the government hastily imposed a second consecutive contract for the period ending June 2006. BC teachers consequently took strike action in October 2005. Since their campaign continuously focussed on improving teaching and learning conditions for students, the teachers secured considerable public support and BC schools closed for two weeks.

A mediated agreement achieved \$100 million dollars worth of recommendations including provincial salary grid harmonisation, long-term disability benefit improvements and changes to The School Act with regard to class size and composition. Teachers

consequently returned to work and the BCTF agreed to take part in the *Learning Roundtable* that was set up to provide a new forum for representatives from the BCTF, trustees', superintendents' and principals' associations to consider class size and composition issues in particular. In June 2006, BCPSEA and the BCTF agreed the first ever provincial collective agreement. However, useful Roundtable discussions were limited and the BCTF has refused to participate since March 2009. Ungerleider (1996) suggests the BCTF has achieved unparalleled autonomy and influence. This contested philosophy, policy and practice of BC's public school system continues to be reflected in the debate concerning class composition matters in particular.

Bill 33 - 2006 Education (Learning Enhancement) Statutes Amendment Act

In May 2006, Bill 33 – 2006 Education (Learning Enhancement) Statutes Amendment Act (referred to throughout this thesis as Bill 33) suggested changes to The School Act that according to the Ministry (Ministry of Education, 2006) aimed to:

- Establish a balance between regulation of class size and flexibility of school organization that provides for optimal learning conditions available to learners.
- Set out decision making processes and regulations to ensure the integration of students with special needs is undertaken thoughtfully and the learning of all students is respected.
- Establish inclusive and transparent decision making processes so that teachers, parents and others affected are included appropriately while being respectful of privacy in school organization matters.

- Provide an accountability framework that ensures compliance with The School Act class size provisions.

The bill was prompted by the 2005 strike and years of disagreement, but there were also indications of worsening conditions following the 2002 legislation. Ministry data from 2005 showed that 18,263 classes had more than three students with special needs and 3,400 classes had six or more students with special needs. The BCTF attributed this to the loss of bargaining rights concerning class composition, specialist teacher ratios and supports for students with special needs (Naylor, 2005). Therefore initially, local teacher associations and the BCTF considered the bill a step in the right direction since changes to Section 76.1 of The School Act (see Appendix A) included class size and composition limits with particular reference to students with special needs as follows:

- Kindergarten to Grade 3, class size limits were unchanged with the exception of the limit of three students with special needs. District Kindergarten average size is 19 and classes are not to exceed 22. District Grades 1 to 3 average size is 21 and classes are not to exceed 24.
- Grades 4 to 7 class size average decreased to 28 from 30 and a limit of 30 students could only be exceeded with the consent of the teacher and approval of the principal and superintendent. The rationale for exceeding the limit must be made public.
- Grades 8-12 class size average remains at 30. There is a class size limit of 30 students. This can only be exceeded with teacher consultation and if in the opinion of the school principal and superintendent, it is appropriate for student learning. The rationale for exceeding the limit must be made public.

The implications for class composition (concerning students with special needs who under regulations must be provided with an Individual Education Plan) are as follows:

- There is a limit in each class and in all grades of three students who have an Individual Education Plan (IEP). The exception is the gifted category.
- The limit of three may be exceeded if in the opinion of the superintendent and the principal of the school, the organization of the class is appropriate for student learning. The teacher must have been consulted.

There are two possible reasons for the exclusion of the gifted category:

1. The need to reduce the numbers of students with special needs to achieve possible class size and composition organizations within existing resources. Ministry data indicates that removal of the 2% gifted students (BC average for the gifted) would suggest an average of 8% or two students with special needs in each class.
2. A possible assumption that gifted students do not add significantly to teacher workload (or at least add less than students with behaviour needs for example).

Within 15 days at the beginning of each school year, every school principal now must:

- Consult and obtain consent (Grades 4-7) from a teacher about exceeding limits.
- Consult with the School Planning Council (body of elected parent representatives for each school) with respect to the organization of classes.
- Provide the Superintendent with a proposed organization of classes that in the opinion of the principal is appropriate for student learning.

Prior to October 1 of each school year, the superintendent must prepare a report on the organization of classes to include a rationale for any class that exceeds class size and special needs limits, to be submitted to the Trustees and District Parent Advisory Council (DPAC). If new students with special needs are added to classes during the course of the year, the documented consultation process must be repeated.

Responses to the Legislation

Subsequent to the passing of the legislation there were mixed responses from educational stakeholders in the province (see Appendix B). Ministry data showed that because students with special needs are not evenly distributed among schools, exceeding the three student limit was more common in some schools than others. The Ministry also suggested there was increased spending on education in support of students with special needs since 2002 (see Appendix C). However, it is difficult to assess actual increases that take into account inflation and the ability of school districts to allocate education funding in different ways. This results in different perceptions explained as follows.

The BCSSA

In a report to the Learning Roundtable prior to Bill 33, the superintendents' association suggested the complexity of class composition involved multiple pedagogical and fiscal factors that may result in conflicting stances of equal integrity.

Class composition cannot adequately be understood by simply thinking in terms of students with special needs. For one thing, in many metropolitan districts there are large numbers of students with English as a second language who are not 'special needs' but

who require very specific support from the classroom teacher. In some rural areas, the same is true of First Nations students.

To understand class composition we must also appreciate that combined classes of two grades are increasingly the norm in elementary and are also not uncommon in elective courses at the secondary level. In both cases, this is more prevalent than in the past.

However, the main reason that class composition concerns are not simply a matter of the number of special needs students arises from the inadequacy of the concept of special needs in representing student diversity. The particular categories of need defined in provincial policy do not capture all of the special needs of students and some of those that are not represented by any Ministry funding category are the most challenging for teachers; for example, behavioural and mental health issues. Within the categories that are funded, the diversity of students is so great that some may require no support while others in the same category present significant challenges.

For those students whose challenges are adequately described by ministry funding categories, it is our experience that in many cases their challenges, frequently medical in nature, have become more severe and often multiple, than in the past. Thus, while the number of students in a particular category may not have increased, their needs and the cost of their support have increased in many cases because not only educational assistant support is required but also consultation and support from a resource teacher, speech pathologist, behaviour consultant and/or others. Such complexity of course, also implies more meeting and planning time, not to mention the paperwork that accompanies it (BCSSA, 2005, p.2).

The BCTF

Despite BCSSA (2007) claiming a significant positive effect with a 13% reduction in the number of classes with more than three students with special needs, the BCTF argued that Bill 33 failed to provide adequate conditions for teaching and learning. They reported increasing challenges due to multiple competing Ministry agendas and failure to align policies and classroom practices with an agreed vision of effective schooling for all (Naylor, 2005). They had concerns that the class size and composition limits were not ideal and that ratios for specialist teachers were not included in the legislation. By 2007, they were suggesting members not provide consent or consultation approval when both class size and class composition limits for the same class were exceeded. The December 2007 BCTF Report to the Learning Roundtable indicated the legislation “had not produced adequate learning conditions....more resources are required to support students with special needs” (p.1). A funding increase and more in-service training for teachers were required. The BCTF supports inclusive education. However, their reports indicate that inclusion and special education (and therefore class composition) are the two most significant factors that contribute to teacher stress (Schaefer, 2003).

Trustees and Parents

The BC School Trustees Association (BCSTA, 2007) noted negative impacts of the class composition policy due to time wasted for consultation, an inappropriate focus on students with special needs and loss of flexibility for schools. In a 2006 letter to the Ministry, school trustees from the research school district expressed concern over the policy being implemented without the funding necessary to achieve appropriate learning

conditions for all students. Some parents and community members regarded the policy as discriminatory. There were potential negative effects on students with special needs (Hansard, Appendix D). The singling out of any minority group could be perceived as unacceptable, particularly if there is an increased risk of students with special needs being refused access to some classes or schools (Steele, 2007).

BCPVPA and Special Education Administrators

In a 2007 brief to the Learning Roundtable, BCPVPA suggested the legislated timelines for consultation were time-consuming and onerous, particularly at the start of the school year. In 2008, members of the BC Administrators of Special Education (BCASE) reported differing impacts across school districts and schools and between secondary and elementary schools. This appeared to suggest challenges to the one size fits all approach. One administrator reported a reduction in the number of students with special needs being identified since Bill 33 was implemented. In their SD, Ministry data shows the percentage of students with special needs fell from 7.4% in 2006-06, to 6.6% in 2008-09. The administrator suggested this was due to attempts to keep the classes below suggested limits in order to avoid the need for consultation with teachers.

Grievances

A review undertaken by the Learning Roundtable in 2007, resulted in minor changes to the consultation requirements of the policy. There were subsequently seven SDs named in Bill 33 grievances. In 2008 the SD in which the research was carried out, was one of eighteen named. In 2009, a province wide grievance was formulated on the following grounds.

- What is meaningful consultation?
- What class size and composition is appropriate for student learning?
- Does section 76.1 apply to all classes, including special education classes?

In 2009, the BCTF took the position that all classes in the province were in violation of the spirit of the policy until the employer could prove otherwise. An arbitration award report published August 21st 2009⁴ indicated that 21 of the 81 representative classes in seven representative schools were in breach of The School Act due to inadequate consultation or reasonable opinion that classes were appropriate for student learning.

The Research Problem

As a consequence of this context and background, class composition continues to be a problem for teachers, schools and SDs. There are multiple pedagogical, economic and political factors that contribute to alternative stakeholder conceptualizations. For the purpose of policy development these must be described and constructed in ways that contribute to resolutions. Traditional, linear approaches to problem solving have tended to exclude the specific contextual and social factors that are fundamental to education policy implementation in this case. Alternative approaches that account for the differing perspectives in this context, needed to consider how well the policy was able to:

- End the teachers' strike.
- Address the problem of class composition as well as the problem of class size.

⁴Dorsey (2009a) BCPSEA/BCTF Labour Relations Code – Arbitration Award – Aug. 2009.

- Return the problem of class composition (and size) back to SDs.

The first was quickly achieved, but SDs continue to address class composition issues.

In trying to manage the problem through legislation, it was assumed that class composition limits would rationalize teachers' workloads and reduce the number of BC classes with more than three students with special needs. The reduction in the number of classes was also anticipated due to the generally declining enrolment and overall reduction in the number of classes since 2005. However, by the 2008/09 school year the number of these classes had actually increased over the 2005/06 total as shown below.

Table 1.1
Number of BC classes with 4 + students with special needs

BC Classes	2005/06	2006/07	2007/08	2008/09
with 4+ IEPs	10,942	9,557	10,313	10,985

Note. Data from Ministry Summary Organization of Classes Reports 2006-2009

The research problem therefore concerns the need to investigate the actual and perceived impacts of Bill 33, on SD and classroom practices. The aim is to make recommendations for future policy implementation concerning class composition. Given the research limitations and reported differing outcomes between elementary and secondary schools, the research is focussed on six elementary schools in a single mid-sized urban SD. Class composition is of particular significance in elementary schools since class teachers remain with the same group of students throughout the school day. Reported impacts on secondary schools are known to be somewhat different and therefore beyond the scope of this study.

Research Questions

Considering the background and context, the main research question is therefore:

- *What are the actual and perceived impacts of Bill 33- 2006 Education (Learning Enhancement) Statutes Amendment Act on special education in six elementary schools in a mid sized urban school district?*

Two sub questions also guide the research

1. What are the actual financial and organizational impacts for the SD and schools as a result of the implementation of the 2006 class composition policy?
2. What are the special (inclusive) education impacts in the case study SD and schools as perceived by teachers and administrators?

The research draws on both quantitative and qualitative data that contributes to improved understanding of class composition policy in this case.

Research Significance

The research is of significance to both education and policy studies. How class composition is managed in ways that improve the quality of learning for all students and teachers is of significance to all those involved. Since teachers and schools are held accountable for every student's achievement, class composition matters contribute to ongoing debates regarding school reform and school effectiveness. The significance to policy studies concerns the gap that research has demonstrated exists between policy as legislation and its actual impacts in practice (Pressman & Wildavsky, 1984). In current education contexts in particular, traditional policy processes may be inappropriate for

resolving complex problems. Instead, the research contributes to contemporary policy models established “out of the history, traditions, attitudes and beliefs of people encapsulated and codified in the terms of alternative policy discourses” (Howlett & Ramesh, 1998, p. 468).

The research focuses on investigation at the level of teacher and school contexts that has largely been missed in traditional implementation research (McLaughlin in Honig, 2006, p.218). This aims to account for the contextual complexity and competing interests apparent in existing policies and practices. For example, when BC’s school accountability system is based on measuring, comparing and ranking students and schools according to Foundation Skills Assessments, students with special needs may be considered liabilities (Froese-Germain, 2004, p.5). When the BC Minister of Education proposes schools of choice and provincial schools to service autistic students or first nation’s children, administrators, teachers and parents are confused by what appears to be a return to segregated schooling. When Bill 33 singles out students with special needs as a means of managing teacher workload, teachers wonder why the policy does not concern English Language Learners (ELL), parents wonder why special education teachers and teaching assistants (TAs) have been excluded from the legislation and administrators wonder why there are no resources for implementation.

In this case, there is also a reported tension between the inclusion policy and intentions of Bill 33 particularly for schools with a high special needs ratio (Hansard, 2006, p.4435; Steele, 2007). Students with special needs are not evenly distributed across schools, yet all schools must be both inclusive and subject to the same

class composition regulations. Since inclusion is an internationally accepted value and goal for schooling, any compromise would need to be considered as a backward step (Terzi, 2005). Research into the impact of this policy therefore has the potential to consider the bill's alignment with the inclusion policy that is also part of The School Act.

The research is potentially significant in being able to consider these associated challenges to special education as related to class composition policy. New knowledge and understanding aims to contribute to the ongoing debate.

Overview of Methodology: Mixed Methods Case Study

Traditional policy studies effectively examined the intended outputs of policy and fidelity of implementation without considering how they both shape and reshape contexts through policy intermediaries (Marshall & Patterson, 2002). In this case these are SDs, schools, teachers and administrators (Spillane, 1996; Weaver-Hightower, 2008). More contemporary policy implementation research confronts such complexities. It remains open to discovering meaning from participants through thick descriptions (Geertz in Cresswell, 2007, p.99; Foley, 2002) and grounded theory (Glaser & Strauss, 1967). This enables improved understanding of optimal conditions and effective strategies for policy implementation.

A mixed methods case study with ongoing thematic analysis thus aimed to uncover the intricacies and inter-relationships between the variables that provide new knowledge. This included document analysis of Ministry of Education, Hansard and SD class composition reports, BCTF, BCSSA, parent group and other reports pertaining to Bill 33. Participant observation with the researcher also being the SD's special education

administrator, provided a unique opportunity to investigate a *purposive sample* of six elementary schools (Stake in Denzin & Lincoln, 2005, p.451). The researcher's field note diary provided additional records and reflections of the *lived experiences* of those involved (Carsprecken, 1996; Walford, 2001, p.71; Yin, 2003). Selected schools in the single SD had both high and low special education ratios in order to provide comparative data. Semi-structured interviews with the schools' six principals and seventeen teachers selected according to their having more than three students with special needs in their classes, were also analysed.

The research context reflected social, political, economic and educational changes. McLaughlin (1987, p.171) has suggested that policy alone cannot always mandate what matters in schools. However, policy makers can contribute to the development of special (inclusive) education (Pjil & Frissen, 2009, p.373). This requires policies that provide clear expectations for schools, the removal of any potential barriers inherent in regulations or funding arrangements, and support for teachers who are ultimately responsible for student learning (Ainscow, Booth & Dyson, 2004, Pjil & Frissen, p.374). The following chapter outlines associated theories related to policy implementation, special education and problem solving in complex education systems.

CHAPTER 2

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

In order to understand the development, context and impacts of class composition legislation, it is necessary to provide a theoretical overview of policy implementation and special education in particular. The essentially contested concept of class composition (Gallie, 1956) inherent in the wicked problem (Rittel & Webber, 1973) of policy that effects special education, was used as a conceptual framework for the research. The following literature review relates to each of these three parts.

Part 1: Policy

The Relationship between Public Policy and Education

Modern education systems reflect their political, economic and social systems. The changing education system from what was historically education for the elite to the current compulsory education for all, reflects the changing nature of society. In democratic societies, policies influence rather than force change. They reflect the values and philosophies of government as elected by the people. Notions of equality, liberty and freedom are important in modern liberal societies. Liberal democracy is therefore a great philosophy of social inclusion (Taylor, 1998, p.143). However, it can be difficult to accommodate the needs of both individuals and society more generally. How education policies influence practices for both individual students and for inclusive schools, is therefore an ongoing challenge.

Prior to the 1980s, the main goal of BC education focussed on maintaining social order and harmony for the public good (Fleming, 2003). The more recent influences of modernity and globalisation have contributed to an increasing emphasis on the development of individual human capital for economic gain. Education systems have responded with various reform agendas. Emerging crowded policy domains with multiple and often competing agendas, contribute to resulting fragmentation and incoherence within the policy framework (Honig, 2006). Tensions between traditional centralized, top-down decision making and de-centralized, bottom-up decision making, can leave stakeholders confused. Trends towards consumer choice, competition, autonomy and improved educational standards (Halsey, Lauder, Brown & Stuart-Wells, 1997; Fallon & Paquette, 2008), can also result in the marginalization of students with special needs (Ainscow, Booth, Dyson, Farrell, Frankham, Howes & Smith, 2006; Allan, 2003).

Policy changes since the 1988 Royal (Sullivan) Commission on Education, reflect changes in thinking about how to achieve high quality education for all students. *Year 2000: A Framework for Learning* (Ministry of Education, 1990) outlined key goals to improve the quality of education and enable all learners. Since 2000, additional policies and legislation including Diversity in BC Schools, 2001; A Future for Learners, 2002; The Public Flexibility and Choice Act, 2002, have contributed to a range of initiatives including increased parent participation and SD autonomy, improved assessment practices and SD achievement contracts. Changes to the funding formula have also contributed to a debate concerning a perceived reduction in funding and supports for students with special needs (White, 2008). Competing norms, values and interests challenge Ministry policy decisions to realize their goal of creating a world-class

education system. How BC teachers respond to resulting policy initiatives “depends on their shared history of practice” (Coburn & Stein in Honig, 2006, p.26).

What is good Educational Policy?

A policy is a deliberate plan of action to guide decisions and achieve rational outcomes. It differs from rules or law since it can merely guide action towards explicit goals. Policy development typically occurs to avoid a negative effect and/or seek a positive effect. Policies are essentially determined to address perceived problems through recognition of the need for controls, efficiency and use of knowledge. Matland (1995, p.154) defines policy as “the programmatic activities formulated in response to an authoritative decision.” Guba (1984, p.64) considers eight definitions as follows:

- An assertion of intents or goals
- An accumulation of standing decisions of a governing body
- A guide to discretionary action
- A strategy undertaken to solve or ameliorate a problem
- A sanctioned behaviour
- A norm of conduct characterized by consistency and regularity
- The output of a policy making system: the cumulative effect of all actions
- The effect on the client of the policy making and implementing system

These eight definitions incorporate three policy types: policy as intention, policy in implementation and policy as experienced (Guba,1984). Each must have clear policy goals tied to appropriate resource allocation and a means of determining their impact on other policies and practices. Cumulative and confounding policies, with different goals, assumptions, philosophies and governance, create dilemmas, conflicts and ambiguity (Marshall & Patterson, 2002). More ideally, coherence between policy makers (the government), governance systems (SDs) and school practices (teachers) produce a sense of community and directional unity in a way that can have a positive impact on achievement for all (Hofman, 2002).

Policy making processes are complex, with pressures on governments, effects of lobbying, crises and changes that effect the policy maker's ability to use evidence based policies and practices. Policy makers ideally take a long term perspective so ideas and changes have time to percolate through the political process (Levin, 2003, p15). Once a policy is agreed, compromise and circumstance continues to challenge the implementation process (Pressman & Wildavsky, 1984). Bargaining and negotiation contributes to the implicit and explicit purposes, direct and indirect, intended and unintended consequences (Ball, 1998; McLaughlin, 1987).

The BC Ministry has three different kinds of policy apparent in this case:

- The *musts*, which require compliance. For example, The School Act now requires the school principal to consult with class teachers where there are more than three students with special needs in a class. This is mandatory policy that must be followed. Ministerial Orders are also mandatory and must therefore be followed.

- The *shoulds*, which encourage or provide incentives. For example, Bill 33 now requires the school planning council (SPC) to consult the wider community on the organisation of classes. These like the *mays* are discretionary guidelines.
- The *mays*, which are enabling. For example, if authorized by the principal, the vice principal may perform any duties under sections 76.1 of The School Act.

Problem Definition in Policy Analysis

Policy development starts with the definition of a problem that identifies the difference between existing and desired situations. Problem definition requires analysing and communicating the policy options available to solve the problem (Weimer & Vining, 2005). The analysis must take into account multiple perspectives in order to avoid overlooking other relevant goals that in this case for example, might need to focus on student learning in inclusive classrooms. Definitions that neglect such important dimensions, limit understanding and risk increased problems in implementation. A focus on strategies rather than goals, similarly limits alternative options for consideration.

In this case, the BCTF and Ministry compete to control the problem of class composition. The desired situation is to balance or reduce the problem of class composition, as the assumption is that this will improve student learning and teacher workload. However, the context is one of increasing student diversity and there may be little evidence to suggest that the strategy of counting students with special needs would provide a feasible and effective long term solution. An alternative definition in this case could concern the perceived gap between the resources invested in support of students with special needs and classroom demands.

Policy Analysis and Evaluation

Policy analysis is a socio-political activity that contributes to understanding the conglomeration of political interests, values and attitudes, resource and bureaucratic issues that require investigation in pursuit of more creative solutions. The process of policy analysis (Bardach, 1996; Geva-May, 2002), typically involves problem definition, identifying criteria that will promote successful remediation of the problem, exploring and analysing alternative solutions using the agreed criteria, selecting and implementing solutions. The policy implementation process should include evaluation in order to identify both intended and unintended outcomes.

However, the traditional rational process of problem - research – solution-implementation - evaluation (Lasswell, 1951 in Weaver-Hightower, 2008) may fail to account for contextual variables that give rise to side effects or unintended consequences. This is particularly the case in complex systems such as education where teachers use their professional judgement to discern what is appropriate for students. Confounding research arising from different goals, theories and philosophies, also contributes to tensions that may paradoxically compromise policies aiming to promote school improvement (Marshall & Patterson, 2002). Policy overload, fragmentation (Spillane, 1996; Stone, 2002) and ambiguities (Honig, 2006) result.

“Recent trends in the development of education policy signal the importance of re-examining what we know about what gets implemented and what works” (Honig, 2006, p.1). This arguably reflects the changing context with increasing student diversity (Ladson-Billings & Tate, 2006), associated development of inclusive education (Jeffer &

Smith, 2008; Skrtic, 1995; Slee, 2001), school reform demands (Apple, 2001; Ferguson, 2001) and accountability trends (Hopkins & Levin, 2000; Levin 2001) that have resulted in multiple policy initiatives. In such complex contexts, policy and governance systems need to provide participation, accountability, coherence and effectiveness (Goedegebuure & Hayden, 2007). The use of both top-down and bottom up considerations aims to maximize transfer to practice (Hargreaves, 1999; Honig, 2001; Marshall & Patterson, 2002; Pressman & Wildavsky, 1984; Sabatier, 1999).

The success of any policy in the current context is increasingly dependent upon socio-cultural inquiry and co-construction that takes into account the interactions between the policies, people and places that shape its implementation (Honig, 2006; Yanow, 2007). For “policy is both text and action, words and deeds: policy as practice is created and its effects need to be understood in context” (Ball, 1994 p.10).

Policy Implementation

In BC, the frequent policy changes and political conflict over the last 20 years has resulted in a poor policy implementation environment with tensions that have arisen due to differing value systems (Grimmett & D’Amico, 2008). This has increased the potential for unintended consequences as *street-level bureaucrats* disagree over the conceived purpose and intent of any policy (Weatherley & Lipsky, 1977, cited in Honig, 2001, p.6; Marshall & Patterson, 2002; Lipsky, 1980). In this case, school districts, teachers and administrators are policy intermediaries (Anyon, 2005; Hamann & Lane, 2004; Coburn in Honig, 2006) influencing the way in which implementation occurs in local practice. In a comprehensive review of the literature, Odden (1991) concluded that

local responses were inherently at odds with policy initiatives and it was unlikely local educators would implement policies in compliance with either the spirit, expectations, rules, regulations or program components. This is apparent from research evidence demonstrating that inclusive education has not been realized even when it was an explicit policy aim (Clark et al., 1999; Fulcher, 1989; Slee, 2001).

Fullan (2003) suggests that change knowledge and tri-level development at provincial, district and school levels is required for education policy implementation to be successful. He suggests good policies and implementation processes should include:

- Clear moral purpose
- Getting the basics right
- Communicating the big picture
- Intellectual accountability
- Capacity building
- Financial investment
- The long lever of leadership

Honig (2004) also emphasizes the need for policy coherence involving schools and districts working together to continually negotiate the fit between external Ministry demands and local contexts of practice. Ongoing evaluation of policy implementation must also take notice of the potential confounding effects as new policies interact with

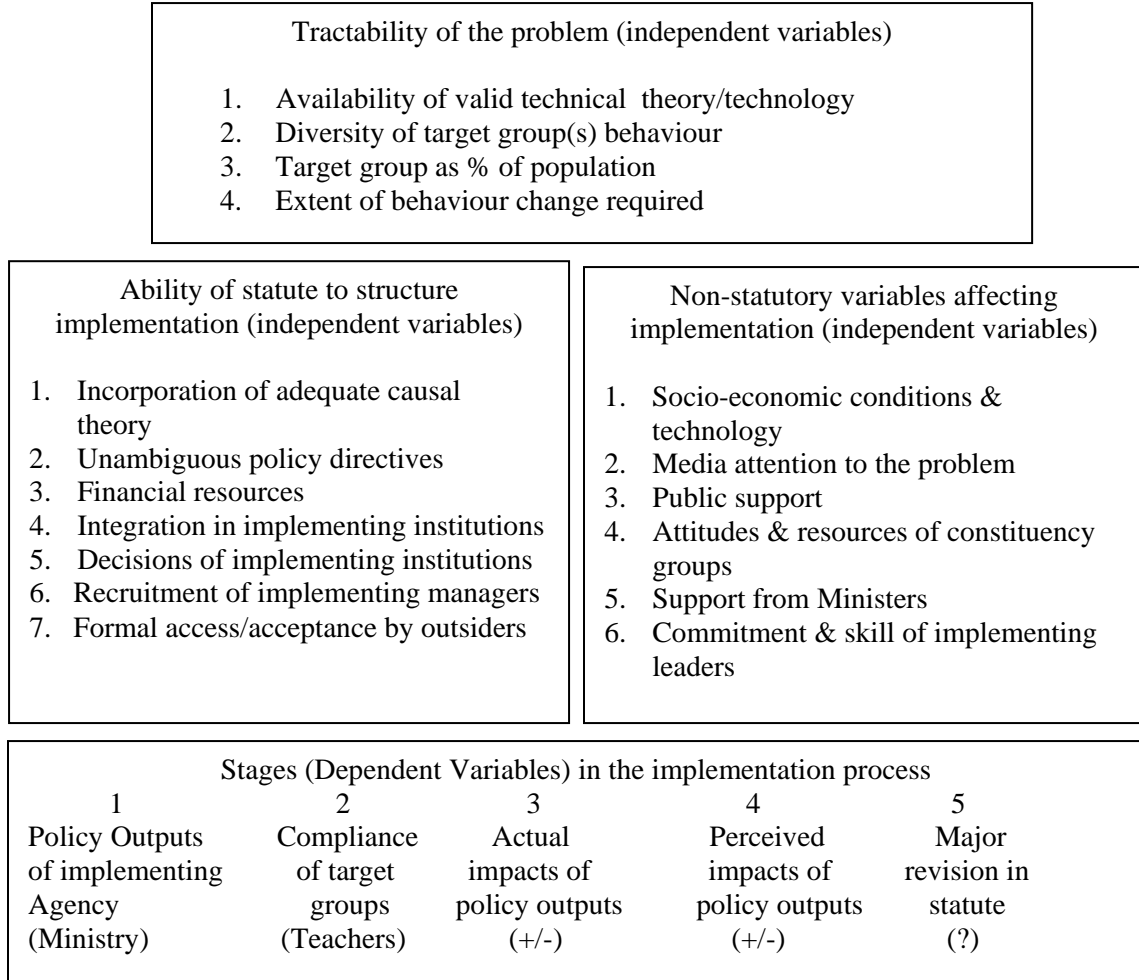
existing ones. Thus while class composition policy may be introduced at the Ministry level, there needs to be an implementation plan (Stoker, 1989) and investigation at the school level in order to determine local understandings and effects on other policies such as the special education policy in this case (Jeffs & Smith, 2008). SDs and schools are organizations with particularly ambiguous goals and loosely connected structures that Ministry directives must take into account to avoid incoherency in the policy framework (Hopkins & Levin, 2000). This indicates a need to refocus implementation research (Spillane, Reiser & Reimer, 2002; Stone 2002) with consideration of more “discursive, deliberative and interpretive” approaches that take better account of local contexts (Fischer, 2003, p.17; Gale, 1999; Knoepfel, Larrue, Varone & Hill, 2007; Yanow, 2007).

According to Checkland and Howell (1998) policy making in complex social systems demands a clear understanding of the needs of clients (students), implementing actors (teachers and administrators), likely transformations (intended and unintended consequences), ‘worldview’ of likely perceptions by different people, the policy “owner” (Ministry) and the environment in which the policy operates. Five evaluation criteria may be used to determine efficacy, efficiency, effectiveness, elegance and ethicality.

Sabatier and Mazmanian, (1980) suggest a policy implementation framework identifying variables for effective policy implementation as outlined in Figure 2.1 below. As indicated in the framework, the actual and perceived impacts of Bill 33 legislation are dependent upon its theoretical basis, the support and behaviour of participants and the resources necessary to support successful implementation. Given the history of class

composition in the research context and the lack of resources to support implementation, the compliance of the BCTF target group, was perhaps questionable from the outset.

Figure 2.1 Variables in the Policy Implementation process



Note. Taken from Sabatier and Mazmanian (1980 p.542)

Sabatier and Mazmanian (1980) also suggest five key questions for consideration of effective policy implementation. Applied to Bill 33 these are as follows:

- Are the policy objectives clear and consistent?

- Does the policy incorporate sound theory that identifies principal linkages affecting policy objectives?
- Does the policy change the target behaviours of the target group (teachers)?
- Do implementing agencies (SDs and schools) have sufficient jurisdiction over target groups (teachers)?
- Is implementation structured to maximize probability of co-operation?

These evaluation criteria and questions are reviewed in Chapter 5 to consider how well Bill 33 class composition policy meets these criteria for effective policy implementation.

Policy Implementation as Organizational Learning

Studies of policy implementation have been slow to integrate the theoretical frameworks of social constructivism, interpretive and cultural analyses of organizations that provide insight into the multiple perspectives of stakeholders in the implementation process (Harris, 2007; Stein, 2004; Yanow, 2000). Honig (2006, p.130) suggests that policy implementation should evolve as organizational learning through supportive rather than regulatory processes. Fullan (2003, p.71) concludes that for any type of policy to have a positive effect, there must be understanding and knowledge of organizational change. This requires deep commitment and capacities on the part of teachers and administrators, with informed policies that account for the complexity of educational reform. Change in school systems is difficult. Research suggests this is only possible where there is a positive school culture and effective leadership (Hopkins & Levin, 2000) shared vision, systems thinking, team, personal and organizational learning (Senge, 2000).

In order to achieve systemic reform there needs to be *joined up thinking* (Jeffs & Smith, 2008, p.2) between inter related aspects of the organisation. In this case, this concerns alignment of the inclusion policy with Bill 33. It also concerns the differentiated curriculum and support for students with special needs in classrooms. Such a framework needs to focus on student learning, with changes in teaching practice that provide clarity and coherence in the minds of teachers. Coherence is provided by building the capacity of teachers and the school as a learning organization and through policy alignment that is vertical and horizontal (Honig, 2006).

In many ways, the process of policy implementation is thus similar to the processes of systems thinking and organizational learning (Checkland & Howell, 1998). They each arise to solve a problem. They require a vision and an action (implementation) plan that accounts for the stakeholders in context. They must account for the complexity of the context and the need for participant collaboration (Fullan, 1999, p.13). There must be some form of ongoing evaluation to secure and sustain change in practice. Stakeholder skills, and resources to implement the agreed plan will likely be required to sustain change in practice. In this way “systems thinking enables people.... to engage in the craft of conceptualizing systems theories about the interdependence in any settingthere is integrity....there’s something integral in the core idea that manifests at all different levels and can be seen from all different angles....there are powerful reasons to appreciate cross-disciplinary practices like systems thinking” (Senge, 2000; p.562). Systems thinking and organizational learning are further considered in the following two sections related specifically to special education policy and the conceptual framework.

Part 2: Special Education Policy

The range of special education literature includes meta-analyses as well as small-scale case studies generally suggesting that special education policy is increasingly aligned with inclusive education (Ainscow et al., 2006; Lupart, 1998). For this reason, a more contemporary model will be denoted in this research as *special (inclusive) education*. However, inclusive education is also increasingly conceived as related to all types of student diversity and all students (Ainscow et al., 2004; Clark et al, 1999; Jeffs & Smith, 2008; Norwich, 2008). The related concept of class composition is similarly open to different interpretations as discussed in the following two sections.

A Traditional Model of Special Education

The concept of special education has a particular historic frame of reference that uses the notion of difference to identify students according to categories of disability (Tomlinson in Skrtic, 1995). The problem is that this deficit based, historically framed knowledge may be unfounded. Such classification in the way that the BC Ministry identifies twelve special education categories turns children into subjects for investigation and treatment rather than promoting their normalization (Armstrong & Barton, 2007; Ferguson, 2001). In the case of Bill 33, it also allows the gifted population to be singled out for alternative treatment. Skrtic (1995) considers this power-knowledge relationship as a pathological organization that raises questions about the practice of special education and the need to reconstruct its knowledge, practices and discourses. This exposes its foundations and calls into question practices which Senge (2006) considers the “learning disabilities of special education” (p.17).

Historical arrangements for children with disabilities and others with special needs traditionally resulted in exclusion, discrimination and segregation from mainstream education and peers (Allan, 1999; Ferguson, 2001). More recently, it has been realized that this was detrimental to their learning both socially and academically (OECD, 2003; Sailor & Roger, 2005). It is also neither cost effective nor able to overcome the barriers to learning and participation that have since prompted the development of inclusive education (Ainscow et al., 2004; UNESCO, 2000). There continue to be proponents of segregated schooling from advocacy groups demanding access to improved resources. However, a more general change of thinking reflects human rights legislation and legal challenges that have resulted in changes to the language used. The United Nations has had particular impact in transforming thinking through initiatives such as:

- United Nations (UN) Universal Declaration of Human Rights (1948)
- UN Declaration on the Rights of the Mentally Retarded (1971)
- UN Declaration on the Rights of the Disabled Persons (1975)
- UN International year of Disabled Persons (1981)
- UN Convention on the Rights of the Child (1989)
- UN Rules on Equalization of Opportunities for persons with Disabilities (1993)
- UN Human rights commission Resolution (2000)

The Salamanca Statement on Special Education, further promoted the inclusion of students with special needs as part of a more general philosophy regarding diversity as the major global challenge in schools (UNESCO, 1994). The statement suggests:

- Education systems should be designed and educational programs implemented to take into account the wide diversity of these characteristics and needs.
- Those with special needs must have access to regular schools that should accommodate them within a child centred pedagogy that meets their needs.
- Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

(Salamanca Statement – UNESCO 1994)

Given the increased human diversity that results from globalization and medical advances, Skrtic (1995) suggests a reconstruction of special education for post modernity that focuses on moral development, excellence, equity and adhocracy. Equity does not imply equality of aptitudes, achievements, incomes or social status but rather that everyone deserves recognition, respect and participation. Adhocracy implies that different children will require different approaches to learning according to their skills, aptitudes and interests. Children also need to practice democratic life as much as they need to acquire literacy and math skills. Such a vision and purpose of schooling is proposed by UNESCO's (1996) four pillars of learning (to know, to do, to be, to belong). This goes beyond traditional conceptions of knowledge acquisition for economic gain. It

is the *being* and *belonging* that is also central to democratic life and changes in thinking about special education (Slee & Allan, 2001).

Inclusive Education

The philosophy of inclusive education was derived from both human rights and disability movements, but inclusion as a universal value has application in social, economic and political systems beyond special education. It concerns collaboration, egalitarian reciprocity and understanding of global citizenship (Benhabib, 2002) towards a more caring world respectful of diversity (Frazer, 1996; Noddings, 2002). This reflects changes in thinking about the economic and social needs of 21st century post industrial societies towards theories of social justice and social integration (Popkewitz et al., 2000; Rawls, 1971). A socially accountable learning society has a focus on equality, liberty and democracy that needs to be embedded in our purposes of schooling (Halsey et al., 1997).

However the dynamic of democracy also mediates towards exclusion (Taylor, 1998, p.148) resulting in tensions between the need to meet the needs of some minority groups while at the same time addressing the needs of all. This is particularly apparent in special education where some parents or teachers may lobby to secure resources and arrangements to the potential detriment of others. Resulting tensions reflected in Ministry decision making have resulted for example, in increased financial support for separate facilities for students with autism and learning disabilities, at the same time as budgetary constraints result in some school districts having to cut the number of teaching assistants (TAs) they employ in support of students with autism and learning disabilities.

There is no single understanding of inclusion within a single country or a single school (Booth, 1995). However, Thomas and Loxley (2001, p.119) suggest: “Inclusion is about providing a framework within which all children – regardless of ability, gender, language, ethnic or cultural origin, can be valued equally, treated with respect and provided with real opportunities at school.” This increasing student diversity challenges the delivery of teaching and learning. Teachers report increasing numbers of students entering school unable to speak English and students with behaviour or mental health challenges that they have not been trained to teach. As teachers adjust their instructional practices accordingly, Wedell (1995) suggests governments need to:

- Review existing policies and practices to promote consistency.
- Enhance existing policies and practices to ensure that they address diversity.
- Develop or implement new policies and practices to address the diverse needs of the people now served by the school system .

Wedell (1995) criticizes policy developments which, on the one hand recognize and accept diversity in schools, but which fail to initiate, plan or even recommend any restructuring of schools in support of current class composition. He referred to this as grafting inclusive education onto a system that could not accommodate it.

Sen (1997), suggests providing equal access to basic capabilities such as the ability to be healthy, well fed, housed and integrated into the community, including the school community. This approach reflects the *United Nations Charter of Human Rights*. According to both Sen (1997), and Rawls (1971) theory of social justice, the goal of

equal access to basic capabilities, requires biased resource allocation in favour of the disadvantaged. Resource allocation is therefore an important policy tool in promoting the goal of equitable and inclusive provision. Highly skilled human resources are essential.

In inclusive classrooms, the classroom teacher has overall responsibility for designing, implementing and evaluating each student's educational program. Specialist teachers and TAs are necessary collaborators in this process. Skilled classroom teachers, specialist teachers and TAs require ongoing training and support in order to meet the demands of students who may require significant levels of curriculum differentiation. As student diversity increases, the demand for curriculum differentiation also increases. This is a more diverse and demanding skill set than previously required. Ainscow et al., (2006, p.15) suggest this is reflected in a six point typology of inclusion as follows:

1. Inclusion concerns students with disabilities and others with special needs.
2. Inclusion is a response to disciplinary exclusion (negative behaviour).
3. Inclusion relates to all groups seen as being vulnerable to exclusion.
4. Inclusion is a means of developing the school for all.
5. Inclusion is a value system promoting Education for All.
6. Inclusion is a principled approach to education and society.

This provides a developmental sequence reflecting trends from early conceptions of special education to more contemporary models concerning all types of diversity. The more contemporary model considered at the higher levels of Ainscow's typology, requires alternative organisational systems. A comparison of special and inclusive education is outlined in Table 2.1 below.

Table 2.1 Comparison of Special Education and Inclusive Education

Comparison	Special Education	Inclusive Education
Theories	Largely from medical profession e.g. DSMIV criteria Categories, mainstreaming and integration theories Diagnosis and treatment towards <i>normalization</i> Medical diagnoses orientation	Vygotsky (1978) Mind in Society Sen A. (1997) Development as Freedom Ainscow M. (2001) Inclusive Ed. Social inclusion promoted Equal opportunities and social justice orientation
Assumptions	<ul style="list-style-type: none"> - Medical approach - Pathological - Deficits within the child - Handicapped categories focus 	<ul style="list-style-type: none"> - Social approach - Learning environment barriers - Deficits in the system - Level of support focus
Model	Medical Model struggles with Diversity Remediation focus – <i>normative</i> Special Education Manual	Social Model welcomes Diversity Socially constructed knowledge Pluralist society Inclusive Education
Tools	<ul style="list-style-type: none"> - Standardised tests - Predominantly psychometric - Assesses deficits from a norm - Assessment of learning 	<ul style="list-style-type: none"> - Criterion referenced assessment - Teacher produced assessment - Assessing the potential to learn - Assessment for/as learning
Practices	Segregation of learners into special facilities, classes, groups Organization of services by disability or level of incidence categories	Includes all learners and reorganizes support for everyone Organization of services by determining levels of support needed
Pedagogy	<ul style="list-style-type: none"> - Limited pedagogical possibilities according to specific disability groups - Special teaching for special children - Learning focus on curriculum with <i>normal</i> expectations - Defined curriculum with pre-determined learning outcomes (Prescribed Learning Outcomes) 	<ul style="list-style-type: none"> - Pedagogy of possibility, taking into consideration barriers to learning - Multiple intelligences - Universal Design For Learning - High expectations, diverse learning opportunities for all - Flexible curriculum with Differentiated instruction - Multiple learning outcomes

Note. Based on O'Brien (2001, p.108)

The Evolution of Special Education in BC

Despite the vast literature in support of inclusion, no Canadian province has a fully inclusive system (Naylor, 2005). Changes in societal thinking about special education systems outlined by Andrews and Lupart (2000) include a description of 19th century Canadian segregated schooling typical of the medical model of disability outlined in Table 2.1 that continues to pervade BC arrangements. Increasing categorization of students during the 1960s resulted in a delineation of low incidence students with serious disabling conditions. At the same time, students with milder forms of special needs began to find themselves in separate classes but not necessarily in special schools. In the 1960s and 1970s, 97% of students were regarded typical learners and 3% were in institutions and special programs (Lupart, 1998). Notions of *integration* during the 1970s resulted in trends towards *mainstreaming* in the 1980s and in the 1990s previous special schools and classrooms were closed, as *inclusion* became the agreed way ahead.

The special education manual outlines the policies, procedures and guidelines for BC schools. It refers to the concept of inclusion and a model of special education based on diagnoses to determine eligibility for funding and services. The manual provides guidelines for the use of school based decision making processes, IEPs, parent participation and the roles and responsibilities of Learning Assistance Teachers (LAT), other specialist teachers such as counsellors and psychologists, and TAs. The concept of class composition is not considered in the manual despite a number of revisions. This is perhaps due to its previous history being embedded in collective agreements. Ministry personnel, without the need for legislation, update this manual frequently.

The concept of inclusion was embedded in special education policy following the Special Education Policy Review in 1993-1994. With renewed emphasis on educating all students in their neighbourhood school with age level peers, the concept of disability became less to do with a child's deficit (Lunt & Norwich, 1999) than society's and schools' inability to provide appropriate support. However, with increasing tensions between the demands for school accountability, excellence and equity, there is a continued separation of regular and special education (Sailor & Roger, 2005). There are also potential risks in the increasing use of TAs instead of specialist teachers, that may diminish the quality of teaching and learning for students with special needs. However, the development of two year training programs for TAs in BC colleges (Capilano, Douglas, Kwantlen, Langara) arguably provides more intense special education training than is currently available to most trainee teachers.

A subsequent Special Education Review (Siegel et al., 2000) found that resistance to and misunderstanding of inclusion remains. Progress with the 47 review recommendations remains unclear, and there is little evidence of the Ministry implementing an action plan. 2002 BCTF conducted research in two school districts identified an under resourced education system that struggled to meet exceptional students' needs. Schaefer (2003, p.3) reported, "factors causing the most high stress include class composition...and the inclusion of students with special needs." Lee (2004) also concluded that after accounting for changes in enrolment and inflation, K-12 education funding in 2003-2004 was lower than at any point over the 1990-2004 period. The BCTF have consequently suggested that the most significant issue and the area where the public schools have most difficulties right now, is special education.

The Objectives and Requirements of BC Class Composition Policy

The parliamentary debate during the second reading of Bill 33 referenced a broad conception of special needs: students with socio-cultural differences, English Language Learners (ELL) and “grey area students” (Hansard, 2006, p.4401) who have special needs without a Ministry category. It also raised the possibility of the consultation process requirement having the potential to create conflict between teachers and administrators (Hansard 2006, p.4437). A further debate concerned the need to include the roles of specialist teachers and teaching assistants (TAs) before a councillor warned: “Our whole ability to be inclusive could be at risk with this bill” (Hansard 2006, p.4435). Neither specialist teachers nor TAs is referred to in the Bill 33 legislation, yet arguably, they are central to the support arrangements for classroom teachers and for all students.

The class composition policy is part of policy that also concerns class size. The research on class size effects concludes that small positive effects can only be identified in early grades (Fleming, Toutant & Raptis, 2002) but class composition research is more difficult to find (Farrell, 2000). BCSSA (2005) suggest that class composition effects concerning students with special needs are of greater significance than class size effects. A Manitoba report on class size and composition concluded that neither provincial nor collective bargaining regulations concerning class composition would be appropriate since this required localized flexibility at district and school levels in order to ensure equity in all situations (Manitoba, 2002).

Arising from the literature review, consideration of the actual financial and organisational impacts of Bill 33 legislation, raised questions as follows:

- Have there been any spending changes in support of students with special needs?
- Has the number of students with special needs in each class changed?
- Has the number of identified students with special needs changed?
- Are there any negative or unintended consequences?

Further questions concerning teacher and administrator perceptions of special (inclusive) education impacts, were raised as follows:

- Has required consultation created conflict between teachers and administrators?
- Is teacher workload more manageable?
- What evidence is there that Bill 33 has had a positive effect on student learning?
- What is the explanation for the increase in the number of classes with more than three students with special needs?

Ministry and SD data regarding changes in the number of identified students in each class is available from the SD and Ministry websites. Data regarding any financial changes and perceived negative or unintended consequences is much more difficult to determine. This requires synthesis of both quantitative and qualitative information obtained from documentary analysis, observations and interviews with those directly involved.

Part 3: Conceptual Foundation

The concept of class composition has more generally been used to refer to social class struggles. References in the literature include socio-economic or racial differences

(Popkewitz et al., 2000, Armstrong & Barton, 2007, Thrupp et al., 2002). The use of the term in relation to special education appears predominantly in Canadian literature with documents from BC, Prince Edward Island, Manitoba and Ontario being the most frequent users of the term. The term composition, essentially concerns the arrangements of elements that work together for the benefit of the whole. Applied to schools, it refers to the range of student diversity in a class.

Class Composition: an Essentially Contested Concept

When two stakeholders such as the Ministry and BCTF, conceptualize aspects of their conflicts using the same words (class composition), yet expressing different conceptualisations, an “essentially contested concept” arises (Gallie, 1956, p.167). These concepts are abstract and qualitative notions that are variously described and interpreted. This reflects their changing use over time and according to different contexts. In this case, it also reflects the relationship between the notion of class composition and related notions of diversity, democracy, social justice, special education and inclusion (Slee, 2001). Consequently, the concept is used inconsistently in the literature. There is widespread agreement about a core notion related to student diversity, although there is endless argument about the realization of that notion. In section 76 of The School Act, it relates specifically to students with special needs. In the social sciences, it is most often related to social class, and in society more generally it may incorporate multiple diversities. This imprecise use of the terminology contributes to an inherent potential for generating disputes as stakeholders apply different understandings to the term.

Gallie (1956) proposed seven conditions for the existence of essentially contested concepts. These conditions have since been extended (Collier, Hidalgo & Marciuceanu, 2006, p.235) as follows:

1. Essentially contested concepts are evaluative and they deliver value judgements.
2. They are comprehensively evaluated entities that are characteristically complex.
3. The evaluation must be attributed to the internally complex entity as a whole.
4. The different constituent elements are initially variously describable.
5. The different users of the concept allocate different orders of relative importance and different interpretations of each of the constituent elements.
6. Psychological and sociological causes influence the extent to which any particular consideration is:
 - salient for a given individual,
 - regarded as a stronger reason by that individual than by another, and
 - regarded as a reason by one individual and not by another.
7. The disputed concepts are open-ended, vague and subject to considerable modification in the light of changing circumstances.
8. Any further modification can neither be predicted nor described in advance.
9. While there are no best instantiations, some may be better than others.
10. Each party knows that its own particular usage of the concept is disputed by others who hold incompatible views.
11. Each party must understand the criteria upon which others views are based.
12. Disputes centred on essentially contested concepts are perfectly genuine, not resolvable by argument and are sustained by respectable arguments and evidence.
13. Each party is driven to uphold their own (superior) usage of the concept.
14. The usage is intentionally aggressive and defensive.
15. Because it is *essentially contested* rather than *radically confused*, the continued use of the concept is justified as it is derived from a single common exemplar.
16. The continued use of the concept helps sustain and develop our understanding of the concept's original exemplar.

It is the difference between the ideal yet abstract notion of a concept and the multiplicity of instantiations (various conceptions) in reality that contributes to their contested nature. In this case, there is agreement that careful consideration of class composition may contribute to enhanced learning for all students, but there continues to be multiple realities of how best this can be achieved. Each may be entirely reasonable. It is because the multiple realities are conceived from differing viewpoints, value systems and experiences that multiple conceptions of essentially contested concepts, arise. When the boundaries of a concept are not well defined, there is an increased risk of stakeholder conflict. There is a resulting need for increased dialogue as Gallie argued:

So long as contestant users of an essentially contested concept believe, however deludedly, that their own use of it is the only one that can command honest and informed approval, they are likely to persist in the hope that they will ultimately persuade and convert all their opponents by logical means (Gallie, 1956, p.193).

In social and political sciences, each conception is valid and these multiple stakeholder realities are considered relevant to generating an improved shared conception. From a social constructivist viewpoint, research that concerns essentially contested concepts therefore requires interpretive, participatory and dialogic approaches to conceptual analysis. Essentially contested concepts inherent in special (inclusive) education, contribute to particularly complex policy problems. This is due in part, to their emotive nature concerning children with disabilities, but also due to the inter-related economic, social, political and educational factors. The resulting tensions facing schools concern their ability to provide for multiple diversities within a universal system.

Special (Inclusive) Education Policy: a Wicked Problem

Class composition and diversity can be considered essentially contested concepts. “Diversity appears to fit well with the idea of a wicked problem” (Levin & Riffel, 1994, p.11). Policy problems are considered *wicked* (Rittel & Webber, 1973) when they are difficult to define and delineate from other problems. Social policy problems typically interact with other problems that have no technical or clear right/wrong solution. These wicked problems are unstructured problems where there is uncertainty or incomplete knowledge. They are of importance to multiple stakeholders who may hold differing values and interests. They have ambiguous goals that are poorly understood. Efforts to tackle these problems often create secondary problems. According to Rittel and Webber, (1973) a wicked problem often involves inherent essentially contested concepts. Thus, the wicked problems of diversity and special (inclusive) education policy concern the essentially contested concept of class composition. Wicked problems are indicated when:

1. They are hard to define.
2. There is uncertainty about systems and goals.
3. There is uncertainty about the consequences of (in) action.
4. There are complex interdependencies.
5. The problem is unique in some way.
6. There is no clear solution and lack of clear criteria (*no stopping rule*).
7. Attempts to address the wicked problem lead to unforeseen circumstances.
8. The resolution requires a change of participant behaviour.

Governments have begun to realize that wicked problems present challenges that cannot be tackled through compartmentalized thinking that fails to recognise the links

between the social, human, cultural and economic factors that contribute to potential outcomes (Sabatier, 1999). Traditional modelling of a wicked policy problem is therefore beyond what can be accomplished through mechanistic processes that have worked for *tame problems*. A comparison of these problem types is shown in Table 2.2 below.

Table 2.2 Comparison between Wicked and Tame Problems

Characteristics	Tame Problem	Wicked Problem
1. The problem	Clear definition indicates solution. Solution is determined according to criteria revealing the effects. Goal is fully/partially achieved. Outcome is true/false.	No agreement about what the problem is. Attempts to solve the problem change the problem. No true/false solution. Outcome is better/worse.
2. The role of stakeholders	Problem causes determined by experts using scientific data.	Many stakeholders have differing ideas about the real problem and its causes.
3. The stopping rule	Task is complete when problem is solved.	Task is determined complete by stakeholders, political forces, resources...
4. Nature of the problem	Problem is like other problems where there are scientifically based protocols to guide solution choice.	Solution(s) are based on multiple stakeholder judgements. No best practices – solutions need to be tailor made as every problem is unique.

Note. Based on Kreuter, DeRosa, Howze & Baldwin, (2004, p.443)

Interpretation of a wicked problem depends on knowing the intentions of decision makers and taking into account social and political forces that contribute to the likely multi-faceted solutions. This is difficult to do when governments may choose not to be explicit, or may fail to align policies in ways that promote consistency and co-operation. Special education policy is particularly characterized by legacies and categorizations from traditional systems that are not a good fit with contemporary inclusive practices (Armstrong & Barton, 2007). The boundary between special and inclusive education is

increasingly blurred both conceptually and theoretically. It is consequently not well understood by stakeholders. This contributes to ambiguity, fragmentation and inconsistencies between policies and practices (Honig, 2006).

The challenge for policy development that involves essentially contested concepts and wicked problems is therefore to consider resolutions that take their characteristics into account. However, such problems have no real solutions. Paquet (1989), and Levin and Riffel, (1994) suggest the way to regulate their uncertainty and ambiguity is by learning rather than controlling. This involves participatory processes. Governance systems therefore have to involve stakeholders and be capable of learning as they proceed. School systems also have to rethink many basic assumptions as the student diversity that contributes to the problem of class composition, poses fundamental challenges to teaching and learning. “Students cannot all be treated the same; professional authority is thrown into question; legitimacy of governing structures will be argued. Full recognition of diversity suggests not only changes to curricula, but also in basic instructional approaches and in school organisation” (Levin & Riffel, 1994, p.11).

The development of contemporary education policy thus occurs within a changing and complex social system. This increasingly requires the involvement of stakeholders to take into account the theoretical and contextual background that is both part of the problem and resolution. Wicked problems cannot be solved in isolation from their interconnected problems. An essentially contested concept such as class composition, that is an inherent part of the wicked problems of diversity and special education, is therefore unlikely to have any easy solution through policy regulation alone.

Education Policy and Systems Thinking

Resolutions to wicked problems require new forms of policy making and governance. Fullan (1996, p.420) suggests the system becomes a *learning organisation* with increased levels of stakeholder participation. Systems thinking and organisational learning (Senge, 2000) are necessary to define clear and consistent goals for student and staff learning. Systems thinking is needed to understand the complexity and various parts of the whole framework. As Ackoff (2004) summarizes:

Systemic thinking is holistic versus reductionistic thinking, synthetic versus analytic. Reductionistic and analytic thinking derives properties of wholes from the properties of their parts. Holistic and synthetic thinking derives properties of parts from the whole that contains them.....when an architect designs a house the first sketches the house in a whole and then puts rooms into it. The principal criterion he employs in evaluating a room is what effect it has on the whole. He is even willing to make a room worse if doing so will make the house better.

In general, those who make public policy and engage in public decision making do not understand that improvement in the performance of the parts of the system taken separately may not, and usually does not, improve performance of the system as a whole. In fact, it may make system performance worse or even destroy it (Ackoff (2004, p.4).

Systems thinking requires “a set of informed policies and complexity thinking, and policy makers who are prepared to engage in the heavy interactive dynamics of implementing the direction of policies in an iterative manner. This results in greater engagement of educators, parents and the community, and students” (Fullan, 2003; p.70).

Fullan (2003, p.71) further suggests the three critical dimensions for education policy development concern curriculum that enhances student learning, staff development and working conditions. The issue of class composition concerns all three of these dimensions. However, it is not clear if current policies are focussed in this way.

Ackoff (1994) suggests that successful problem solving requires finding the right solution to the right problem. Failure to find resolutions is more often because we solve the wrong problem rather than because we get the wrong solution to the right problem. The ability to see the big picture is fundamental to solving the right problem. He proposes a systems thinking orientation that takes account of related conceptual systems such as those concerning class composition and special education. Sergiovanni (2000, p. 5) further suggests both the *life world* and the *systems world* need to be applied to schools. He argues that both are required since systems thinking alone may not provide a clear vision for the cultural and community goals required for school improvement. “By building institutional character at the local level, principals, superintendents and policymakers can not only protect the life worlds of their schools but also craft an educational system based on layered loyalties and shared accountability” (Sergiovanni, 2000, book cover).

Ackoff (1994, p.6) suggests there are four basic types of systems. Education systems are social systems that aim to have both purposeful parts and a purposeful system as a whole as indicated in the fourth system below.

1. *Deterministic*: systems in which neither the parts nor the whole are purposeful.

2. *Animated*: systems in which the whole is purposeful but the parts are not.
3. *Ecological*: systems in which some of the parts have purposes but not the whole.
4. *Social*: systems in which both the parts and the whole are purposeful.

If there is little coherency in the parts, then the whole will be compromised. If the system lacks a clear purpose and vision, then the parts will be compromised. Alignment of purposes is therefore essential for effective social systems such as schools and SDs. Ackoff (2004) also suggests increased localized and participative decision making, ongoing professional development, adaptability and co-operative organisational learning, enhance (school) system development.

The research problem can thus be conceived as a wicked policy problem involving the essentially contested concept of class composition. Pijl and Frissen (2009, p.366) argue that, “specific steering concepts of policymakers, whose interventions seem to address schools as machine bureaucracies, while in fact they are professional ones, force schools to create the illusion that they have adapted to include students with special needs. Schools and teachers themselves must be the driving forces of change.” Thus policies can help provide direction, but potential resolutions must involve participants in systems thinking and organisational learning. These can be applied to the development of policy and the implementation process, as well as at the level of SD, school and classroom practices. The following chapter describes the methodology used to investigate the impact of class composition policy implementation on SD and school practice.

CHAPTER 3

RESEARCH METHODOLOGY

The Case Study

Case study is the empirical study of human activity that delineates the focus or context for the inquiry. It is the means by which commonalities and specifics about complex contextual relationships, can be unravelled using multiple sources of information (Stake in Denzin & Lincoln, 2005). Small-scale case studies secure in depth understanding through *rich descriptions* (Geertz in Cresswell, 2007, p.99). Thus case study research may more easily deal with the dynamics of this inquiry where the aim is to reveal the impact of policy in practice. Thorngate (2001, p.109) suggests that case study provides a social psychological perspective on policy implementation that has the potential “to mediate, detect, explicate and minimize the adverse effects of social influence and group processes in policy making and application in context.”

The SD case study sample was selected from an average sized urban SD where the researcher works as a SD special education administrator. This dual SD administrator and researcher role makes use of 3 years experience in the SD in a position of trust among parents, teachers and administrators. In addition, the researcher’s broader knowledge of special education in two other SDs and 25 years experience as a teacher and administrator in England, contributes to an *intrinsic case study* that is of particular interest to the researcher, effectively investigating their own *case* at work. (Stake in Denzin & Lincoln, 2005, p.451). Although such contextual knowledge may not be

generalizable, the narrative detail has the potential for a more informed contribution to theory and practice. The research is therefore simultaneously sociological, political and philosophical (Flyvbjerg, 2006) to promote understanding, reflection and action for the researcher and others in similar contexts.

The Research Context

The case study focuses on a mid sized urban SD with seven secondary schools, 28 elementary schools and two alternate schools. The SD has a relatively high socio-economic demographic and declining student enrolment. Special education practices reflect Ministry special education policies and the SD service delivery model. The SD has a common form for recording Bill 33 consultations between principals and teachers (see Appendix E). As one of the ten largest urban SDs in BC, it is the second smallest and has the lowest number of special education students receiving additional funding as indicated in Table 3.1 below.

Table 3.1 Special needs additional funded students as % of total BC enrolment

Research SD1	SD2	SD3	SD4	SD5	SD6	SD7	SD8	SD9	SD10
2.5%	2.6%	2.7%	2.9%	3.1%	3.3%	3.8%	3.8%	9.3%	10%

Note. Data from special education review – Metro 6/24/2008

Approximately 10% of the SD’s student population is identified as having special needs according to twelve Ministry categories. These students all require an IEP. Since approximately 3.5% of these are in the gifted category, only 6.5% of students fall into the number of students with an IEP that are included in the Bill 33 regulations. This is a smaller percentage than many other districts. For the 2008-2009 school year, 1217

students were subject to the class composition regulations. The numbers and types of students with special needs are indicated in Table 3.2 below.

Table 3.2 BC & SD Special Education Students 2008

Ministry Designation 2008-2009	Ministry Category	BC incidence	SD number and incidence
Dependent Handicapped Deaf Blind	A B	0.13% combined in above	26 - 0.15% combined in above
Intellectual Disability IQ<50	C	0.43%	34 - 0.27%
Physical/Chronic Health	D	1.01%	143 - 0.90%
Visual Impairment	E	0.07%	11 - 0.07%
Hearing Impairment	F	0.22%	26 - 0.15%
Autistic Spectrum Disorder	G	0.45%	120 - 0.46%
Severe Behaviour/mental health	H	1.29%	157 - 0.81%
Moderate Behaviour/men. health	R	1.63%	97 - 0.69%
Mild Intellect. Disability IQ<70	K	0.48%	23 - 0.13%
Gifted	P	2.00%	683 - 3.52%
Learning Disabled	Q	2.90%	580 - 2.76%

Note. Data from SD 1701 report to the Ministry 2008

Additional funding for high incidence students (categories R, K, P, and Q) is no longer separated from the main funding to districts and schools. Funding for low incidence students is \$32,000 for categories A and B, \$16,000 for categories C,D,E,F,G and \$8,0000 for category H. As a full time TA costs approximately \$36,000 annually, significant over spending by school districts is not difficult to understand. Districts typically spend more than the additional funding allocation on TAs alone while also maintaining special education staff such as resource teachers, counsellors, psychologists, speech and language therapists. These specialists and 242 TAs employed by the district, were not considered in the Bill 33 class composition legislation. Teachers also suggest

another 20% of students have unidentified special needs (Lee, 2004). Schools therefore consistently request more TAs and specialist teachers. In 2008 the SD employed 8.9 elementary counsellors, 12.3 elementary learning support teachers (LST: low incidence), 29.13 elementary learning assistance teachers (LAT: high incidence) and three teachers for the elementary literacy and behaviour support centres. In addition 7.4 speech and language pathologists, 6.4 psychologists, 2.7 hearing and vision teachers and an augmentative communication specialist served both elementary and secondary schools.

There was a BC wide 13% reduction in the number of classes with 4 or more students with special needs between 2006 and 2007 (Ministry of Education 2006-2009). The number of these classes actually increased from 174 in 2005 to 187 in 2006 and 227 in 2007 in the research SD. In 2008 there were 334 classes with more than three students with special needs in this SD and 40 of these were in elementary schools. This perhaps suggests a gap in the case study SD at least, between the intention of Bill 33 to regulate class composition by means of consultation to limit the number of classes with four or more students with special needs in a class, and actual outcomes of the policy in practice. Qualitative inquiry is necessary in order to investigate the reasons behind the quantitatively different provincial and research SD outcomes.

Increasing Numbers of Students with Special Needs

In October 2008 the research School District (SD) reported 1,939 students in all special education categories according to a wide range of special educational needs as outlined in Table 3.3 below. This represents an increasing number of students with special needs from 1,693 in 2002, despite a decreasing student population across the

school district. In 2002 the percentage of students with special needs was 8.9%. In 2008, it was 11.54% of the total student population. The biggest increase was in Autism.

Table 3.3 Special Education Enrolment in the Research SD 2002 – 2008

Categ.	School District	02/03	03/04	04/05	05/06	06/07	07/08	08/09
A/B	Dependent & Deaf/Blind	24	25	25	26	26	26	24
C	Intellectual Disability (IQ < 50)	63	60	52	46	44	34	31
D	Physical Disability /Chronic Health	90	110	144	153	145	144	147
E	Visual Impairment	10	9	10	10	11	11	8
F	Deaf/Hard of Hearing	26	24	24	25	30	27	23
G	Autism	55	67	68	79	107	121	130
H	Intensive Behaviour /Serious Mental Illness	166	148	143	136	154	172	150
K	Mild Intellectual Disability (IQ<70)	43	39	27	23	20	25	27
P	Gifted	612	580	595	601	602	612	612
Q	Learning Disability	443	468	467	472	526	587	643
R	Moderate Behaviour/Mental Illness	161	170	134	118	99	95	144
	TOTALS	1693	1700	1689	1689	1764	1854	1939

Note. Data from Ministry of Education 1701 reports

In order to maximize the learning of all these students, qualified and skilled personnel need to deliver empirically sound educational programs. In order to support classroom teachers in their teaching of an increasingly diverse student population, special education teachers and support staff (TAs) are allocated to each school. Administrators,

in consultation with School Based Resource Teams (SBRT), use collaborative decision making in the deployment of these staff to meet student needs.

The Research Sample – Six Elementary Schools

Elementary Schools are the focus of the research since they currently provide the best examples of special (inclusive) education and least complex class organization. Secondary schools in the research SD have special classes where all students have an IEP, thus raising some different considerations that would not be manageable within the boundaries of this research. The six elementary schools (ES1-ES6) were selected from 28 elementary schools listed in Appendix F, based on special education indicators pertinent to the Bill 33 research topic:

- The two schools with the highest and lowest % of students with special needs i.e. the ratio of the student population requiring special education: ES1, ES2.
- The two schools with the highest and lowest number of TA hours allocated to the school: ES3, ES4.
- The two schools with the highest and lowest number of IEPs: ES5, ES6.

The TA hours were used to provide an indicator of complexity of the special education population since not all students with IEPs have the same level of special need: the higher the TA hours, the greater the student complexity.⁵ This purposive sampling (Stake in Denzin & Lincoln 2005) intended to yield the most comprehensive understanding that allowed for some comparative analysis of potential impact differences

⁵ The SD uses a needs based formula of TA hours to determine allocation. For example, while the ministry provides an additional \$16,000 for every student with autism, schools are allocated different amounts of TA time according to their students with autism having mild, moderate or complex needs.

between school size and special education ratios as well as between number of IEPs and their complexity. The demographics of the purposive sample (Stake in Denzin & Lincoln, 2005) of six research schools are indicated in Table 3.4 below and a brief description taken from the front page of each school’s annual plan is provided in order to provide contextual understanding of their differences.

Table 3.4 Research Sample: Elementary School Demographics

Research School	Student number	Staff number	Number classes	%Sp.Ed. includes gifted	% ESL	% Aborig.	Male/ Female
ES1	197	11.78	9	18.5	8.0	11.5	115/82
ES2a	486	24.92	21	10.0	4.0	0.4	231/255
ES3	387	23.44	19	9.0	34.7	14.8	208/179
ES4	290	15.68	13	7.9	2.2	1.0	161/129
ES5	319	17.04	13	11.0	2.0	0.0	162/157
ES6	194	10.06	8	10.0	9.0	1.0	112/82

Note. ES2a French Immersion: typically these schools have fewer special needs students

- ES1 is situated in a dense residential neighbourhood surrounded by commercial industry. The school was constructed in 1969 as a temporary building. 21 different languages are spoken at home by the students. The transient student population has many single parent families living in subsidized housing.
- ES 2 is a dual track French Immersion school and six percent of students are categorized as gifted. The school is located in a high socio-economic area. It has an active Parent Advisory Council (PAC), offers numerous field trips and a peer mediation program. Students support a sister school in Sri Lanka.
- ES3 serves a diverse inner city multi-cultural population with socially complex issues. It has experienced staff involved in writing teams and effective behaviour

support (EBS). The school is due to be refurbished in the coming year and students will need to be moved to an empty school in the locality.

- ES4 was originally built as an open plan school and a day care facility is now housed in one part of the school. The school also houses the High Performance program that allows students to pursue specialty interests. There is a walking school bus, strong PAC, choir and school band.
- ES5 provides an all day kindergarten as well as a vibrant music program. There is a wide range of extra-curricular activities and the PAC provides generously to support peer counsellors, first aid training, library and computer resources. Annual events include a BBQ, Bingo, Fun Day and school gardening occasions.
- ES6 has a declining population (30% since 2002). The community reflects a broad range of socio-economic levels. The PAC have recently supported the building of a new playground and there is a strong link with the local recreational services to provide lunchtime and after school activities.

The data used to select the purposive sample of schools is outlined in Table 3.5 below.

Table 3.5 SD Research Schools Special Education Data 2008-2009

School (ES)	Number Students	Number IEPs	% SpNeeds excludes gifted	Weekly TA hrs.	Classes with 'X' No. IEPs				
					1	2	3	4+	Total
ES1	197	34	17.25	227	0	2	1	5	8 (of 9)
ES2	486	18	3.7	107	4	2	2	1	9 (of 21)
ES3	387	35	8.26	328	3	1	4	3	11 (of 19)
ES4	290	15	5.17	66	3	1	2	1	7 (of 13)
ES5	319	37	11.59	155	1	1	1	6	9 (of 13)
ES6	194	12	6.18	157	5	0	1	1	7 (of 8)

Note. Data from SD, Ministry 1701 data and Organization of Classes Report 2008-2009

Three schools have only one class with more than three students with IEPs. The other three have several such classes. School ES1 had all classes with more than three students with IEPs by the February 2009 mid year Ministry updated count of students with special needs. School ES6 has only 12 IEPs but their complexity is indicated by a higher number of TA hours than school ES5 that has 37 IEPs.

Role of the Researcher as Participant Observer

Participant observation was originally used as a research strategy by social anthropologists undertaking ethnographic studies to research participants in their natural context. The researcher as a SD special education administrator is a member of the group under observation and therefore a *complete observer* (Gall, Gall & Borg, 2007, p.277). Eisner (1997, 2001) likens this approach to connoisseurship where the use of a researcher with considerable expertise in an associated aspect of the research, provides benefits that may contribute to the ultimate quality of the research. Participant observation enables researchers to consider multiple participant perceptions. It also enables consideration of any discrepancies that may exist between data obtained from different sources and between what participants say and believe should happen, and what they actually do. However, observers must manage their own biases and personal reactions. In this case there was also a need for cognizance of the power relationship that could be perceived by those being observed and interviewed. The use of participant observation thus aims to contribute to a coherent interpretive and constructivist case study account (Foley et al., in Denzin & Lincoln, 2005; Langer in Eisner, 1997).

The use of a field note diary between January 2008 and March 2009, aimed to provide a means of detailing observations, and noting ongoing reflections and informal data gathering as the research process unfolded. The brief notes and reflections included related issues that arose in conversation, across email or in more formal documentation and discussion. Good field notes are detailed and concrete. The descriptive, inferential and evaluative observations must be constantly reviewed for reliability and validity to check for potential observer bias. This methodology was felt to be particularly useful for the understanding of Bill 33 implementation as it had the potential to reveal meanings and significance, from multiple viewpoints through the eyes of teachers and administrators in different schools over a period of time (Yanow, 2000). It therefore compliments the more specific data gathered from participants in six schools.

Research Paradigms: Qualitative and Quantitative Inquiry

The systematic investigation of quantitative information provides numerical data for the purpose of synthesizing and interpreting provincial, SD and school data. However this information is not used in a typically quantitative research way. For large and randomly selected case samples, mathematical models, statistical tables and graphs leading to more abstract deductions based on probabilities, would be generated. In this case the quantitative data is *triangulated* with qualitative data in order to identify any convergences (Creswell, 2003, p.196). Qualitative data is typically used in small scale case study research involving analysis of documents, observations and interviews. This more naturalistic inquiry (Carsprecken & Walford 2001; Lincoln & Guba, 1986) attempts to capture reality through illuminative exploration of the significance of phenomenon, that quantitative data alone is unable to secure (Banister, Burman, Parker, Taylor &

Tindall,1994). Policy and practice inquiry in education, increasingly relies on such qualitative methods (Lodico et al., 2006).

Mixed methods approaches are used when the complexity of the research questions cannot be answered by quantitative or qualitative data alone. Mixed methods approaches are relatively new as a distinct research approach (Creswell, 2003). Their purpose is to expand on understandings through the confirmation and synthesis of findings from various data sources. Mixed methods research requires extensive data collection and ongoing analysis of both texts and numeric data that may sometimes reveal discrepancies. This can contribute to analysis difficulties. Literature review is ongoing as a mixed methods researcher is like a *bricoleur* assembling images into emergent montages that represent complex situations (Denzin & Lincoln, 2005, p.304). The research question drives and focuses the research:

- *What are the actual and perceived impacts of Bill 33- 2006 Education (Learning Enhancement) Statutes Amendment Act on special education in six elementary schools in a mid sized urban school district?*

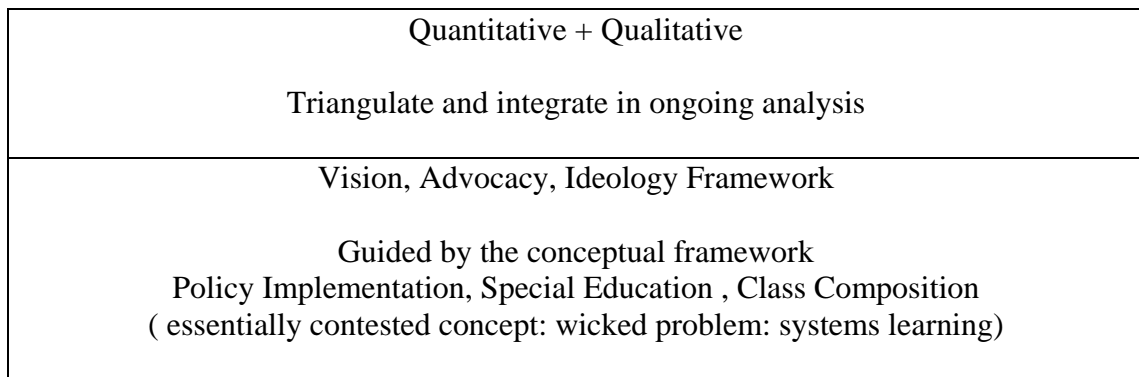
Justification for Mixed Methods Research in this Case Study

In this case, quantitative data is used to determine whether the actual number of classes with three or more students with special needs has changed in BC, the SD and schools since Bill 33 implementation. However, quantitative data analysis alone cannot explain the difference between the BC and research SD data. Questions need to be asked of SD personnel regarding the increasing number of classes with more than three students

with special needs in the research SD. A mixed methods research approach (Cresswell, 2007) therefore allows for quantitative BC and SD data, to be incorporated with qualitative participant observation and semi-structured interview data.

A concurrent transformative mixed methods strategy is used as this approach makes use of the specific theoretical perspectives outlined in the literature review. It also allows for triangulation of both quantitative and qualitative data, during the ongoing interpretation and analysis process. The social constructivist paradigm reflects a complexity of socially mediated viewpoints. The research design views knowledge and *sense making* as constructed through social negotiation (Rorty, 1991; Schwandt in Denzin & Lincoln, 2005). The method is outlined in Figure 3.1 below.

Figure 3.1 Concurrent Transformative Mixed Methods Research



Note. Based on Cresswell (2003, p.214)

Interpretivism provides the theoretical framework for the research strategy. This acknowledges that people have different interpretations of the same phenomena in their sense making contexts. A critical interpretive approach in this case, uses constructivist theory towards a kind of “civic science that brings policy makers and citizens together” in a particular culture that also locates the researcher in context (Lather, 2006, p.788). It

thus provides insights about the consequences and lived realities of those involved through consideration of the inter-relationships between research, policy and practice (Walford, 2001).

Research Objectives

The research was structured in three phases with three key objectives. The first research phase concerned documentary collection and analysis that continued to some extent throughout the following two phases as part of the ongoing thematic analysis. This included documents related to the policy context and implementation process of Bill 33 as recorded in Hansard, class organization data, media and associated reports as outlined in Appendix G.

The second phase and objective was to provide an understanding of the impact of this policy on the lives of teachers and students as perceived by the teachers and school principals that are most affected by the bill. This involved participant observation, use of a field note diary, semi structured interviews and focus group interviews.

The third objective was for ongoing descriptive, thematic and interpretive analysis. The research is primarily interpretive although the analysis may be considered evaluative in terms of considering the bill's effectiveness according to a particular framework (Sabatier & Mazmanian, 1980). Interpretation of the actual and perceived impacts contributes to conclusions and recommendations. Figure 3.2 below shows the relationship between the planned objectives and methods.

Figure 3.2 The Relationship between Research Objectives and Methods

Objective	Source Data	Method	Outcome data
1. Macro level – history, data and theory. Document collection/analysis.	Documents – Bill 33, BC/SD data, special education & policy SD administrators Field note diary	Documentary data and stakeholder reports Participant Observation	BC and schools quantitative data – Tables and Appendices for comparative analysis Narrative report
2. Micro level – Case study of 6 schools in practice.	School and SD based practices – primacy of local contexts	Participant Observation and Interview Notes	Emerging themes from stakeholders of actual practice – narrative from interview & focus groups
3. Ongoing Interpretive Analysis.	Synthesis / analysis using themes & conceptual framework	Coding and triangulation of themes	Descriptive synthesis – interpretation with recommendations

Note. Based on Cresswell (2007, p.157)

Data Sources

Through planned data collection and information management using procedures that are both open ended and rigorous, particular data, phenomena and social processes are exposed and considered. As is common in mixed methods research, the research plan was subject to change as issues unfolded throughout the research process.

Macro level data sources included Ministry and SD reports, as well as private memos, email, letters and written information acquired as a routine part of administrative work. Official records such as Ministry special education data, SD data and the Bill 33 reports are public documents. An internet search provided valuable sources of related information. Documents stored both electronically and as paper copy, include:

- Ministry and school district policies, governance and resource arrangements and school practices for students with special needs.
- Ministry data on special education including trends analyses with a focus on any apparent differentials following Bill 33 implementation.
- SD organization of classes reports 2006, 2007, 2008, 2009 SD consult/consent records providing rationales for classes with 4 + IEPs.
- Newspaper articles, BC Administrators for Special Education meeting minutes (BCASE), newsletters and written information from advocacy groups, SD Teachers Association (SDTA), BC School Trustees Association (BCSTA) and other associated groups.
- Associated reports and documents such as the Langley SD Special Education Inquiry report and Richmond SD Inclusion Review (see Appendix G).

Micro level data sources included the sample of six elementary schools selected from the 28 SD elementary schools according to the lowest and highest number of students with IEPs (12 and 37), % school students with IEPs (3.7 and 17.25) and the number of TA hours weekly (66 and 328). This purposive sample enables comparison between elementary schools and between schools with different special needs ratios. Semi-structured interviews were undertaken with the six administrators and 17 teachers with classes of more than three students with special needs. The interview protocol (see Appendix I) was developed through a process of considering the research question and sub questions arising from the literature review. Additional probing questions were planned and used as needed. The purpose was to elicit information and perceptions that were not directly taken from BCTF, media and Ministry reports. Interviews were *with*

rather than *on* participants (Cresswell, 2007, p.130) so as to preserve usual relationships and reduce any potential for constrained responses that can occur if for example, recording devices are used. Care was taken to maintain rapport, at the same time as documenting information. Responses to the seven core questions provided initial themes for analysis of the interview data:

- Tell me about the students with special needs in your class and the Bill 33 consultation process?
- What impact has Bill 33 had on the special (inclusive) education of students?
- What impact has Bill 33 had for teachers?
- What changes have you seen with regard to teacher workload since this bill was implemented?
- What do you think the purpose of this bill is? Do you have any ideas as to how this same purpose could be achieved in different ways?
- Overall, what do you think has been the main outcome of Bill 33?
- Is there anything you would like to add with respect to the impact of Bill 33 on special education?

In three schools there was only one teacher with more than three IEP students and the 40 minute interviews were done individually. In the three schools where there were more teachers in this position, a focus group interview was used. Focus groups are helpful as they reveal richer dialogue than is possible through individual interviews. Co-constructed dialogue facilitates participant interactions. This stimulates perceptions,

feelings and beliefs that can remain unrealized in an individual interview (Gall et al., 2007, p.244). Limitations can occur if participants feel threatened by group participants in any way. Participant observations recorded in a field note diary help to validate the interview and documentary data. Semi-structured telephone interviews using the same interview protocol (Appendix I) were also planned with a BCTF staff member and Ministry personnel from the special education and policy departments. The BCTF contact did not respond and the Ministry staff expressed an inability to contribute.

Data Analysis, Interpretation and Management

Analysis combines personal and theoretical understandings with case study data as the research progresses. Coding is the first stage of analysis. Each aspect of the data, whether a document, interview data or a field note, contributes to thematic analysis of the emerging key issues. Through this process the researcher compares data with data, data with categories and category with category (Charmaz in Denzin & Lincoln, 2005). This involves organizing data ready for analysis by scanning material, preparing summaries (see Appendices B, C, D, G, J, K) and generally sorting the information before coding themes used to interpret and describe meaning (Cresswell, 2003). The aim is to deconstruct, contextualize and categorize data to reveal the meanings of cultural themes (Ferguson, 2000; Knoepfel et al., 2007) and provide a deeper understanding of the of the context (Maginn, 2007). The positions taken by the BCTF, Ministry and others, have cultural typifications that the researcher must understand and interpret.

The interpretive analysis of the data is grounded in the theoretical framework of social constructivism as applied to policy implementation and special (inclusive)

education processes outlined in the literature review. Interpretive analysis aims to focus on the relationship between localized policy implementation and the realities as constructed by participants. Such socio- cultural analysis of the differing perspectives of stakeholder groups aims to offer insights that like Gestalt theory, become more than the sum of the parts. In the final analysis, the research questions provide a framework for reporting findings and making recommendations concerning class composition in the context of policy implementation effecting special (inclusive) education practices.

In order to effectively interpret, manage and analyse the data it needs to be stored accessibly in a form that allows for easy retrieval and synthesis. The methods used in this case are outlined in Figure 3.3 below.

Figure 3.3 Types of data and storage methods

Data Type	Storage Method
Ministry and SD qualitative and quantitative research data , documents, class organization records	Computer – tables providing synthesis of core data e.g. SD student /special ed. Numbers changes 2002 – 2008
Interview & focus group data – use of key questions and thematic frames	Paper to Computer – synthesis of coded themes and representative quotations
Administrative data e.g. Hansard reports, Notebook and BCTF reports	Dated and catalogued synthesis Paper/electronic on computer Syntheses in Appendices B,C,D,G, J, K
Respondent records	Paper: filed Electronic: WORD database on computer
Academic papers	Paper: filed Electronic: WORD text files on computer
Chapters, articles and references	Paper: filed Electronic: WORD text files on computer

Note. Based on Cresswell (2007, p.157)

Delimitations and Limitations

All research has delimitations and limitations. In this case there were contextual and methodological constraints that are reflected in the quality of the research. The most critical delimitation is that the research was confined to one aspect of Bill 33 and to case study data specific to a single SD, six elementary schools, six principals and 17 teachers. The research limitations included consideration of the following:

- Case study involves selecting what counts. This is vulnerable to researcher bias.
- Participant observation is also prone to bias.
- Case study data may be particularly time consuming and complex to collect and analyze because different data forms tend to give rise to discrepancies.
- If the case research findings are unpopular with policy makers and managers, the research may be dismissed as being vague and lacking in generalizability.
- The purposive sampling may further limit the generalizability of findings.
- Documentary data collection was limited to documents that are publicly available.
- Due to the small number of participants, statistical analyses were not undertaken.
- The research findings could be subject to other interpretations.

A review of educational research on policy implementation indicates that much has been irrelevant to the needs of teachers and policy makers (Walford, 2001). However, the ability of case study research to secure in depth knowledge should provide a welcome contribution to policy research and ultimately to the quality of our school systems.

CHAPTER 4 RESEARCH FINDINGS

The purpose of this case study was to investigate the research question:

What are the actual and perceived impacts of Bill 33- 2006 Education (Learning Enhancement) Statutes Amendment Act on special education in six elementary schools in a mid sized urban school district? Two sub questions also guided the research:

1. What are the actual financial and organizational impacts for the SD and schools?
2. What are the special (inclusive) education impacts in the case study SD and schools as perceived by teachers and administrators?

The research findings are presented in three parts. Part 1 considers the perceived and actual impacts of the policy's effectiveness according to Sabatier and Mazmanian's (1980) implementation framework outlined in Chapter 2. Part 2 summarizes findings related to the financial and organisational impacts at school, SD and provincial levels according to questions raised in Chapter 2 (p.45). Part 3 summarizes findings related to special (inclusive) education impacts and questions also raised in Chapter 2 (p.46). Data summaries of BCTF, SDTA and Roundtable reports (Appendix B), Ministry of Education bulletins (Appendix C), Hansard (Appendix D), significant other reports (Appendix G), principal interview responses (Appendix J) and teacher interview responses (Appendix K) were prepared to assist with organisation of findings for thematic analysis.

Part 1 – Policy Implementation and Organisational Learning

The research findings provide insights into how well the class composition policy meets suggested criteria for effective policy implementation. This is likely to influence

the actual and perceived impacts of implementation. Good education policies aim to enhance student learning and to achieve expected intents. Sabatier and Mazmanian (1980) suggest that to do this, policy objectives need to be clear and consistent, incorporate sound theory, have the ability to change the behaviour of the target group, and be mediated in a structured way by implementing agencies to maximize co-operation.

Are Bill 33 policy objectives clear and consistent?

Teachers generally reported that class composition impacted their workload. However, workload was not the focus of the second reading of the proposed bill when the Minister of Education indicated: “This act introduces legislative changes for improving student achievement by establishing smaller classes and increasing accountability....in the context of record funding....these changes address class size and composition in BC schools and fulfil our throne speech commitment to ensure that SDs live within the class size limits established in law....this bill is about the best placement for students in this province whether they are typical or special needs students” (Hansard p.4396, 2006). Ministry bulletins regarding the bill (Appendix, C) suggested: “The legislation ensures parents and teachers have a say in class organisation.” Four objectives were identified:

1. To establish a balance between regulation of class size and flexibility of school organization.
2. To set out decision making processes regulations to ensure the integration of students with special needs.
3. To establish inclusive and transparent decision making processes that involve teachers and parents.
4. To provide an accountability framework that ensures compliance with The School Act (Ministry of Education, 2006).

Reports from the Learning Roundtable (Appendix, B, 21 April 2006) reveal that despite every other participant group rejecting the idea of legislated class composition limits, government pursued the BCTF's demand for this. However, teachers and principals in the interview sample reported a greater need to focus on student learning and the ability to maintain flexible arrangements that can better accommodate the range of student diversity among schools. They indicated that legislation was not required to enforce consultation or promote the inclusion of students with special needs. What was required was support for staff development opportunities and resources. These suggestions are consistent with other research findings (Manitoba, 2002; Norwich, 2008).

Does Bill 33 incorporate sound theory and links with other policies?

The theoretical basis of the bill's objectives is questioned by teachers. The assumption is that limiting the total number of students and those with special needs in a class, will have a positive impact on student learning and teachers' wellbeing. However, teachers report: "There is no real consultation as there is really no choice....we have to take these kids because there is no where else for them to go" (Teacher, ES1). They also recognize that policies need to account for differences in school communities (Thomas & Loxley, 2001). The Manitoba (2002) class size and composition report indicated that it was not possible to regulate for class composition due to the variability between schools and the need to retain flexibility in the interests of equity. The report also concluded that class composition was more critical to student learning than class size and that class composition policy would reinforce the labelling of students inherent in traditional special education policies. The report warned that a class size and composition policy would require considerable increases to SD budgets.

The consistency with other policy objectives such as the inclusion policy was also a source of comment by principals. The reinforcement of labelling and negative stereotyping apparent in one principal's comment concerned his perception of the bill promoting a "negative spin on students with special needs that appears to be at odds with an inclusion policy." Some media reports and the parliamentary debate indicated: "Parents of students with special needs are quite concerned that this bill will produce a feeling of discrimination, actual discrimination for students" (Hansard, p.4434). Hansard (p.4437) refers to this concern in a comment by a member of the legislative assembly (MLA). "When I went to school there was a special class there was a kind of stigma attached....it was off in a corner in the basement thankfully we have moved away from those days....we have over the last 20 years begun a process of inclusion and integration of students with special needs that enriches the lives of those students with special needs and the lives of other students in our classesbut without the resources committed for appropriate placements for those students with special needs I fear that we're moving back to the bad old days." As one principal concluded: "politics has taken over from what is best for kids....it's a bureaucratic process that doesn't help anybody."

The BC Confederation of Parent Advisory Councils in a position paper to the Learning Roundtable (2006), warned of the potentially discriminatory language regarding class composition that arguably violates the rights of students with special needs in its one size fits all approach (Steele, 2007). A teacher in one of the case study schools suggested: "We need to embrace these childrenBill 33 almost promotes the oppositewho says we can't have three students with autism in a classdone with support we can make it work." The findings suggest that the theoretical basis of singling out students

with special needs is questionable (Steel, 2007). The apparent lack of coherency between the inclusion policy and Bill 33 policy is also considered by some as regrettable.

Does Bill 33 change the behaviour of participants?

Interview data from both teachers and principals indicated that nothing had really changed since Bill 33 was implemented other than the recorded process of consultation. Every respondent in the research sample reported that a consultation process between teachers and administrators regarding class organisation was happening in the SD prior to the bill anyway. Two principals and three teachers indicated that it was possible that some schools or principals did not consult in a way they would have preferred. However, they also recognized that any possible changes as a result of the consultation process are constrained by the reality of school contexts. “These are the kids we have and teachers who teach here know that” (Principal, ES2). Teachers almost unanimously reported that the bill’s purpose seemed purely political. “The only difference is signing the consultation form - it’s a bluff that makes me mad” (Teacher, ES4).

Two principals considered the bill as reinforcing teacher rights after the previous (2002) contract changes: “It’s legislation about rights, not teacher and student needs. 62% of school superintendents (BCSSA, 2007) suggested that the bill had a positive effect in its first year. In some SDs it had reportedly increased opportunities for dialogue about student learning needs, particularly for those with special needs. “Implementing Bill 33 is a shining bright light on the complexity of teaching and learning in diverse social contexts” (BCSSA, 2007, p.2). However, changing participant behaviour requires a clear rationale, understanding of the variables involved and reinforcement to support the

change process. The perception of interviewed teachers and administrators suggests the consultation process and resources required for student learning, are not always appropriate. This is reflected in the grievances and resulting remediation procedures.

Do SDs and schools have sufficient jurisdiction?

Given the history between the Ministry and BCTF, SDs and schools as policy intermediaries have an uphill struggle. Sabatier (1999) considers three imperatives for policy implementation: respect for legal intent, concern for instrumental rationality and the general expectation that concerted action requires consensus within both the implementing agencies and their external political system. The variability and size of the target group (teachers) in this case, results in the likelihood of more problematic implementation. Without additional resources to support the process, the *loosely coupled* (Jago, 2006) school system is left to consider a policy that, “has no teeth” (Teacher ES4) and where the dialogue is “pushed towards the difficulties of students with special needs when there are other greater needs....social and ELL needs that should also be considered as part of the composition debate” (Principal).

The BCTF and media continue to question the utility of implementing a policy without additional resources. SD teachers also question the prioritized allocation of TA resources for low incidence students that may result in minimal support for students with learning disabilities for example. This contributes to adversarial behaviour and relationships between the Ministry and BCTF, as SDs and schools attempt to provide supports at the classroom level using a funding formula that is driven more by medical diagnoses than students’ type and level of learning and participation in classrooms.

Is implementation structured to maximize probability of co-operation?

The requirement to consult and report on issues of class organisation does enforce some co-operation and accountability as evidenced in the annual class organisation reports and interviewee responses. However, looser mandates with supportive relationships between policy makers and implementers are suggested to maximize co-operation (Hajer & Wagenaar 2003; Honig, 2004; Popkewitz et al., 2000). In this case a principal suggested: “This was a quick fix solution to a disagreement between the Ministry and BCTF there was too little time to provide the consultation necessary to achieve anything good.” The BCTF report to the Learning Roundtable (Appendix C, 2007) reflects little co-operation regarding the issues. It suggests:

1. Bill 33 has not produced adequate learning conditions.
2. More resources are required to support students with special needs.
3. Class composition continues to be a central concern of teachers.
4. Restore special teacher supports stripped from collective agreements.
5. Require less paperwork and end waitlists.
6. Require administrators to provide rationales that actually address the learning situation.

Co-operation is maximized when all participants feel involved yet Hansard (2005, p.4712) reported dissatisfaction with a failure to involve parents and inadequate teacher representation on the Roundtable. SD teachers were kept well informed of the bill’s progress and impacts through the BCTF and SD Notebook, despite there being no Roundtable meeting between January 2008 and January 2009. The Ministry’s response to a request for interview with the special education and policy departments perhaps

demonstrates a reluctance to collaborate, even for research purposes. “Unfortunately, the BC history of unproductive and unpleasant collective agreement negotiations taints the discussion of class size and composition” (BCSSA, 2005, p.3).

The BCSSA (2007, p.2) *Review of Bill 33 Provisions and Implementation*, reported some favourable outcomes and suggested the consultation process had been well received. “In time and in combination with other initiatives and necessary supports, the intentions of Bill 33 (more productive working conditions for teachers and meaningful dialogues around learning needs, instructional methods and appropriate classroom supports) are likely to be reflected in achievement gains and increased learning.”

However, this is a different view than reported in the SDTA Notebook (Oct 2008) in response to the SD report on class size and composition. “A summary of the numbers of classes in each school and in the district, with more than three students with special needs is missing in the Board Report this year...unfortunately very few rationales provided by principals indicate what is appropriate for student learning...there are no rationales for enrolling more than three students with special needs in a class...how can we say it is appropriate to have five students with special needs plus nine ELL in a split class of 29?” The reported outcomes of the provincial grievance concerning class size and composition suggest that not all BC schools comply with the spirit of the legislation. More than one-sixth of all BC classes require consultation. BCPSEA (2009) have recently issued revised guidance on implementing class size and composition provisions in order to assist with future implementation of Bill 33. The research findings suggest that the legislation has not been effective in resolving the class composition problem.

Part 2 – Financial and Organisational Impacts

According to Ministry reports summarized in Appendix C, \$20 million was set aside as a result of recommendations following the strike, to address class size and special needs issues. This was followed by increases in the average student led funding from \$6,500 in 2003 to \$8,078 in 2008. The Ministry noted that at the same time there was a reduction in the student population. However, Ministry data also indicated that between 2001 and 2008 the number of special education teachers declined by 15% although teaching assistants (TAs) increased by 17%. The education spending proportion of the Gross Domestic Product fell from 3.8% in 1998, to 3.2% in 2005. In this same period the child poverty rate increased to 21.9% with BC the worst of all provinces (Lee, 2004). Poverty has a negative impact on student learning and increases the number of students with emotional and behavioural challenges (Booth, 1995; Mittler, 2000, p.129).

Have there been any changes in special education spending?

BCTF research (see Appendix G) suggests that up to \$183, 194,751 additional funding was required to meet the Bill 33 requirements and restore specialty teaching positions to 2001-2002 levels. The loss in the area of special education was reported to be more than three times greater than for library, ELL or counselling services. 608.62 special education teachers were lost between 2002 and 2007 (White, 2008, p.2). BC also has the worst teacher-student ratio of all provinces (Appendix B, Statistics Canada).

Ministry summary data for the research SD indicated that in 2002/03, \$5,278,500 was allocated for special education. The figure for 2007/08 was \$7,456,000. However, between 2005 and 2008 the number of students with special needs also increased. The

number of TAs employed remained the same at 242 full time equivalent TAs. At the same time, staffing costs increased and the number of special education teachers in elementary schools decreased. This suggests fewer rather than more resources, and higher teacher-student ratios at the SD level. It is difficult to know whether the small reduction in elementary special education teachers shown in Table 4.1 below, was the result of an actual decline in Ministry resources due to inflation effects or SD decision making.

Table 4.1 SD Learning Assistance and Learning Support Teachers (LA/LST)

LA/LST FTE	2005/06	2006/07	2007/08	2008/09
Elementary LAC (high incidence)	27.51	31.58	29.13	28.38
Elementary LST (low incidence)	12.50	12.80	12.10	11.50
TOTAL	40.01	44.38	41.14	39.88
<i>Teacher student ratio</i>	<i>1:21.11</i>	<i>1:19.87</i>	<i>1:22.5</i>	<i>1:24.29</i>

Note. Data from SD special education data and Ministry data. Student-teacher ratio calculated using 50% of total students (elementary only) shown in Table 3.3 (p.60)

Interview data from both SD principals and teachers indicates frustration around what they perceive as a bill with “smoke and mirrors...a pail with a hole in it...no resources” (Appendices J and K). The question of resources originally raised in the parliamentary debate indicated: “It’s unacceptable to see a piece of legislation where there are no resources attached” (Hansard, 2006, p.4432). Table 4.2 below provides the salary costs that would need to be taken into account when considering whether Ministry funding increases were real or simply keeping pace (or not) with inflation.

Table 4.2 SD Average Teacher Salary

Research SD	02/03	03/04	04/05	05/06	06/07	07/08
Average Teacher Salary	\$62,028	\$64,447	\$64,724	\$64,724	\$66,911	\$68,827

Note. Data from Ministry of Education teacher statistics

It is difficult to determine actual spending on students with special needs, particularly in inclusive education systems. It is also difficult to account for SD decision making that may require trade offs in budget priorities as demands change over time. However, according to available SD data, the average teacher salary increases amount to less than the additional funding provided since 2002. Theoretically it would therefore be possible to reduce the student - special education teacher ratio from 1:19.9 students to 1:17.1 students with the increased budget. This is shown in Table 4.3 below.

Table 4.3 SD Costs and Ratios of Services for Students with Special Needs

SD costs	A Student #	B SD budget	C (B÷A) \$ per.stud.	D Teacher cost	E (B÷D) # Teachers	F (A÷E) Teacher- student ratio
2002-03	1693	\$5,278,500	\$3,118	\$62,028	85	19.9
2007-08	1854	\$7,456,000	\$4,844	\$68,827	108	17.1

Note. Data from Ministry and SD statistics

Has the number of students with special needs in each class changed?

As indicated in BCTF and SD reports and summarized in Table 1.1 (p.19) the number of BC classes with four or more students with IEPs increased from 10, 942 in 2005/06 to 10,985 in 2008/09. Elementary school principals and teachers reported almost unanimously that the bill had done nothing to reduce the number of students with special needs in each class. In schools where there is a high percentage of these students, a reduction in the number of classes with more than three students with special needs would only be possible with extra classes and teachers. In these schools the consultation process is considered a formality that had no potential to change anything (see Appendices J and K). As three teachers indicated, “You cannot limit composition in some schools teachers who work in schools like this recognize this ... some students we have here successfully would have difficulties in another school.”

More than half of the respondents also noted that increasing diversity was a challenge. However, it was not always students with special needs that were the most challenging. One teacher reported: “I have six gifted, one with autism, one with cerebral palsy who in a grade seven class is working at a grade two level, two students with learning disabilities and another two who probably have the same disability but are not designated, and three ELL students one of whom speaks no English. It is a great class and I have a full time TA. I think they are socially gifted because inclusion has helped them. So I have 26 helpers ... but there is no way that the number of Bill 33 kids can be reduced because these are the kids we have and there is no where else for them to go.”

Has the number of students identified with special needs changed?

The provincial and SD data shown in Table 4.4 below shows an increasing trend province wide for the number of students with low incidence (additionally funded) designations and a decreasing trend for high incidence (no additional funding) designations. The number of H designations for severe behaviour/ mental health students has increased provincially yet varied over the years in the SD. This may reflect changes in SD organisation or support for these students and requirements for designation.

Table 4.4 BC and SD Special Education Student Enrolment Trends

Enrolment	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
High inc.						
BC	49,231	47,587	48,011	46,915	37,395	35,737
SD	(1,259)	(1,257)	(1,223)	(1,214)	(1,247)	(1,319)
Behaviour H						
BC	6,547	6,692	7,253	7,477	7,265	7,096
SD	(166)	(148)	(143)	(136)	(154)	(172)
Low inc.						
BC	11,666	12,297	12,888	13,408	13,910	14,520
SD	(268)	(295)	(323)	(339)	(363)	(363)

Note. Data from Ministry *How are we doing* report 2008

A general observation in schools, is that because assessment services are limited, wait lists are common and Ministry special education designations consequently limited. In addition, since there are no additional targeted funds for high incidence students, completing the necessary paperwork for designation is not considered worthwhile. This would seem to suggest that the declining trend in designations for the least complex students might have little to do with the students not being in classrooms at all. This data may also reflect another reason suggested by a principal: “Bill 33 causes some parents to not want a designation because they feel their child will not get into classes at high school.” Another principal commented: “Administrators can avoid requests for more designations so they do not have to consult with teachers over class composition.”

Responses from teachers and administrators were somewhat different but in the school with the highest proportion of students with special needs, both principal and teachers agreed: “What I see here is that many students here would have a special education designation if they were in another school...so whether they are designated or not depends on the school...we do not have enough psychologist time here so we cannot get the designations.....in other schools parents can pay for private assessments so then their child gets designated....our parents cannot afford to pay.”

Provincial data shown in Table 4.5 below shows BC enrolment trends for the percentage of students with special needs, with a decrease in high incidence and increase in low incidence (most complex) designation categories. This suggests that the special education population is becoming more complex. What is less clear is whether any additional financial support matches the increased costs of supporting these students.

Table 4.5 BC % of Special Education (Sp.Ed.) of total Enrolment

BC	02/03	03/04	04/05	05/06	06/07	07/08
BC % Sp. Ed. Total	10.0	10.11	10.11	10.22	10.25	10.06
BC % Sp. Ed. High Incidence	7.11	6.83	6.90	6.74	6.36	6.23
BC % Sp. Ed. Low Incidence	2.89	3.28	3.21	3.59	3.89	3.83

Note. Data from Ministry *How are we doing* report 2008

Are there any negative or unintended consequences of Bill 33?

Responses to the interview questions revealed marked commonalities between principals and teachers as indicated in Appendices J and K. Most felt that the bill was a political exercise that was a waste of time. The time taken for consultation resulted in a paperwork exercise that achieved nothing. “Politics has taken over from what is best for kids.....the consultation process can lead to adversarial relationships between teachers and admin’....mid year consultations are particularly farcical because you are not going to change the class organisation mid year....resource expectations that have not been realized makes teachers more angry and frustrated..... there is more paperwork and meeting time..... a nightmare in secondary.” One principal also reported the inordinate amount of time he had spent due to a BCTF grievance in which his school is named.

The Victoria Confederation of Parent Advisory Councils suggested that Bill 33 was discriminatory and contravened the BC Charter of Rights and Freedoms. Their May 2006 summary (see Appendix G) revealed that all partners of the Learning Roundtable with the exception of the BCTF were originally opposed to the proposed class composition limits. This perhaps suggests some anticipation of negative or unintended consequences as a result of the legislation. The 2008 Langley Special Education Inquiry reported: “Despite the fact that Bill 33 was intended to address some of the issues for

regular classroom teachers, it has had unintended, negative effects, particularly at the secondary level (Guiltner, McBride & Suddaby, 2008; p.1).

Part 3 – Special (Inclusive) Education Impacts

The findings in this section are associated specifically with the research question regarding the impacts of the policy on special (inclusive) education. Inclusive education requires all class teachers to be special education teachers to some extent. Therefore, co-operative adult behaviour is also necessary.

The most frequently cited response from both teachers and principals concerned increasing student diversity and the general feeling that teachers have not been prepared to manage this. Staff acknowledged the opportunities for ongoing professional development offered by the SD, but recognised the limitations of after school workshops. All six principals remarked on the lack of resources to support the bill's implementation and the increasing social issues that had been disregarded by the bill. They perceived these as a significant challenge to class composition and to special education generally. Eleven of the seventeen teachers interviewed raised the issue of lack of teacher preparation to meet the demands of student diversity. Six teachers suggested a need for more trained TAs and three teachers a need for more specialist teachers to assist them with these challenges. A field note indicated some teachers' perceptions of the need for a less compartmentalized approach to student diversity. Currently this involves different types of support that is often provided in isolation. Alternative approaches consider common methods for students with learning, second language and other differences. Teachers also noted the lack of planning time available for teachers and TAs to co-

ordinate support arrangements. A summary of teachers and principals' most frequently reported themes is provided in Table 4.6 below.

Table 4.6 Thematic Summary of Teacher and Principal Interview Responses

Reported Themes	Teachers (N = 17)	Principals (N = 6)
Question 1. Tell me about your class composition and the consultation process?		
<i>Increasing student diversity</i>	16	6
<i>Doing consultation before the bill</i>	17	6
<i>Not real consultation as no options</i>	6	4
Question 2. Impact on special education of students?		
<i>More paperwork and meetings</i>	9	6
<i>Not just a special education issue</i>	7	5
<i>Composition more challenging than size</i>	3	4
Question 3. Impact on Teachers?		
<i>Teachers ill prepared for current diversity</i>	11	2
<i>No choice – we have the students we have</i>	12	5
<i>No resources to help</i>	6	6
Question 4. Changes to teacher workload?		
<i>Increasing diversity - not only sp.ed.</i>	11	5
<i>Increasing social issues</i>	5	6
<i>Fewer Ministry sp.ed. designations</i>	3	2
Question 5. Bill purpose and changes?		
<i>Political – resolve strike</i>	4	5
<i>Need more skilled TAs</i>	6	4
<i>Need more teachers</i>	3	1
Question 6. Main outcome – positive/negative impacts		
<i>Consultation positive</i>	6	4
<i>Takes time from teaching</i>	4	4
<i>Nothing positive</i>	5	4
Question 7. Anything else to add?	As above	As above

Note. 17(N=17) teachers and 6 (N=6) principals were interviewed. Only the three most frequently reported themes by teachers and principals are provided in this table.

Has the consultation requirement of Bill 33 created conflict?

Hansard (2006, p.4437) warned of the potential for “guaranteed conflict and tension in a consultation process....it’s a mistake to set up a situation in schools where teachers and principals ... who after all have to work together on a daily basis to do the best they can for students ... are put into a situation where there is conflict and tension guaranteed....if there are no resources and parents are complaining that next fall there will be disruption as a result of Bill 33.” Two of the six principals interviewed mentioned the potential for conflict: “It sets up an expectation that there is something there but there is actually nothing therethe principal is stuck in the middle trying to keep everyone happy....consultation is important but we did not need a bill to do that.”

In reality, most interviewees indicated that consultation was happening as routine before the bill was introduced. One principal described the change as: “All the paperwork for one class I need to talk to five people ...consult with themso I run around having different meetings ...in two days ... very time consuming and bureaucratic ...then the SPC just nodyet I have to jump through these hoopsespecially mid yearthat’s silly because I would not reorganise classes then.” Teachers indicated that they felt it was not real consultation because in most cases there was nothing that could be done to change things. In three schools staff also reported that most of the consultation was more routinely done before the summer vacation.

Is teacher workload more manageable as a result of Bill 33?

This was a specific interview question and once again although the responses from principals and teachers were analysed separately, remarkable similarities were

apparent. The most frequently mentioned response concerned increasing student diversity. Yet 13 of the 17 teachers indicated that it was not students with special needs that necessarily increased their workload. One explained: “I have a split age class with three students with learning disabilities, two with behaviour designations, three ELL, three fostered kids, five first nations and two parents who are extremely demanding of my time because they are going through a divorce. They are a very needy class low academically and because I don’t have any low incidence students there is little TA time.” Teachers commented on having too many IEP meetings and needing a lot of curriculum planning time because they could never plan for a single age group. Teachers who had expected Bill 33 to assist with this workload, in reality found it was: “A cruel hoax ... there is no choice here as every class has more than three students with special needs what are we supposed to do ... tell them to go elsewhere” (Teacher ES3)?

In theory the idea of making classes more equitable and balanced appears sound but in actual practice schools have the students they have. “I’ve had 32 in a class with typical abilities and that’s all right, but this year I have five designated students with Foetal Alcohol Syndrome, Autism, Severe Anxiety and mental health problems, a *K student* (student with a mild intellectual disability) who has an IQ of 70 and a gifted student ... then I have three ELL ... all in a class of 27 grade sevens ...so I am teaching to an ability range of between Grade 2 and Grade 9. The Ministry have no idea...just counting numbers of IEPs doesn’t tell you anything” (Teacher, ES1). The workload associated with some students with IEPs is significantly greater than for others. This is apparent from the comparative data shown in Table 4.7 below.

Table 4.7 School Comparison: number of IEPs and weekly TA hours

School Comparison	ES1	ES2	ES3	ES4	ES5	ES6
# IEPs	34	18	35	15	37	12
# TA hrs.	227	107	328	66	155	157
Ratio IEP:TA hours	1:6.6	1:5.9	1:9.37	1:4.40	1:4.18	1:13.08

Note. SD and Ministry data – IEP complexity indicated by a high IEP:TA ratio

School ES5 has the greatest number of IEPs and six classes have four or more students with IEPs. However, the IEPs for five of these six classes are all for high incidence students that reflects a high level of private psycho-educational assessments. This has resulted in their having the highest proportion of students with learning disabilities in the SD. School ES3 is a larger school but has fewer IEPs. It has only three classes with more than four students with IEPs. However, the complexity of these students is reflected in a higher proportion of low incidence students including those with Autism and Foetal Alcohol Spectrum Disorder. School ES3 also has the highest proportion of ELL students (34.7%) and Aboriginal students (14.8%). This school has more than double the number of TA hours than school ES5 and therefore a higher ratio of IEP to TA hours (1:9.97). The workload of teachers in classes with more than three IEPs in school ES3, is therefore arguably greater than school ES5. School ES6 has the smallest number of IEPs, but the highest IEP:TA hours ratio (1:13.08) indicating that their students with IEPs have the highest level of complexity.

What evidence is there of a positive effect on student learning?

In the summer of 2007 BCSSA undertook a survey of their membership for the purpose of reviewing the impact of the bill. One of the questions asked of

superintendents was: “Is there any evidence or other reasons to believe that learning has improved due to the implementation of Bill 33 provisions?” While it is not possible to isolate specific impacts of this single policy from the multiple variables in classrooms, the report suggested: “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 SDs” (BCSSA, 2007, p.2).

One principal suggested that it was unfortunate that the Bill 33 dialogue had been limited to students with special needs because the learning of Aboriginal and ELL students and particularly students with challenging social circumstances had been ignored. The need for a broader perspective, was also reported in Hansard. From classroom observations and more general research findings, the consensus is that it is the quality of the teaching more than anything else that has the greatest impact on student learning. Teachers suggest that it is not only the number of students with special needs that is significant to their ability to manage a class. Other variables such as the availability of parent support, the group dynamic and the range of languages, abilities and behaviours in a class are of equal or greater significance. One teacher commented: I have a full time TA this year because I have three low incidence students that really helpsbut last year I had no TA and I had two students with learning disabilities that got no extra help in class and one of them couldn't do anything without support.....there is no help for those students and that's not fair.”

Two of the teachers interviewed suggested: “Class composition is more challenging than class sizebut it comes down to what is right for the kidssocially,

emotionally and academically.... a policy cannot determine that ...the bill focuses on one kind of diversity and that isn't right ... for me, family support makes the biggest difference ... the challenge is to respond to all kinds of diversity.”

In the 2009 SD review of elementary special education services (Appendix G), teachers commented on the number of times some of their students left the classroom to receive additional learning, behavioural, second language or aboriginal support services. Although they recognized the need to access support services, they also reported a preference for support in their own classrooms. Teachers mentioned an increasing need for the use of TAs and specialist teachers who worked co-operatively with them. They also reported the need for both pre-service and in-service training to better prepare them for today's diverse classrooms. This finding is supported by other research that also suggests a need to focus on curriculum differentiation and team collaboration (Appendix G, Saskatchewan Service Delivery Model, Sailor et al., 2005; Slee et al., 2001).

Some parents of students with special needs regard the bill as discriminatory (Steele, 2007). Other parents of students who do not have special needs also report concerns regarding the composition of classes. This is particularly the case when the behaviour of students is an issue to the extent that parents feel their child's education is being compromised. Principals and teachers have reported occasions when parents have insisted on removing their child from a class or school because of the class composition. The principal of the French Immersion school mentioned this. “There is a tendency for some parents to select schools in order to avoid some types of diversity.” This finding is reflected in other research (Gutman, 1983; Ainscow et al., 2006).

Why is there a SD increase in classes with more than three IEPs?

Teachers and principals were aware of the increase in the number of classes with more than three students with special needs as this was highlighted in the SD Teacher Association Notebook. This is reported as being a bigger issue for secondary than elementary schools. Two teachers made reference to the lower numbers of students with IEPs in Grades one and two. From SD data there is certainly evidence of a trend for an increasing number of classes with more than three students with special needs in the higher grades. Teachers and principals consider the increase in the SD's number of classes with more than three students with special needs, as symptomatic of the actual increase in this population and parental demands for additional support for their children. SD data (Table 3.2 p.58) indicates there are twice the number of students with learning disabilities (580) than behavioural difficulties (254). However, teachers suggest this has more to do with parent advocacy, than there being fewer students with behaviour difficulties. Teachers are also very aware that students with special needs are not distributed evenly between schools, and that students with social, emotional and behavioural difficulties contribute significantly to teacher stress in some schools.

Counting the number of classes with more than three students with special needs or counting the number of IEPs in a class provides numerical data. Teachers reported being more concerned about the qualitative impacts of multiple diversities, than numbers. One teacher explained: "The class of 23 primaries that I have now with two designated students is easier than last year's 19 that had no designations. In that class there were so many boys and so many with no parent support, and their behaviour was a challenge." Another teacher indicated: "I once had a class with three gifted kids and the parents were

more demanding than the kids.” Both teachers and principals seemed less concerned about the number than the complexity and in two cases made reference to: “The number of boys in the group can change the class dynamic. It is not the number...I have three designated Q students (learning disability)there is a huge difference between themand the student with the biggest challenges has no designation at all because he has been to three different schools and is never anywhere long enough to do anything.” Both principals and teachers were not surprised by the increasing number because they are acutely aware of the changing nature of diversity from their daily practice.

Summary of Findings

What are the actual and perceived impacts of Bill 33- 2006 Education (Learning Enhancement) Statutes Amendment Act on special education in six elementary schools in a mid sized urban school district?

An actual impact of the policy was demonstrated by teachers who used the term, *the Bill 33 kids*. Teachers may not have much knowledge of The School Act or special education manual, but the class composition policy is well known. However, teachers and principals’ perceptions suggest general dissatisfaction regarding the utility of policy.

The findings reported in Part 1 of this chapter suggest that the policy does not meet the majority of criteria suggested by Sabatier and Mazmanian (1980) for effective policy implementation. Consequently its intended effects are only partially achieved. However, unintended effects such as tension with the inclusion policy, are apparent.

Findings reported in Part 2 suggest the actual financial and organisational impacts are difficult to discern due to variability among schools and SDs. SDs may choose to allocate funding in different ways. Stakeholders hold different views. The consultation process has become an unintended bureaucratic burden. There are 13,800 pages of class size and composition data on the Ministry website. A reported lack of resources to implement the policy and more generally to support students with special needs, is the greatest concern of school and SD staff.

The Part 3 findings related to special (inclusive) education impacts suggest neutral or negative outcomes. Teachers and principals reported that student diversity is a significant challenge but that IEP numbers alone failed to account for the complexity of some classes. More resources and more support that included opportunities for professional development were suggested as alternative options to legislation.

In summary the research findings suggest that both teachers and principals in this research sample, question the use of a policy that they consider has done little to support teachers or improve student learning. Instead, investment of time and energy is in a bureaucratic process. In 2009, the time required to undertake the consultation process was particularly short as school did not start until September 8th. Staff perceptions of the unnecessary additional work at a time when schools are at their busiest, contributes to their feeling that Bill 33 is an example of how policy should not be developed and implemented.

The discussion, conclusion and recommendations outlined in the next chapter, have implications for policy, practice, and further research.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

The Study in Retrospect

This case study considers the impact of BC's 2006 class composition policy on special education in six elementary schools in a single SD. As outlined in Chapter 1, class composition is a complex, ambiguous and contested concept that continues to be a priority problem for BC teachers. McLaughlin (cited in Honig 2006, p.210) notes: "Nowhere is the contention about the problem of the policy problem more prevalent than in education, in part because of the sector's people dependent processes, soft core technology and contested terrain of governance, voice and authority." In this case, the research findings suggest both policy development and application problems.

Traditional education policy implementation research tended to avoid analysis of what Bardach (1974) described as a series of games involving different players, strategies and tactics. In this case, analysis concerns teachers, principals and SD administrators, coached by their organizations (BCTF, BCPVPA and BCSSA) to assume particular tactics in relation to the contested concept of class composition. These may or may not be compatible with Ministry mandates. As suggested in Chapter 2, the focus on special (inclusive) education, contributes to a particularly wicked policy problem. Such problems or predicaments have no easy or sustainable resolutions. Policy alone cannot tackle them. However, the suggested use of systems thinking and organisational learning theory may contribute to improved resolutions for both policy and practice.

The case study methodology considered in Chapter 3 aimed to provide an interpretive account of the impacts of the policy. The research did not begin with a hypothesis to prove but rather a focus on understanding the perceptions and experiences of those involved (Moss, 2003; O’Conner, 2005). The findings summarized in Chapter 4, reveal individual, school, SD and provincial impacts that may be difficult to generalize due to variability in the student population, schools and SDs (Lupart, 1998). Implementation differences reflect this variability. However, these all contribute to new knowledge from which conclusions may be drawn and applied to similar contexts.

This final chapter provides thematic analysis and a discussion of findings that focuses on three key aspects of the research: policy effectiveness, financial and organisational impacts, special (inclusive) education impacts. The conclusions drawn contribute to the recommendations that follow. These aim to focus the ongoing class composition policy and practice debate, according to six prioritized emerging themes.

- Policy recommendations that concern 3Rs: Roundtable, Resources and Review
- Practice recommendations that concern 3Ds: Staff Development, Systems Development and Curriculum Development

The hope is that readers make use of knowledge gained to “promote an inclusive education system in which students with special needs are fully participating members of a community of learners” (Ministry of Education, 2009, p.2). For as Honig (2006, p.2) suggests: “The interactions between policies, people and places; the demands specific policies place on implementers; the participants in implementation and their starting beliefs or contexts help shape what people can and will do.”

Discussion of Findings

- *What are the actual and perceived impacts of Bill 33- 2006 Education (Learning Enhancement) Statutes Amendment Act on special education in six elementary schools in a mid sized urban school district?*

Emerging themes from the following discussion of the actual and perceived impacts, have implications for special education policy and practice.

Policy Implementation and Organisational Learning

The research findings suggest the class composition policy is regulatory rather than supportive. This does not reflect Honig's (2006) claim as discussed in Chapter 2 that suggests policy should evolve as organizational learning through supportive rather than regulatory processes. Teachers and principals in the research sample question the theoretical foundation of a policy based on counting one group of students for consideration of class composition. They consider the bureaucratic and time-consuming consultation process is taking their time away from students. Their perceptions of the bill are largely negative as neither the parts nor the whole are purposeful (Ackoff, 1994). As one principal said: "This bill is more about politics than pedagogy."

Legislation perceived as unnecessary or incoherent may undermine the government's credibility and result in unintended consequences. Some media reports from parent groups and special education administrators suggest anti-inclusionary and discriminatory effects. The need to align policies in support of a shared vision, requires decision makers to consider inter-related aspects. Knowledge of organizational change theory is not evident in either the development or implementation of this policy.

Evaluation of new policies helps to determine outcomes in practice. The requirements of Bill 33 legislation included a review after one year. The review committee of Roundtable participants met in June 2007. There were two minor amendments to the consultation process made in the fall 2008. The committee concluded that Bill 33 was working. It remains unclear whether this meant that the bill achieved the intended outcomes according to its four specific objectives (p.11). However, the impact of the policy on student learning and teacher well being remains questionable. The Ministry perhaps suggest it is good enough, but the case study teachers and principals' report few if any positive outcomes.

Schools, teachers and principals vary in their ability to meet the diversity of student needs. Legislation cannot easily provide regulations that consider this variability. More contemporary policy formulations are able to consider contextual complexity and variability through co-operative and delegated or devolved decision making. They might also be more concerned with the promotion of priorities such as inclusive education, while leaving class composition matters to SDs and schools. This would require inclusion policy as mainstream rather than special education policy as it is currently in BC. Support for student learning then becomes the focus of all educational policy making and the counting of students with special needs by class, a focus of teaching arrangements for instructional purposes, rather than policy directives.

The current policy does not meet the criteria for effective policy implementation (Sabatier & Mazmanian, 1980). In summary, the research findings suggest:

- The policy is clear and consistent in terms of the administrative requirements.
- The policy is not based on sound theory that identifies links with the inclusion policy for example.
- The policy has not changed the behaviour of teachers or principals other than to require consultation and class organisation reports.
- The policy has not changed class composition arrangements at the school level.
- The policy has not promoted co-operation between the BCTF and Ministry.

Conclusion

Policy implementation is fraught with contradictions embedded in local practice. New or revised policy decisions require careful consideration of all components in order to be successful. One retired SD superintendent commented: “The BC school system is over-regulated and under led. It suffers from repetitive change syndrome.” In conclusion, it is therefore suggested that neither a focus on Ministry directives, nor BCTF controls through collective agreements are best suited to tackling the problem of class composition. Instead, a third way focuses on organisational learning at the SD and school levels, with teachers and administrators working together to organise student learning (Manitoba, 2002).

Financial and Organisational Impacts

The class composition policy came about because of a number of problems concerning the history of collective bargaining with the BCTF, the allocation of resources to support class size and composition and the current reality of increasing student diversity in classrooms. The research findings suggest that principals and teachers agree

on many issues related to this policy. However, the Ministry and SDs have competing agendas with broader organisational and fiscal pressures. These result in responses that may not always be ideal when received at the level of schools and classrooms.

There are mixed reports regarding changes to spending in support of students with special needs since the bill was implemented. The Ministry data does indicate an increase (Table 4.3, p.85), but the individual student special education allocation has not changed. At the same time, salary costs have increased and there have been increasing demands for SDs to offer *Programs of Choice, All Day Kindergarten* and other initiatives. The Ministry appear to have downloaded associated financial responsibilities to SDs. The research SD has experienced an increasing special education population with the greatest increase in the low incidence population, which is the costliest to support. A full time TA for some of these students cost more than double what the Ministry provides. The SD therefore spends more than their allocated additional special education funding. The lack of resources continues to be a significant issue raised by both teachers and principals.

The Langley Special Education Inquiry reported: “There has been historical under funding of special education in the province, which was exacerbated historically by imposed settlements that were not funded, and from which the system has never recovered” (Guiltner et al., 2008). Some teachers indicate that because of resource constraints, prioritizing the allocation of TA time towards those with low incidence special needs results in reduced or no access to additional support for students with high incidence needs. They also refer to students who do not fit the special education criteria

for designation, despite having complex special needs. This suggests that a system based on resourcing individual students according to medically based categories of disability might be neither efficient nor effective. Some teachers report that while they are happy to accommodate students with special needs, they do need to have the appropriate skills and support. This has implications for the special education designation process and financial implications for the provision of adequate skilled specialist teachers and TAs.

One principal asserted that insufficient time and research to determine appropriate resolutions have contributed to a controversial plan of action. The process of negotiation and participant engagement often contributes more to outcomes, than the actual content of policy or guidance. Reflections from the field note diary also suggest Bill 33 legislation was to some extent simply aimed at bringing some stability to the public education system rather than solve the problem of class composition. This provided a short-term solution to the strike, but longer-term implications for appropriate financial and organizational arrangements in support of inclusive education remain questionable.

The questions raised in Chapter 2 (p.45) concerned possible financial and organisational impacts. Corresponding research findings may be summarized as follows:

- There has been no real spending increase in support of students with special needs in the SD as there are other financial pressures affecting their budgets.
- There has been a decline in the number of students identified with special needs in BC but an increase in the SD.
- There has been an increase in the number of complex students with special needs.

- There is a possibility that the long-term implications of the class composition policy may have an adverse effect on the inclusion policy.

Conclusion

The findings support the view that schools seem to have become sites where teachers struggle to develop new forms of knowledge and classroom practice that validates the diverse experiences their students now bring to school (Aronwitz & Giroux, 1991). Bill 33 may have promoted the dialogue between teachers and administrators required for effective class organization. However, the larger questions regarding financial and organisational arrangements that include the teachers' ability to differentiate instruction for student diversity remain unanswered. Financial incentives to students in independent schools, special schools for students with autism and learning disabilities, academies of learning and new partnerships for inter-ministerial working arrangements, are provided by the Ministry. While these may all be worthy initiatives, parents and teachers need to know that local schools at the heart of each community are the priority.

Special (Inclusive) Education Impacts

Increasing student diversity is a significant challenge that potentially affects teacher workload and the quality of student learning. Traditional methods of classroom organisation may not work well for the multiple diversities apparent in many of today's classrooms (Thomas & Loxley, 2001). New knowledge about differentiating instruction in response to the needs of students with disabilities or language, cultural, social or learning style differences, contributes to new forms of organising learning. The development of inclusive organisational arrangements is as much about how adults work together as it is about students (Ainscow et al., 2004; Armstrong & Barton, 2007;

Norwich, 2008). Either policies need to consider the importance of this, or leave such decisions to schools and SDs. Policy decisions that concern any minority group must also reflect principles of social justice and equality (Levitas, 1998).

Ministerial order 150/89 makes inclusion official provincial policy. Inclusion requires the classroom teacher to facilitate whatever supports students require. With an inclusive model, every teacher is a special education teacher and like specialist doctors support the general practitioner, so specialist teachers and TAs support the classroom teacher. Six teachers and four principals reported the need for more skilled TAs in classrooms. This would be for all students regardless of Ministry special education designation. The use of TAs risks perpetuating traditional support arrangements that are focused away from the classroom teacher and the rest of the class. However, they may equally promote inclusive practices. Two adults in a complex class for at least part of the day can reduce the need for some students to leave the class for extra support somewhere else in the school. It may also enhance teacher skills (Ainscow et al., 2006). This has implications for resource management and the organisation of learning in classrooms.

The BCTF is a strong advocate of inclusion with numerous supporting documents available through their website and clear use of the inclusion argument in their campaign. The Canadian Association for Community Living and BCTF joint paper on Inclusive Education (2004 – Appendix G) suggests co-developed strategies between government, universities, SDs, teacher and community organisations. Five priorities for the inclusive education agenda are outlined as concerning leadership in education and society, effective instructional strategies, supports for teachers and parents, pre-service and in-

service professional development and fulfilment of a social contract that is responsive to all diversities in schools and communities. This would be more in line with step six of Ainscow's (2006, p.15) typology of inclusion since it reflects an understanding of "a principled approach to education and society." The conception of special needs in class composition policy, appears to align more with Ainscow's (2006) first step: "Inclusion concerns students with disabilities and others with special needs."

In summary, the research findings considered in response to questions raised in Chapter 2 (p.46) regarding the policy's impact on special (inclusive) education suggest:

- The policy has not caused conflict between teachers and principals in the SD case study schools although there is a reported potential for this.
- The policy has not changed teacher workload.
- The policy has not affected student learning.
- There is acceptance of the increasing student diversity in the SD. However, this requires support for the professional development of class teachers, specialist teachers and TAs. The use of more skilled TAs could also enhance the development of inclusive education.

Conclusion

Special (inclusive) education increasingly concerns whole school reform and all students (Mittler, 2000; Thomas & Glenny, 2002). Skrtic (1995) argues that a reconstruction of special education for post modernity, requires eliminating it as an institutional practice. For the dominant functionalist view of disability as pathology, results in a resource allocation system that is student deficit based. Identification of ever-larger numbers of students with special needs is the result of funding linked to numbers

and types of students with special needs. How SDs and schools deploy this funding varies. However, they do need to be accountable for student learning and the deployment of specialist teachers and TAs. The class composition policy excludes these staff that provide essential supports to teachers and students in classrooms. An inclusive model of schooling accepts diversity (class composition) as mainstream education (Ferguson 2001). This has implications for special (inclusive) education policy and practice.

Discussion of Findings and Recommendations

Roundtable

Given the complexity and interdependence of issues related to class composition, there is a need for ongoing participant dialogue through a forum such as the Roundtable. However, given the post strike timing, it is perhaps not surprising that neither a hastily agreed policy change, nor ongoing dialogue through the Roundtable, could achieve outcomes that are more positive. The presence of various vested interests and changing ideas about special education in particular, contributes to the challenges of tackling this problem (Checkland & Howell, 1998). What is clear is that top-down, technocratic problem solving processes are unlikely to be effective when dealing with such contexts and issues (Honig, 2006; Stone, 2002; Walford, 2001). Instead, this essentially contested concept requires participatory approaches as envisioned through establishing the Roundtable, to provide improved consideration of the contextual and resource constraints outlined in this study. It may also be helpful to consider that the views of teachers in this case study, did not always reflect those of the BCTF. Decision makers need to recognize this and find ways for participatory processes that consider multiple viewpoints.

Resources

The findings support the view that, “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; 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 a politically charged and resource challenged environment is not always easy” (BCSSA, 2007, p.3). However, when both the available research evidence (Manitoba, 2002) and all participants of the Roundtable apart from the BCTF, indicated a reluctance to embed arrangements to regulate class composition through policy, it is difficult to understand government decision making. When this is done without the resources required to support the policy’s implementation, and in a context where there are other significant financial pressures, success is likely to be limited.

Review

The Special Education Review undertaken in 2000, provided 47 recommendations. This was a costly process, the purpose of which was presumably to contribute to system improvements. Teachers and administrators are likely to value policies and practices that are peer reviewed, have a sound philosophical basis, provide clear directions, procedures, and some means of monitoring their performance (Anyon, 2005; Stein, 2004; Walford, 2001). It remains unclear if any of these recommendations have been undertaken. The January 2009, SD teachers’ notebook suggested inadequate monitoring of the class composition policy: “Class composition, the majority problem for

teachers gets scant mention in the organization of classes report.” Class size lends itself to easy accounting in school organisation reports. Class composition is more complex and not easily portrayed using numbers alone. There is a need to review both the special education review and class organisation reports in order to enhance current arrangements.

Staff, systems and curriculum development

Senge (2000) suggests that inadequate staff, systems and curriculum development contributes to difficulties in agreeing a common purpose for schooling. In his view, schools are living systems that evolve because of the way people understand their roles and responsibilities. He suggests: “Organisations work the way they do because of the ways that people work. Policies and rules did not create the problems in classrooms today, nor will they eliminate them. The difficulties faced by schools are always deeply influenced by the kinds of mental models and relationships at large in the system – at every level, from the teacher and students in a classroom to the national political governing bodies that oversee all our schools. If you want to improve a school system, before you change the rules, look first to the ways that people think and interact together. Otherwise, the new policies and organizational structures will simply fade away, and the organisation will revert, over time, to the way it was before” (p.19).

Implications for Policy

The attempt to establish a Learning Roundtable aimed to provide a more participatory approach to decision making. The timing and possibly the leadership and facilitation may not have been optimal, but the idea of a “discourse coalition” (Fischer, 2003, p.94; Hajer, 1993, cited in Howlett & Ramesh, 1998) reflects trends towards more

participatory policy approaches. Policy makers need to learn from local knowledge. Problems originate there and innovative solutions can be found there (Paquet, 1989). A focus on student learning and alignment of policies in a way that promotes consistency and coherence, are also determinants of effective education policy. Policy problems are unlikely to be solved unless these multiple factors and forces are accounted for, and stakeholders are engaged in the process. In BC, this is likely to require considerable time, patience and understanding with sustained collaboration that builds trust and mutual respect (Kreuter et al., 2004). It may also have implications for the timing of the next round of collective bargaining for TAs in 2010 and teachers in 2011.

- Policy Recommendation 1: Roundtable

Re-establish the Roundtable or a *class composition committee* with an agreed membership and agenda. Appoint a leader with appropriate facilitation skills who is able to take into account the history and relationships between key stakeholders. All decision making should maintain a focus on student learning. Education policy makers should use such a reference group in order to review and realign policies to enhance their potential to promote inclusive education. This could be considered as part of the Ministry's regulatory reform initiative (BC Government, 2002).

Both teachers and administrators indicated frustration at the lack of resources to implement the bill and more generally to meet the needs of student diversity.

Recommendation 14 of the Special Education Review (Ministry of Education, 2000) also referred to much needed changes in the funding arrangements for students with special needs. Some changes were made in 2002, although evaluation of the system has not been

undertaken. Increased staffing costs and demands for additional TA time, have likely not kept pace with inflation. White (2008) suggests that up to \$183,194,751 in additional funding is required to meet the legislated class size and composition limits of Bill 33 and to restore specialty teaching positions to 2001-02 levels. Lee (2004) suggests BC trails other provinces in education spending and that funding has not kept pace with inflation.

Recommendation 15 of the Special Education Review suggested a change in the audit system for special education funding from one that focuses on compliance with assessment and planning procedures, to one that focuses on student progress. This may help overcome the waitlist for assessment problem mentioned by teachers and principals who indicated that funding mechanisms favoured students whose parents could afford and advocate for private assessments. The Provincial Joint Committee on class composition in Prince Edward Island (2008) suggested a revised funding mechanism for class composition. This may provide a useful exemplar for consideration in BC.

- Policy Recommendation 2: Resources

Review the special education funding arrangements. This could have an alternative class composition focus that takes into account other types of student diversity. Special education funding would then be assumed under the broader category of funding for class composition (diversity). This would require a significant change that would have implications for inter-related policies. It may also require consideration of trade offs, for example, with funding to independent schools.

The final recommendation of the Special Education Review was to review the progress made with the recommendations in 2003. Although there is no public evidence of this, some elements may be completed. Many of the 47 recommendations remain pertinent today. For example, the research findings suggest teachers are ill prepared to meet the current student diversity in their classrooms. Recommendation 7 of the Special Education Review suggested the Ministry establish a program of tuition rebates to enable teachers to enrol in post graduate credit courses. However, with the exception of teachers for the sensory impaired, this is not yet available. With current funding constraints, it is unlikely to become a reality in the near future. Given that the BCTF also have a financial and professional interest in professional development opportunities, there would need to be collaborative efforts to agree priorities and provide opportunities. Another review recommendation refers to the need for special education coursework as part of initial teacher training. From a recent UBC meeting on this topic, it is evident that BC is no further forward in realizing this recommendation than it was in 2000.

- Policy Recommendation 3: Review the Review

Review the recommendations of the 2000 Special Education Review to help inform future directions. The review group should include appropriate representation similar to that of the Roundtable or class composition committee. There could be some merit in this being the main agenda item for the Roundtable or class composition committee. A focus on staff training and development to meet the current student diversity in classrooms is a priority indicated by both teachers and principals. This should aim to promote inclusive education.

Implications for Practice

Schools are not well adapted to dealing with diversity. Their history has been inclined towards integration that aims to reduce differences rather than celebrate them. Class composition considerations concern diversity. The research suggests that there is considerable variation in the ability of teachers and principals to meet the demands of all students in their classrooms and schools. With the trend towards inclusion, all teachers need the confidence and skills to teach all types of students. In an increasingly decentralized education system, SDs make decisions regarding the most efficient use of resources. There are trade offs in their decision-making that may contribute to inequalities in practice for all students, not just those with special needs. This has implications for administration and leadership at SD and school levels, to have a sound understanding of special (inclusive) education issues (Booth & Ainscow, 2002).

- **Practice Recommendation 1: Staff Development**

SDs need to provide mentoring and staff development opportunities to meet the needs of all teachers and students. This needs to include staff at every level of the system. All school principals ideally need to have the opportunity to work in a school with a high special education and/or other student diversity ratio. Professional development activities need to include accredited courses as well as opportunities for joint working between schools and between school based staff and decision making systems. Although the current financial constraints may constrain travel for Ministry staff, it is essential they continue to remain closely connected with schools.

Traditional class teaching arrangements with a specific number of students to an individual teacher may not always be appropriate. In classrooms with a significant level of diversity there could be a strong argument for an additional full time TA. In a review of elementary support services in the case study SD, teachers surveyed commented on the number of times students left their classroom for additional learning, behaviour, aboriginal and ELL support. They found this interrupted their teaching and left students less able to continue with classroom activities once they returned. Their preferred model was for a single skilled TA and/or teacher to join them in the classroom. Such *co-teaching* arrangements are not common in the case study SD. They can provide effective organisation of teaching and learning. This has implications for roles and responsibilities of class teachers, learning assistance/support/resource teachers (LRT) and for TAs.

- Practice Recommendation 2: Systems Development

Recommendations 12 and 32 of The Special Education Review 2000, recommended the roles and responsibilities of class teachers, LRTs and TAs be reviewed by SDs. Guidelines for best practice may assist schools in developing more inclusive models of practice. In the research SD this would include recommendations of the Supporting Our Special Elementary Learners review. The use of specialist teachers and TAs should be included in the annual class organisation reports.

The Ministry publication *Diversity in BC Schools: A Framework (2008)* references a need “to enhance existing policies and practices to ensure they address diversity” (p.5). According to the Ministry of Education (2006), Bill 33 aimed to ensure the integration of students with special needs was undertaken thoughtfully and the

learning of all students respected. The use of the word integration rather than inclusion reflects the interchangeable use of the word in many publications. This fails to recognise their conceptual differences and reinforces inclusion confusion (Terzi, 2005). Inclusion implies more than the concept of integration, that concerns the movement of students from special schools/classes to mainstream schools/classes. Our policies and practices need to reflect clear and consistent use of appropriate language.

Nowhere is the impact of policy decisions more important than in classrooms where the curriculum drives the teaching and learning process (Fullan, 2003). Curriculum differentiation requires flexible interpretation and creative teaching that does not fit well with competing demands of the standards and accountability agendas (Clark, Dyson, Millward & Robson, 1999). However, teaching to diversity is now standard practice in many of our schools. Although the BCTF has a *Teaching to Diversity* website, the Ministry has no curriculum department and few publications or initiatives to support curriculum development in practice. The class composition policy alone cannot improve student learning or classroom practice. This requires support for staff training and curriculum development. However, these are best undertaken through local initiatives that are better able to account for local circumstances and needs, including how best to use resources (Wedell, 1995).

- Practice Recommendation 3: Curriculum Development

Staff and school development opportunities should focus on curriculum development to meet the needs of student diversity. Special education is only one type of diversity but many of its

approaches and curricular adaptations would be of value to other students with different types of learning needs. This will likely involve the use of initiatives such as *Universal Design for Learning, Differentiated Instruction and Co-teaching*. This work needs to be prioritized by all stakeholders.

Limitations

As outlined in Chapter 3 (p.74), this case study of class composition policy was focussed on only six elementary schools in a single SD. The interview sample was restricted to principals and teachers with three or more students with special needs. The documentary analysis provided a broader range of associated quantitative and qualitative data specific to the BC context that has a unique political history. As suggested in Chapter 2, since essentially contested concepts such as class composition have unique social circumstances and conceptualizations, the research may have limited generalizability. However, the detailed research findings of the case study contribute to conclusions and recommendations that are reflected in the broader literature review. This contributes to their theoretical validity and credibility in practice.

The use of participant observation in this case, has both strengths and weaknesses. While the researcher has particularly relevant expertise in the subject of the research, this can influence the research direction and bias conclusions. On the other hand, familiarity with the subject matter and context provide authenticity and expertise that may be lacking in more independent research. Although the research findings may be open to other interpretations, they do suggest that there is no significant positive impact resulting from the class composition policy in the research sample schools to date. The findings also

raise the possibility of potentially negative impacts on special (inclusive) education development for the longer term. This research is limited to short term impacts.

This case study was limited to elementary schools, as secondary schools are known to have different impacts due to their organizational differences. For example, the Dorsey (2009b) report referred to the time spent on meeting the consultation requirements of the policy in secondary schools. “Assuming an average ten minutes per consultation, or six per hour, the principal at Guildford Park potentially met for 15.5 hours....scheduled at times during the day when teachers were not in class” (p.5-6). The issue of consultation was not the specific focus of this research. Instead the focus was limited to the actual and perceived impacts of the policy on elementary special education.

A further limitation emerged as the research progressed. Although class composition remains a challenge for teachers, the problem may be inappropriately tackled as a policy problem. The focus may therefore be on the wrong problem or the wrong method for solving the problem (Ackoff,1994). For example, in this case, alternative conceptions of the problem could have focussed on the relationship between the Ministry and BCTF, the special education resourcing arrangements or analysis of the management rights model of the policy making process in this case. Dorsey (2009b, p.23) referred to this when he concluded: “The legislative scheme for class size and composition is predicated on a hierarchical management structure driven by accountability and governance structure. It is not predicated on a collaborative, collegial decision making model. It is predicated on a management rights model in which class

size and composition may not be the subject of collective bargaining. It is the exclusive prerogative of management.”

Recommendations for Further Research

It is therefore recommended that future policy research that impacts special education, consider both the appropriateness of particular policy developments and their implementation processes. A focus not only on the actual and perceived outcomes of the implementation process, but also on whether a policy achieves specific intents, provides a more thorough analysis to inform future directions. Further research on the impact of the class composition policy on secondary schools is needed. It is also highly recommended that further research be done on policies associated with inclusion policies generally.

Policy problems defy definitive description since there is rarely an indisputable public good in a democratic pluralistic society. Resolutions may also change as the problem constraints and resources required for problem solving change over time. Ackoff (1994, p.211) uses the term *systems mess* to describe inter-related wicked problems. He suggests that systems thinking (Argyris & Schon, 1974; Checkland & Howell, 1998; Senge, 2000) with its focus on the inter-relatedness of the system's parts is central to tackling problems in a systems mess. An organisational system is the product of both the interaction of its parts as well as its interaction with the larger context. Therefore, it is not merely the parts alone or even the sum of the parts that needs to be considered when determining possible resolutions. Honig (2006) suggests systems thinking that requires the ongoing learning of participants and of the organisations they are part of, is essential. Future researchers and decision makers therefore need to

understand how the parts interact with themselves and the whole, as a necessary function of attempting to solve the problems emerging from a single part (Checkland et al., 1998).

The principle that micro and macro parts are constitutively related, contributes to the logic of this study. Developments in special (inclusive) education are embedded in the broader context of social inclusion (Alexiadou, 2002; Levitas, 1998). An example of the broader effects of the micro/macros relationship can be seen when the forces of market economy schooling lead to social exclusion (Alan, 2003; Halsey et al., 1997, Taylor, 1998). School choice and student selection tend to contribute to school differences that disadvantage those schools and students that do not perform well in a competitive school system. Future research therefore needs to consider the connections and tensions between the macro and micro systems. In addition there is a need for cross sector policy making that is better able to consider the inter-related aspects of its field.

Education policy makers therefore need to acknowledge research that involves:

- Participatory processes that take into account variable contexts (life worlds).
- Systems thinking that takes into account inter related policy and practice domains.
- Frameworks that promote inclusive education within a broader framework of social inclusion.

Endnote

In September 2009, BCPSEA received copies of an *IEP Disclaimer Form* and template letter to parents (BCPSEA, 2009). Some SD teachers' associations had advised teachers to send these letters regarding class composition to parents. One letter suggested

that “although efforts to accommodate these student’s specified needs are being made, the number of students working on IEPs currently exceeds the maximum appropriate for student learning...at this time I am unable to guarantee that the goals and objectives of the IEP will be met.” Such public criticism risks undermining public confidence in our schools. While BCPSEA issued guidance on the inappropriateness of such action, the need for respectful debate about the ongoing educational issues was also recognized

Research often generates more questions than it is able to answer. The question that lingers is whether BC would ever consider a similar policy wording: “*A board must ensure that any class in any school in its SD does not have more than three students “who are aboriginal/black/not English speaking” ...unless in the opinion of the Superintendent of schools for the SD and the principal of the school, the organisation of classes is appropriate for student learning.*” This would violate the Charter of Rights and Freedoms, principles of effective policy development (Sabatier & Mazmanian, 1980) and problem solving (Checkland & Howell, 1998). The ethics of using any vulnerable population for the purpose of political expediency, is clearly questionable.

In the meantime, class composition and supports for students with special needs, continue to be priorities for BC teachers. There are ongoing tensions between teachers and the Ministry’s initiatives concerning class composition policy, inclusive education and resource management. Contributions to the development of improved understanding will likely benefit the quality of teaching and learning for all students. Further policy research effecting special education will ideally avoid inappropriate decision making, by first considering whether class composition is really a policy or practice problem.

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APPENDIX A

BILL 33 -- 2006: EDUCATION STATUTES AMENDMENT ACT

2006 Legislative Session: 2nd Session, 38th Parliament
Certified correct as amended in Committee of the Whole on the 11th day
of May, 2006 Ian D. Izard, Q.C., Law Clerk
HONOURABLE SHIRLEY BOND
MINISTER OF EDUCATION AND DEPUTY PREMIER
AND MINISTER RESPONSIBLE FOR
EARLY LEARNING AND LITERACY

Sections 1 through 10 deal with Distributed Learning

11 Section 76.1 is amended

(a) in subsection (1) by striking out "and" at the end of paragraph (b) and by repealing paragraph (c) and substituting the following:

(c) for grades 4 to 7, 28 students, and

(d) for grades 8 to 12, 30 students. , and

(b) by adding the following subsections:

(2.1) Despite subsection (1) but subject to subsection (2.4), a board must ensure that the size of any class for any of grades 4to 7 in any school in its school district does not exceed 30 students unless

(a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and

(b) the principal of the school has obtained the consent of the teacher of that class.

(2.2) Despite subsection (1) but subject to subsection (2.4), a board must ensure that the size of any class for any of grades 8 to 12 in any school in its school district does not exceed 30 students unless

(a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and

(b) the principal of the school has consulted with the teacher of that class.

(2.3) Despite subsections (1) to (2.2) but subject to subsection (2.4), a board must ensure that any class in any school in its school district does not have more than 3 students with an individual education plan unless

(a) in the opinions of the superintendent of schools for the school district and the principal of the school, the organization of the class is appropriate for student learning, and

(b) the principal of the school has consulted with the teacher of that class.

(2.4) Subsections (2.1) to (2.3) apply to a board, in relation to a school year, after the date under section 76.3 (5) on the report that the board submits the report for that school year to the minister under section 76.3 (10) for that school year.

(5) In this section, "student with an individual education plan" means a student for whom an individual education plan must be designed under the Individual Education Plan Order, Ministerial Order 638/95, but does not include a student who has exceptional gifts or talents.

12 The following sections are added:

Organization of classes --consultation at the beginning of the school year

76.2 In each school year, the principal of a school must, within 15 school days after the school opening day set out in the school calendar applicable to the school for the school year,

(a) if applicable, obtain the consent of or consult with the teacher of a class as required by section 76.1 (2.1) (b), (2.2) (b) or (2.3) (b),

(b) consult with the school planning council with respect to the proposed organization of classes within that school for that school year, and

(c) provide the superintendent of schools with a proposed organization of classes for the school for that school year that is, in the opinion of the principal, appropriate for student learning.

Organization of classes --report

76.3 (1) In this section:

"class size provisions" means section 76.1 and any regulations made under that section; "report" means

(a) a report prepared under subsection (2) by the superintendent of schools, or

(b) in the first usage of the term in subsection (10), and in subsection (11), a revised report;

"student with an individual education plan" has the same meaning as in section 76.1.

(2) In each school year, the superintendent of schools for a school district must review, and prepare a report on, the organization of classes in the school district.

(3) The superintendent of schools must include in his or her report a rationale for the organization of any class in the school district that has more than 30 students.

(4) The minister may

(a) require additional information to be included in a report, and

(b) specify the form of the report.

(5) The superintendent of schools must date and sign the report to verify that, as of that date, the organization of classes in the school district

(a) is in compliance with the class size provisions, and

(b) is, in the opinion of the superintendent, appropriate for student learning.

(6) On or before October 1 of the school year to which the report relates, the superintendent of schools must submit the signed report to the board and to the district parents' advisory council, if established for the school district.

(7) On or before October 15 of the school year to which the report relates, the board must, at a public meeting of the board,

(a) accept the report, or

(b) instruct the superintendent of schools to revise the report.

(8) If the board instructs the superintendent of schools to revise the report,

(a) the superintendent must instruct the principal of a school, within the period established by the superintendent,

(i) if applicable, to obtain the consent of or to consult with the teacher of a class as required by section 76.1 (2.1) (b), (2.2) (b) or (2.3) (b), and

(ii) to consult with the school planning council with respect to the organization of classes within that school for that school year,

- (b) on or before 15 days from the date of the public meeting referred to in subsection (7), the superintendent must revise the report in accordance with the board's instructions and submit the signed revised report to the board and to the district parents' advisory council, if established for the school district
- (c) the board must review the revised report within 7 days of receiving the revised report.
- (9) Subsections (3) to (5) apply to a revised report.
- (10) The board must submit the report to the minister immediately after accepting the report under subsection (7) (a) or after reviewing the revised report under subsection (8) (c).
- (11) The minister must make available to the public a report received under subsection (10).

Organization of classes --changes after date on report

76.4 (1) In this section, "student with an individual education plan" has the same meaning as in section 76.1.

(2) If the size of any class for any of grades 4 to 12 in any school in a school district exceeds 30 students, subject to subsection (4), the board of that school district must ensure that the class size does not increase unless

(a) in relation to a class for any of grades 4 to 7, the requirements of section 76.1 (2.1) (a) and (b) are met, or

(b) in relation to a class for any of grades 8 to 12, the requirements of section 76.1 (2.2) (a) and (b) are met.

(3) If any class in any school in a school district has more than 3 students with an individual education plan, subject to subsection (4), the board of that school district must ensure that the number of students with an individual education plan in the class does not increase unless the requirements of section 76.1 (2.3) (a) and (b) are met.

(4) Subsections (2) and (3) apply to a board, in relation to a school year, after the date under section 76.3 (5) on the report that the board submits to the minister under section 76.3 (10) for that school year.

(5) Subsection (6) applies if, after the date under section 76.3 (5) on the report that the board submits to the minister under section 76.3

(10), the size of a class for any of grades 4 to 12 in a school in the school district changes and, as a result of the change, the size of the class

(a) exceeds 30 students, or

(b) increases, in accordance with subsection (2) of this section.

(6) As soon as practicable after the change in the size of a class referred to in subsection (5),

(a) the principal of the school must provide the school planning council with the rationale for the change in the organization of the class,

(b) the superintendent of schools must provide the board and the district parents' advisory council, if established for the school district, with the rationale for the change in the organization of that class, and

(c) the board must provide the minister with the rationale for the change in the organization of that class.

(7) The minister must make available to the public the rationale received under subsection (6) (c).

Special administrator --class size compliance

76.5 (1) In this section, "class size provisions" means sections 76.1 and 76.4 (2) and (3) and any regulations made under section 76.1.

(2) The minister, by order, must appoint a special administrator to a school district for a term determined by the minister if, in the opinion of the minister, the board is not in compliance with the class size provisions.

(3) A special administrator appointed under this section to a school district must review the organization of classes in the school district.

(4) After the special administrator reviews the organization of classes in the school district, the special administrator must do one of the following:

(a) if, in the opinion of the special administrator, the board is in compliance with the class size provisions, submit a report to the minister;

(b) submit the matter of the organization of classes in the school district to the board for further review by the board within the period established by the special administrator;

(c) require the board, within the period established by the special administrator,

(i) to vary the organization of classes in the school district, or

(ii) to do any other things necessary, so as to comply with the class size provisions.

(5) If the matter is submitted to the board under subsection (4) (b), the board must, within the period established by the special administrator under that subsection,

(a) review the organization of classes in the school district, and

(b) submit to the special administrator proposed changes to the organization of classes.

(6) After proposed changes to the organization of classes have been submitted to the special administrator under subsection

(5) (b), the special administrator must

(a) accept the proposed changes to the organization of classes and require the board to implement those changes within the period established by the special administrator, or

(b) require the board, within the period established by the special administrator,

(i) to vary the organization of classes in the school district, or

(ii) to do any other things necessary,

so as to comply with the class size provisions.

(7) The board must, within the applicable period established by the special administrator, do the following as applicable:

(a) implement its proposed changes to the organization of classes in the school district if those changes are accepted by the special administrator under subsection (6) (a);

(b) vary the organization of classes in the school district or do any other things necessary as required by the special administrator under subsection (4) (c) or (6) (b).

Special administrator --compliance with consultation and reporting requirements

76.6 (1) The minister, by order, may appoint a special administrator to a school district for a term determined by the minister if, in the opinion of the minister,

- (a) a principal of a school in the school district has contravened section 76.2 or 76.4 (6) (a) or an instruction of the superintendent of schools under section 76.3 (8) (a),
 - (b) the superintendent of schools for the school district has contravened section 76.3 (2), (3), (5), (6) or (8) (a) or (b) or 76.4(6) (b), or
 - (c) the board of the school district has contravened section 76.3 (7), (8) (c) or (10) or 76.4 (6) (c).
- (2) A special administrator appointed under this section to a school district may require the board, within the period established by the special administrator,
- (a) to instruct the employees of the board to comply with the provisions of this Act that were contravened, or
 - (b) to comply with other procedures established by the special administrator to remedy the contravention.

Special administrator --general

76.7 (1) For the purpose of performing his or her duties and exercising his or her powers under this Act, a special administrator may do one or more of the following:

- (a) enter a school building or any other building used in conjunction with the school or offices of the board, or any part of them;
- (b) inspect any record of the board;
- (c) interview any employee of the board.

(2) The board must pay

- (a) the remuneration of the special administrator, at the rate determined by the minister, and
- (b) the expenses of the special administrator.

(3) The minister may provide a direction to the special administrator respecting the duties of the special administrator under this Act.

Authority of vice principal under sections 76.1 to 76.6

76.8 If authorized by the principal of a school, the vice principal of the school may perform any duties of the principal under sections 76.1 to 76.6.

Next section reverts to Distributed Learning

(2) Within one year after the date of the coming into force of this section, the minister must appoint a committee in accordance with this section to review the amendments made to the School Act by sections 11, 12, 22 and 24 of this Act.

(3) The committee is to consist of the following:

- (a) two representatives of the Ministry of Education;
- (b) four representatives chosen by the British Columbia Teachers' Federation;

(c) two representatives chosen by each of the following organizations:

- (i) The British Columbia School Trustees Association;
- (ii) The B.C. Confederation of Parent Advisory Councils;
- (iii) the B.C. Principals' and Vice-Principals' Association;
- (iv) the British Columbia School Superintendents' Association.

(4) The failure by an organization referred to in subsection (3) (b) or (c) to choose representatives for the committee does not invalidate the appointment or functioning of the committee.

APPENDIX B

SUMMARY OF BCTF, SDTA AND LEARNING ROUND TABLE REPORTS

Date	Focus	Summary
March 2004 Teacher News Magazine (SDTA)* Vol. 16 (4) <i>*Note that all BCTF reports are available from www.bctf.ca</i>	Class-size arbitration Found in favour of the employer	Collective Agreement class sizes before 2002 Grade K-20 Grades1/2-22 Grades 4/12-30 Jan 2002 contract imposition – class size and composition stripped from collective agreement. Section 76.1 of the School Act: Class size limits: Grade K-22 Grades 1/3-24 Grades4/12 – no limit
24 Oct 2005 – initial meeting Roundtable	<ul style="list-style-type: none"> • Government (4); Premier, Minister, deputy minister Education, Sup. of Achiev. • BCTF (4): President, First VP, 2nd VP, Exec. Director • BCSTA(2) BCSSA (2) • BCPVPA (2) BCPAC (2) 	<ul style="list-style-type: none"> • First issue: class size and composition • Class size limits for Grades 4 – 12 • Class composition must be addressed • Resources for classrooms • Fix problems in the School Act • Ministry to collect data • Regular meetings established
Sept 2005 BCTF(TNM) report	What is class composition about?	70% teachers say they have more students with Special needs than in the past
14 Nov. 2005 Roundtable	<ul style="list-style-type: none"> • BCTF tables class size reg • Call for deletion of class size averages • Staffing ratios; librarians, counsellors, LAC, ESL • Strike funds (\$130K) spent by March 1st 2006 • Proposals for class size and comp. in School Act • Need for data (CSC) 	<ul style="list-style-type: none"> • Class size maximums proposed: <ul style="list-style-type: none"> ○ Kindergarten – 20 students ○ Grades 1–3 – 22 ○ Grades 4–7 – 24 ○ Grades 8–12 – 28 ○ Special Ed Classes – 15 ○ Technical Ed. Classes – 24 ○ ESL Classes – 15
5 Dec. 2005 Roundtable	<ul style="list-style-type: none"> • Allocation of strike funds (\$130 million) must be spent by March 1st 2006 • Proposals for dealing with class size and composition in the School Act • Class size and composition data (CSC) 	<ul style="list-style-type: none"> • \$40 million transferred to BCTF • \$4 million to FNations education • \$20 million to class size & composition • \$30 to schools (\$50 per student) • \$33 to districts • BCGSA, BCAA, and BCSTA agree to maintain CSC flexibility – BCTF propose changes to School Act
17 Feb. 2006 Roundtable	<ul style="list-style-type: none"> • BCTF report “no progress” 	<ul style="list-style-type: none"> • Gov report possible changes to legislation – BCTF urge for Sept 2006
21 April 2006 Roundtable	Should there be class size and composition limits in legislation?	BCSTA– No BCPAC – No BCSSA – No BCPVPA – No Minister – No BCTF – Yes: & support for SWSneeds

Date	Focus	Summary
May 2006 Issue Alert V.18 (3) SDTA Notebook	Bill33 – Education (learning Enhancement) Statutes amendment act Bill 33	Bill passed May 12. Gov. acknowledges concern for CS & Comp. BCTF suggests this is the first improvement since 2002 – but concern over adequate funding
May/June 2006 TNM Vol. 18 (7)	Bill 33 – A step in the right direction	Legislated class size limits – 9,000 classes currently have 31 or more students and 11,000 classes have 4 or more students with special needs
May 2006 Letter from BCTF President to Minister of Education	Letter from BCTF President to Shirley Bond	“Bill 33...viewed as positive step...critical that adequate funding be provided to school boards to supplement legislative changes successfully...implementation of Bill 33 should not come at the expense of other services...commitment to successful inclusion of students with special needs...”
Oct 2006 Issue Alert Vol. 19 (2) “Are learning conditions better now than before? Need to review Bill 33	Is class size legislation helping students?	Benefit of legislation: admin. consult. Implementation without \$\$ has led to situations not appropriate for student learning: failure to provide for SWSNeeds <ul style="list-style-type: none"> • loss of SN designations • many classes with >3 IEPs • backlogs for SN testing • increasing designation criteria • support promised with consultation, withdrawn • superintendents state: best they can do with existing funding • students encouraged DL courses
Nov 2006 Newspaper Advertisement	Why are so many kids still waiting.....for help with special needs for small classes?	Last spring government promised improvements – unfortunately government didn’t provide funding.
Nov/Dec 2006 TNM Vol. 19 (3)	Bill 33 misgivings	Highland School – 61 classes over 30 and 48 classes with more than 3 special needs students – “no advances have been made...not a single class size has been reduced courtesy of Bill 33.”
Feb 2007 TNM No.5	Still no funding	“The government has not provided school districts with any new funding to implement this legislation.”
Feb 2007 TNM No. 6	Did you know?	“According to Deputy Minister ED, Bill 33 was a success. IF this is what success looks like, one would hate to see failure!” Classes with 4 IEP students 4,464 Classes with 5 IEP students 2,300 Classes with 6 IEP students 1,258 Greater than 6 IEP students 1,537 Total classes with 4+ IEP students 9,559

Date	Focus	Summary																		
March 2007 No. 19	Report from the BCTF to the legislative assembly	<p>Elementary classes over 30 have dropped. Secondary Classes: 3157 have 31+ students Number of classes with more than 30 students:</p> <table border="0"> <tr> <td></td> <td style="text-align: center;"><u>2005-06</u></td> <td style="text-align: center;"><u>2006-07</u></td> </tr> <tr> <td>Gr. 4-7</td> <td style="text-align: center;">648</td> <td style="text-align: center;">85</td> </tr> <tr> <td>Gr. 8-12</td> <td style="text-align: center;"><u>8,604</u></td> <td style="text-align: center;"><u>3,157</u></td> </tr> <tr> <td>Total</td> <td style="text-align: center;">9,252</td> <td style="text-align: center;">3,242</td> </tr> </table> <p>Teachers told the reason for exceeding class size limits is lack of funding – school boards have not received \$ to implement. “Some districts are solving students with special needs placement by dumping them all together in new segregated classes.”</p>		<u>2005-06</u>	<u>2006-07</u>	Gr. 4-7	648	85	Gr. 8-12	<u>8,604</u>	<u>3,157</u>	Total	9,252	3,242						
	<u>2005-06</u>	<u>2006-07</u>																		
Gr. 4-7	648	85																		
Gr. 8-12	<u>8,604</u>	<u>3,157</u>																		
Total	9,252	3,242																		
March 2007 No. 20	A note from teachers to the legislation assembly	<p>Classes with more than 3 IEP students:</p> <table border="0"> <tr> <td style="text-align: center;"><u>No of IEPs</u></td> <td style="text-align: center;"><u>2005/06</u></td> <td style="text-align: center;"><u>2006/07</u></td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">4,566</td> <td style="text-align: center;">4,464</td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">2,778</td> <td style="text-align: center;">2,300</td> </tr> <tr> <td style="text-align: center;">6</td> <td style="text-align: center;">1,577</td> <td style="text-align: center;">1,258</td> </tr> <tr> <td style="text-align: center;">>6</td> <td style="text-align: center;"><u>2,021</u></td> <td style="text-align: center;"><u>1,537</u></td> </tr> <tr> <td>Total</td> <td style="text-align: center;">10,942</td> <td style="text-align: center;">9,559</td> </tr> </table> <ul style="list-style-type: none"> • some students delisted • specialist teachers disappearing • consultation is “Hobson’s Choice” for teachers 	<u>No of IEPs</u>	<u>2005/06</u>	<u>2006/07</u>	4	4,566	4,464	5	2,778	2,300	6	1,577	1,258	>6	<u>2,021</u>	<u>1,537</u>	Total	10,942	9,559
<u>No of IEPs</u>	<u>2005/06</u>	<u>2006/07</u>																		
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6	1,577	1,258																		
>6	<u>2,021</u>	<u>1,537</u>																		
Total	10,942	9,559																		
May 2007 TNM	Keeping our eyes on Bill 33 – one year later	<p>Bill 33 review date not yet set. There should be no cuts to services (ESL, LAC, Psych, Counselling) or programs – need to honour the intent of Bill 33.</p>																		
School Year 2006 – 2007 Learning Round Table Report	Bill 33 – students and teachers are still waiting.	<p>Release of Ministry of Education data confirms disappointment.</p> <ul style="list-style-type: none"> • nearly 100,000 classes over 30 • early 10,000 classes with more than 3 IEP students <table border="0"> <tr> <td></td> <td style="text-align: center;"><u>2005/06</u></td> <td style="text-align: center;"><u>2006/07</u></td> </tr> <tr> <td>Classes with 4+ IEP students</td> <td style="text-align: center;">10,942</td> <td style="text-align: center;">9,559</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;"><i>12 % decline</i></td> </tr> </table> <ul style="list-style-type: none"> • costs of Bill 33 downloaded to school districts • inadequate number of specialist teachers and reduction in counselling time • SN students not identified due to wait lists for assessment • Bill 33 review needs a credible process with all stakeholder groups 		<u>2005/06</u>	<u>2006/07</u>	Classes with 4+ IEP students	10,942	9,559			<i>12 % decline</i>									
	<u>2005/06</u>	<u>2006/07</u>																		
Classes with 4+ IEP students	10,942	9,559																		
		<i>12 % decline</i>																		

Date	Focus	Summary
June 2007 BCTF Report	Research Report Impact of Bill 33	<ul style="list-style-type: none"> • Bill 33 has not produced adequate learning conditions • more resources are required to support students with special needs • class composition continues to be a central concern of teachers • restore the specialist teachers stripped from the collective agreement • require less paperwork and end wait lists • require administrators to provide rationales that actually address the learning situations
Sept 2007	Welcome Back Letter	Bill 33 – reminder “appropriate for student learning”
Sept 2007 TNM Vol. 20 (1)	Issue Alert Improve Conditions Enforce the limits	“do not enter into the consult or consent process unless a union representative is included ... a written form should be completed ... do not agree to exceed both the class size and the class composition limit...”
Oct 2007 Newspaper Advertisement	If schools were convention centres they’d get the resources they needed	<ul style="list-style-type: none"> • thousands of classes with over 30 students • thousands of classes with 4 or more students with special needs • serious shortage of specialist teachers • BC government clawing back up to \$50 million from BC schools <p>All students lose when classes are too large and there isn’t enough support for students with special needs</p>
Oct 2007 and 2008 Education Funding Brief	To the Standing Committee on Finance and Government Services	<ul style="list-style-type: none"> • Bill 33 – fix a broken promise – provide the funding necessary to implement Bill 33 • crisis in special education • inclusion is supported by teachers • a thorough examination of the funding system is long overdue
Oct 2007 TNM Vol. 20 (2)	BC fails to keep up with other provinces in education funding	<p>Statistics Canada: 1998-2005 inflation 15% All provinces increased student expenditure more than 15% (28%) except BC (20%) BC student-educator ratio increased from 17.2 in 1998 to 17.5 in 2005: highest in Canada BC education spending fell from 3.8% of GDP in 1998 to 3.2% of GDP in 2005 <i>Note: GDP = Gross Domestic Product (an indicator of economic wealth and the availability of BC\$ for provincial services)</i></p>

Date	Focus	Summary
10 Dec 2007 Learning Round Table Report	Key issues and information “Bill 33 a failed promise” situation worse for students with special needs Issues re meaning of “consultation”	classes with <u>2005/06</u> <u>2006/07</u> <u>2007/08</u> 4+ IEPs 10,942 9,559 10,313 Classes of 30+ 9,252 3,242 3,179 <ul style="list-style-type: none"> • more teaching assistants but fewer specialist teachers • Minister wishes to discuss more than class size and composition at the Round Table
Dec 2007 School staff alert	Minister, come clean on special needs numbers	Third annual report on class size released Dec 2007. Struggle to keep class size and composition at the top of the Round Table Agenda.
29 Jan 2008 Roundtable	BCTF argue that focus should be class size and composition.	Minister wishes to introduce items such as grade retention, aboriginal education. Ministry unable to provide promised analysis of CS&C data
Feb 2008 SD Forum Reports	Public and teacher forum reports examples from SD 41, 42, 48	All mention Bill 33 – “top concern” – need to provide more resources and support for students with special needs
11 June 2008 Roundtable	Learning Round Table admits students have endured unacceptable conditions. Bill 33 has not addressed the problem	<ul style="list-style-type: none"> • but no more resources for class size and composition • number of students with IEPs has declined • round table used to discuss other issues
Sept/Oct 2008 SD Forum	CSR to be present for all consult/consent discussions	“do not provide consent or consult approval where both class size and composition limits are exceeded. 334 classes with more than 3 SN students in this SD (40 in Elementary)
8 Oct 2008 Roundtable	BCTF letter to Minister requesting a meeting of the Roundtable	No response. Impending 2009 budget pressures due to economic climate world wide.
Jan 2009 BCTF Report	The learning Roundtable – “A recurring nightmare”	<ul style="list-style-type: none"> • No plan to improve classroom conditions Classes with 4+ IEPs is now 10,985 Classes with over 30 is also up – 3,336 Class composition which is the majority problem for teachers gets scant mention in the Ministry report. BC - highest Canadian student-teacher ratio

APPENDIX C
SUMMARY OF BC MINISTRY OF EDUCATION
INFORMATION BULLETINS

Date	Focus	Bulletin Summary
1 Feb 2002	Funding	Funding stable for 2002-03 - \$3.79 billion
2 Mar 2002* <i>*all information available from www.bced.gov.bc.ca</i>	New Funding-Formula (+8 March letter)	New formula increases school board flexibility and transparency. 82% student base + 18% supplementary grants (unique school needs including special ed, enrolment decline, salary differentials, transportation & housing, unique geographic factors)
28 Mar 2002	Grant allocation	One time \$46.6 million grant allocated from Ministry savings – to clear away district debt and meet district priorities. Some grant to independent schools.
17 Dec 2002	Student funding increase	Districts receive additional \$35 per student as a result of enrolment decline. Funding maintained for less students.
1 Jan 2003	Funding Protection	\$3.79 billion funding = \$6,500 per student (was \$5,844 per student in 1998)
13 Mar 2003	\$2.1 million redirected	Ministry funds district share of BCPSEA, saving the District their share of the costs
14 Mar 2003	Increase in per pupil grant	Funding for school districts to remain at \$3.79 billion 9.10 student enrolment decline
13 June 2003	Supporting students with learning challenges	\$250,000 invested
27 Nov 2003	More funding per student	Increase of \$43 per pupil as a result of declining enrolment. 6th year of student decrease
30 Jan 2004	\$85 million increase	\$3 – 875 billion - \$85 million increase - \$6,748 student
15 Mar 2004	District funding increase	\$3 – 89 billion
31 Mar 2004	\$32 million more for school districts	One time grant = \$124 million more as a result of Ministry savings
25 Nov 2004	Student funding continues to rise	\$157 more per student as a result of increased funding and 7th year enrolment decline. \$722 million investment in new

Date	Focus	Bulletin Summary
		schools
11 Feb 2005	Province to do more for special needs	#3.7 million increase for students with special needs. Four components include students who move districts after Sept 30th district count specialized speech equipment, other special needs equipment, an annual report (How are we doing?) that monitors special needs students progress.
15 Mar 2005	Funding increase	\$150 million increase - \$7,097 per student –focus on student achievement
16 June 2005	New Minister of Education Shirley Bond (Also appointed Deputy Premier)	
6 Oct 2005	New Learning Round Table	Permanent Round Table established to discuss class size, class composition and other issues related to learning conditions in the public school system. Also note made to hold an annual teachers’ congress meeting teachers/others to communicate directly with government.
8 Oct 2005	Province urges BCTF to join Learning Round Table	All partners except BCTF have agreed to take part in Round Table....”so we can see our children back on the classroom as soon as possible.”
1 Dec 2005	Funding rises	\$4.027 Billion - \$7093 per student (different for number 12 March 2005) Enrolment decline continues
7 Dec 2005	\$20 million for class size and composition	\$20 million to reduce class sizes and special needs issues as a result of inquiry recommendations by Mr. Ready.
9 Feb 2006	Report shows progress on class sizes	First ever report shows 9 out of 20 classrooms have fewer than 30 students. 1 in 5 classes has fewer than 20 students. A third of classes has no students with special needs. Langley SD pilot review launched, 13,800 pages of data in the class size and composition reports available on Achieve BC website.
15 Mar 2006	Funding increase	\$7207 per student – additional spending should be focused on class size and composition.
26 April 2006	Special needs students improve results	First ever report on performance of students with special needs (how are we doing?) “More students with special needs are meeting or exceeding expectations....”

Date	Focus	Bulletin Summary
		More than what? 61,277 students with special needs. Focus additional resources on class size and composition.
27 April 2006	Class size limits help improve student achievement	New legislation introduced today. "Setting maximum limits for class size and students with special needs helps improve learning for all students." Legislation ensures parents and teachers have a say in class organization.
4 Sept 2006	\$20 million for class size and special needs	\$4.05 billion – 875 additional staff including 322 teachers, 220 educational assistants, 221 support staff, 49 education professionals and 63 VP/Principals
18 Sept 2006	Teacher's Congress	First annual Teacher's Congress planned
5 Feb 2007	Report show class sizes reduced	2nd Annual report – 95% of all classes have fewer than 30 students and average class sizes have reduce in every school district. "Bill 33 is working." Number of classes with 4 or more special needs students decreased by 1,400. Review of Bill 33 legislation planned.
15 Mar 2007	More funding	\$4.345 billion - \$7,596 per student – next year Districts will receive more for English as a Second Language and Aboriginal Education (ESL & Ab.Ed.)
2 Oct 2007	Teacher's Congress (2)	Teachers communicate directly with BC education ministers
10 Dec 2007	Class sizes reduced	3rd annual report – 95% classes have fewer than 30 students.
19 Dec 2007	Record Funding	20th consecutive year of enrolment decline
14 Mar 2008	Funding increase	\$4,467 - \$8,078 per pupil. Only 7 school districts have increase in students
22 Aug 2008	Education by numbers	Increased funding – fewer students 95% classes have fewer students – record achievement – 35 new school constructed

APPENDIX D
SUMMARY OF HANSARD: HISTORY AND PROGRESS OF BILL 33

Date	Focus	Summary of Hansard Report
21 Nov 2005* 38 th Parliament <i>* Note all Hansard reports are available from the Ministry of Education website: www.bced.gov.bc.ca</i>	School District funding Cutting strings Resource gaps Learning Round Table BCTF view Public education unrest since 1993	Hon. G. Campbell – chair of the Learning Round Table – 4 BCTF, 2 Trustees, 2 BCSTA, 2 parents, 2 Ministers of Education. “How do you create accountability alignments for what is going on?” “We want to as a province, eliminate whatever learning resource gaps or shortages there are.” “Our goal was to create more autonomy for school boards.” “The round table is an opportunity for all of us.” “Primary agenda item of the Learning Round Table is class size and composition – the biggest challenge is class composition.” “There was some trepidation from the BCTF in terms of coming to the Round Table.” “I think the teacher’s dispute was unfortunate for everybody.” “In public education K to 12 Education, there hasn’t been agreement since the province wide bargaining that was put in place in 1993.”
27 April 2006	1st Reading 3 parts to Bill 33 Section 11 deals with class size and composition	Sponsored by Hon. Shirley Bond – Minister of Education. Act introduces amendments to the School Act with regard to: - class size and composition in BC schools distributed learning and programs of choice the Teaching Profession Act and student records Section 11 deals with class size and composition in particular. No further debate.

Date	Focus	Summary of Hansard Report
<p>4 May 2006</p> <p>p.4396-4443</p>	<p>2nd Reading</p> <p>Bill 33 complexity of class size and composition issues</p> <p>Disagreement between parents, teachers and administrators</p> <p>Need for ongoing dialogue</p> <p>History of unrest and previous cuts since 2002</p> <p>CUPE not at Round Table</p> <p>Resources?</p> <p>Other Questions</p> <p>Bill 33 only a First Step</p> <p>Government to blame for needing Bill 33</p> <p>SEA (TA)role</p> <p>Failure to resource Bill 33</p> <p>Discrimination</p>	<p>“This Act introduces legislative changes that will set out new steps for improving student achievement by establishing smaller classes & increasing accountability ...in the context of record funding.”</p> <p>“These changes address class size and composition in BC schools and fulfil our Throne Speech commitment to ensure that all school districts live within the class size limits established in law.” Core values – excellence, choice, accountability and achievement. “There is not necessarily agreement on the best way to improve learning conditions ...parents expressed concern that fixed numbers in secondary schools limit student elective choices.”</p> <p>“Bill makes positive and significant steps forward ... we are committed to dialogue.”</p> <p>History since 2002 included decline of 19% teacher/librarians, 9% counsellors, 17% specialist teachers and delegation of responsibility to school boards...need to revisit the per-pupil funding formula.</p> <p>“While the pupil funding level is higher than it has ever been – the input costs are also the highest.” CUPE is integral to the public school system (25,000 employees) but was not at the Roundtable. “Grey area students not included.” “BCSTA requests that when Bill 33 is enacted, government increase the funding to SD to support the increased cost of implementation.” “It’s a positive first step...the bill however fails students.” Questions: why consent in Grades 4 – 7 but consult in other grades? What about ELL instruction? Special class and alternate programs? One teacher can “consent” while another does not, so composition legislation is useless. “Hard cap on class size in grades 4 through 7 – that is a positive.” “It is important for the government to accept responsibility for that situation (the teacher’s strike)</p> <p>“The debate...doesn’t end with Bill 33.”</p>

Date	Focus	Summary of Hansard Report
11 May 2006	Inclusion P.4435 3rd Reading Rural Schools No “one size fits all” Bill 33 is a start History of unrest	<p>“No acknowledgement of the role and need for special education assistance in this legislation...and no resources.” “The school system doesn’t have the resources or skills to do the assessments.” “Current method of financing our public education system is not meeting the requirements.” “Parents of special needs children... concerned this bill will produce – actual discrimination...no funding for aides in the classroom – afraid their children will be moved out of their classrooms...there are not enough psychologists....wealthy parents can pay...the ordinary child is on a wait list, sometimes up to 3 years.” “If we’re not careful our whole ability to be inclusive could be at risk.” Conflict and tension guaranteed in consent or consult process. 11,000 classes with more than 3 students.</p> <p>Consent vs. consult? Change in funding? Flexibility and choice? Many schools and school districts had previously consulted in issues of class size and composition – principals do talk to teachers about these issues anyway. Round Table membership to be reviewed after a year – CUPE involved? “The bill is about the best placement for students in this province whether they are typical or special needs students.” (SB) “This bill is useful in beginning to get on the road to redressing the problems that were caused legislatively in 2002.” “Bill 33 begins ... the road back towards some kind of stability – but there are elements....which aren’t dealt with.” “We couldn’t actually come to a negotiated settlement in this province for, I think, about 13 years.” “In R school there are 200 students with 60 IEP students ...local needs not addressed with current funding.”</p>
16 May 2006	Committee Stage	Committee Discussion
18 May 2006	Royal Assent	

APPENDIX E
SAMPLE SD ANNUAL CONSULT/CONSENT RECORD

School Act, Section 76.1
RECORD OF DISCUSSIONS - (Elementary)

School: _____ Teacher(s): _____

Principal: _____ Grade(s)/Subject(s): _____

As per section 76.1 of the *School Act*:

(2.1) Gr. 4-7 more than 30 students (consent)

(2.3) More than 3 students identified Ministry Special Needs Students (consultation)

Date(s) of Discussion: _____

Attendees: _____

Proposed Organization of the Class:

_____ # of Students

_____ # of Students with identified Special Needs

Points and Alternatives Identified by the Teacher:

Other Alternatives Discussed:

Rationale for Organization of the Class as determined by the Principal after discussion(s):

I consent to the above class size.

Teacher's Signature

Date

This is to confirm that the school principal has consulted with me regarding class composition.

Teacher's Signature

Date

After having reviewed the organization of the above class, I conclude that the above class is appropriate for student learning.

**APPENDIX F
ELEMENTARY SCHOOL DATA –
SELECTED SAMPLE OF 6 FROM 28 SCHOOLS**

Schools	Roll	Low incidence Students	High incidence Students	H Students	Gifted Students	% Students with IEP (except gifted)	TA hours weekly	# students with IEPS
ES1	197	11	19	4	1	17.25	227.50	34
10	137	6	15	0	1	15.32	110.00	21
11	160	10	9	1	2	12.5	237.50	20
ES5	319	8	27	2	8	11.59	155.00	37
12	222	4	19	2	5	11.26	120.00	25
13	331	11	25	1	0	11.17	202.50	36
14	219	8	11	1	5	9.13	197.50	20
ES3	387	14	16	2	0	8.26	328.00	35
15	400	14	14	4	12	8	272.50	32
16	392	8	19	4	3	7.9	235.00	31
17	248	9	7	2	4	7.25	157.50	18
18	408	10	13	3	8	6.37	187.50	26
19	190	3	9	0	3	6.31	75.00	13
20	317	4	15	1	6	6.3	72.50	20
ES6	194	6	6	0	6	6.18	157.50	12
21	440	8	15	4	9	6.13	212.50	27
22	361	11	10	1	13	6.09	247.50	22
23	264	7	7	1	14	5.68	115.00	15
24	490	10	16	0	21	5.3	155.00	26
ES4	290	2	12	1	4	5.17	66.00	15
*25	78	4	0	0	0	5.12	50.00	3
26	535	8	19	0	31	5.04	105.00	27
27	290	8	6	0	2	4.82	165.00	14
28	482	8	12	2	14	4.56	160.00	22
29	287	2	10	1	14	4.52	75.00	13
30	383	5	10	2	8	4.43	130.00	17
31	564	8	12	2	21	3.9	195.00	22
ES2	486	3	12	3	26	3.7	107.50	18

*Note: * 25 is an Annex to another school with grades K-2 only - so is not used in the sample selection*
Data sources: Ministry 1701 and SD data

**APPENDIX G
SUMMARY OF SIGNIFICANT OTHER REPORTS AND
DOCUMENTS**

Report and Date	Focus	Report/document summary
Manitoba report on class size and composition 2002	Class size and composition	Class size and Composition should be left to SD and schools in order to ensure equity Variability across schools/SD
Canadian Association of Community Living and BCTF report on inclusive education 2004	Towards a national summit on inclusive education	Priorities and strategies for supporting the development of inclusive education
Inclusion: making education work for all students 2006	SEA Association of BC – position paper	Inclusion as a value system Inclusion as a philosophy Need for acceptance, teacher knowledge, adequate student and teacher supports
The Victoria confederation of PAC	Bill 33 report to the Roundtable 2006	BCTF wanted limits Discrimination Anti BC Charter of Rights and Freedoms
BC Progress Board 2006	Discussion paper on improved performance	High school completion rate Accountability and resource management Need to review fiscal arrangements
Towards a continuum of learning services 2006	Richmond strategy paper on class size and composition	Processes and arrangements for equitable resource allocation Learning Team approach Support to schools
Saskatchewan Service delivery model 2007	Rubrics for special (inclusive) education	Inclusive philosophy and beliefs Differentiated instruction Team collaboration and co-ordination
Inclusion Review Richmond SD 2008	Evolution of Inclusive education	Summary of SD services What is going well and what are the challenges? Need to improve resourcing Need to find new ways of supporting inclusion
Langley Special Education Inquiry Report 2008	SD special education issues and challenges	Issue further complicated by Bill 33 Bill 33 has had negative, unintended consequences for access by students with special needs Lack of support for classroom teachers Historical under-funding of Sp.Ed

Report and Date	Focus	Report/document summary
Diversity in BC Schools 2008	Framework for student diversity policies /practices	Honour diversity Social equality/justice issues Framework to assist schools in meeting obligations under Canadian Charter of rights and Freedoms, BC Human Rights Code and School Act
Regulatory reform Policy 2008	Ministry policy regulatory reform	Checklist created for policy quality Criteria to be met for all new policies Attempt to “streamline” policies
BCTF Research Bill 33 - 2008	Estimated funding required to restore services	\$183, 194, 751 needed to meet Bill 33 requirements
BCTF Research 2008 Changes in specialist teacher positions	Loss of specialist teachers	Impact on special education, ESL, library and counselling services
Ministry of education How are we doing reports 2006-2008	Ministry special education data trends	Special education reports to SD showing data with BC comparisons
Supporting Our Special Elementary Learners Research SD report 2009	Inquiry into support arrangements for students and teachers	Inclusion – need for a broader concept Intervention in support of teachers and learners Staffing – resource implications New arrangements for all diversities
Class size and Composition grievance 2009	BCTF/BCPSEA grievance on class size and composition	Mainly concerns class size Includes a research school (ES1) Considers grievances in previous years (2006/7 – 7SD, 2007/8 – 15SD) Every class in BC now subject of grievance Reported outcomes Aug 21 st 2009 focussed on 7 named schools
Labour Relations Code Arbitration award August 21 st 2009	BCPSEA/BCTF Dorsey report BCPSEA guidelines	21 out of 81 Classes in violation of Bill 33 354 page document describes situations in 7 representative school Guidelines for remedy produced within 2 weeks

APPENDIX H

RESEARCH QUESTIONS

Main Research Question.

What are the actual and perceived impacts of Bill 33- 2006 Education (Learning Enhancement) Statutes Amendment Act on special education in six elementary schools in a mid sized urban school district?

The theoretical background concerns how well this policy meets the criteria for effective policy implementation as suggested by the 1980 Sabatier and Mazmanian framework outlined in Chapter 2.

- Are the policy objectives clear and consistent?
- Does the policy incorporate sound theory that identifies principal linkages affecting policy objectives?
- Does the policy change the target behaviours of the target group (teachers)?
- Do implementing agencies (SDs and schools) have sufficient jurisdiction over target groups (teachers)?
- Is implementation structured to maximize probability of co-operation?

Sub-question 1 with related themes.

What are the actual financial and organisational impacts for SDs and schools as a result of the implementation of the 2006 class composition policy?

- Has there been any changes in spending in support of students with special needs?
- Has the number of students with special needs in each class changed?
- Has the number of identified students with special needs changed?
- Are there any negative or unintended consequences?

Sub-question 2 with related themes.

What are the special (inclusive) education policy impacts as perceived by teachers and administrators?

- Has the consultation requirement of Bill 33 created conflict between teachers and administrators?
- Is teacher workload more manageable?

- What evidence is there that Bill 33 has had a positive effect on student learning?
- How do teachers and administrators explain the increase in the SD number of classes with more than three students with special needs?

APPENDIX I

INTERVIEW PROTOCOL

Interview (focus group) Protocol

Introduction

I am a Doctoral student at SFU and my research concerns the impact of Bill 33 on special education in elementary schools in a School District. I am specifically interested in the class composition aspects of this Bill that requires teacher consultation for classes where there may be more than three students with special needs. I am hoping you can assist me by sharing some of your experiences since April 2006 when Bill 33 was implemented. All identifying information will be kept strictly confidential and you will have an opportunity to review the notes that I take during the interview and agree whether or not I can use them in my research report.

Questions

1. I would like to start by asking you to describe the students with special needs in your class and to tell me about the consultation process.

(opening question to help establish rapport – use with appropriate interviewees only)

2. What impact has Bill 33 had on the special education of students?

(probes: special ed. teachers & TA support, inclusion, student learning?)

3. What impact has Bill 33 had for teachers?

(probes: positive, negative, unintended consequences?)

4. What changes have you seen with regard to teacher workload since this Bill was implemented?

(probes: Bill purpose, class organization balance, SEAs, student diversity)

5. What do you think the purpose of this Bill is and do you have any ideas as to how this this same purpose could be achieved in different ways?

(probes: resources, TAs/LAC, training)

6. Overall, what do you think has been the main outcome of Bill 33?

(probe: specifically for special education in this class/SD)

7. Is there anything you would like to add?

THANK YOU FOR YOUR TIME – sharing your experiences is extremely valuable

APPENDIX J SUMMARY OF SD PRINCIPAL INTERVIEW RESPONSES

Questions	ES1	ES2	ES3	ES4	ES5	ES6
1. context consult	High % sped +others complex socio- economic every class no probs. teachers choose to work here they don't count#sped	Most Qs Behaviour Meeting time Consult happened anyway Expect \$ Need to re- consult mid year But would n't change class org. then!	Average In other schools some would be desig' but not here Ignore desig' consult with staff on 'load' complexity Consult before Bill33	Few Sp.ed Qs not all the same – not just number Process would be same without Bill Perhaps not all principals?	Diversity increase Consult done anyway Need rationale for groupings formality	Not many Sped Most in 1 class! Consult process before Teachers have input They choose to group
2. Sp.Ed. Student Impact Other students	Some we have – had difficulty elsewhere Teachers learn Other students learn Local community	None Waste of time – no impact on students None – no impact on student learning	?? may help us think more carefully about composition rationale for student groups fallacy that 3 sped is greater than 7 others	3 limit? Big difference in 3Q and 3D! Some parents do not want desig nation. neg. impact at high school	Rationale for student learning Can group sped to. Best use of TA Equity issue Reason for 7 here but 2 there	Dialogue pushed to difficulties of Sped. ?not ESL ?not social needs a broader perspective Bill almost promotes opposite
3. Teacher Impact Unintend Conseq?	Help to share load Teachers' heard? We do this Politics taken over from what is best for kids	A hoop to jump thro' teachers expect \$ Politics taken over Teachers v.me.SPC Bluffed teachers – now mad	Reinforces teacher rights after previous contract strip Fake promise	Expect more help but 0000 No impact parent support has more impact Expected help but brings nothing	Should be positive but no change really Not just numbers Legislation about rights not teacher /student needs	None Pressure to consult Consent Mid year consult? Farcical Makes Work Consult adds to workload

Questions	ES1	ES2	ES3	ES4	ES5	ES6
4. Teacher workload Change?	Meeting time increase More planning Phys. Psych. drain on staff Student diversity increase	None Increased time for consults! Set expectation that never materializ'	No change This school has these kids Had this process before BCTF need to have consult in writing	None Workload increase each year—diversity Social expectation Expand role of school	None Just paper Work Principal has many Meetings! SPC just nod Jump thro hoops Bureaucratic	None Cannot use Sped to balance classes ?ESL needs to be equitable nothing significant need to maximize support
5. Bill purpose Other ideas?	Politics! So what! Bill has no teeth No\$\$ Why 3? It takes a certain type of teacher to work here	Smoke & mirrors Pail with hole in bottom Need \$ More TAs Teachers Colab' time Technology OG progs.	Political Formalizes consult Harmless but use? Need for fluidity and \$ need consult not consent	Placebo to show govt has listened Window dressing Need support, \$,	Political To satisfy BCTF Token gesture Teachers have to believe in the process need TAs	More about class size Reports more on class size 31st student to another school? If Bill was about student learning -beyond Sped
6. Main + outcome Main—outcome	SD recog' of school differences Supports compensation Grievance Time wasted If heavy union school then more problem	Quick fix to disagreement too little consult time for anything good principal stuck in the middle trying to keep everyone happy	Forced consult—good Union fear—abuse Big headache in secondary	Nothing Waste of time A thing to talk about Paperwork exercise We did not need a bill to do consult	No impact Already doing it Meetings are rubber stamp Collab. process is good No consider' of TA & RT Should Value their input	Consult anyway Fair & equitable classes Neg. spin on Sped Time consuming Teacher-parent relationship

APPENDIX K SUMMARY OF TEACHER INTERVIEW RESPONSES

Summary of Teacher 1-17 Interview Responses with Themes

Interview Questions	Emerging Themes	# Responses
1. Describe the class	Increasing student diversity	6
	Proportion of boys-more impact than Sped	2
	Need to consider ESL and F. Nations	8
	Group dynamics matter more than Sped	4
Tell me about consultation	Irrelevant	8
	Doing consultation before the Bill	12
	Not real consultation (no choice)	4
	Can't limit composition in some schools	2
2. Impact on Special Ed.	More paperwork and meetings	9
	More work	5
	More stress	4
	Need curriculum adaptations	3
Impact on other students	More accountable	3
	Not Sped alone-ESL, FN, Gifted (parents)	7
	Composition more challenging than size	3
3. Impact on teachers	None -No choice -Cruel hoax	12
	More paperwork and meeting time	11
	Expected to do more with less	2
Unintended consequences	\$ expectations not realized – anger	6
	Nightmare in secondary – many classes	2
4. Teacher workload	Ministry have no idea	2
	Increasing diversity	11
	Increasing social issues	5
	Decrease workload due to balanced classes	2
	Parent demands	3
Changes since before Bill	Fewer designations	3
	Increased stress	2
5. Purpose of the Bill	Resolve strike - political	2
	Placate people - appearances	2
	Poor focus on one kind of diversity-why 3	2
Other ideas that might achieve the same things	Need skilled TAs	6
	More teachers	3
	More teacher training	2
	More professional decision making	2
6. Main positive outcomes	Better focus on fair/equal classes	2
	Nothing	5
	Consultation – but we did that anyway	6
Any negative outcomes	A joke	3
	Discriminatory	2
	Takes people away from teaching	4