



MEMORANDUM

Corporate Services

August 29, 2018

TO: All Teachers
FROM: Steve Brooks, Executive Director
RE: Information for Members Regarding Teaching and Learning Assistant Positions

As a follow-up to the memo of August 10, 2018, the President of NLTA, the Minister of Finance and the President of the Newfoundland and Labrador School Boards Association have signed a Memorandum of Agreement to the Provincial Collective Agreement which specifies that Teaching and Learning Assistants are members of the NLTA bargaining unit. The following information outlines the details of the Memorandum as well as other relevant information.

In July 2017, the provincial government released the report and recommendations of the Premier's Task Force on Improving Educational Outcomes, *Now is the Time*. The Task Force was government's response to continuous NLTA lobbying and other advocacy efforts, which included public statements, protests, testimonials from teachers, the meetings of the joint NLTA/Government committee on Inclusive Education, and the report from the Panel on the Status of Public Education, a partnership between the NLTA, the Memorial University Faculty of Education and the Newfoundland and Labrador Federation of School Councils.

One of the recommendations brought forward in *Now is the Time* was for government to introduce educational assistants to the K-12 system. The report noted that this recommendation was also made in the 2007 ISSP/ Pathway Report and in the 2000 Supporting Learning Report. The NLTA has continually lobbied for and argued that greater resources are required in our education system. First and foremost, we believe and have maintained that the best and most effective way to improve student outcomes is to reduce class sizes and to recognize the diversity of our class compositions when allocating resources. We have also advocated for increased allocations for guidance counsellors, instructional resource teachers, learning resource teachers, educational psychologists, speech language pathologists, and school administrators.

While all of our concerns and proposed solutions were not reflected in *Now is the Time*, the Task Force commissioners did make recommendations to create reading specialist positions, increase the allocation of learning resource teachers, and introduce new teaching and learning assistant positions. Importantly, the Task Force and government acknowledged that the Inclusive Education Model was not working. This was a validation of years of warnings and concerns brought forward by the NLTA! Government announced that these new resources and a new service delivery model for student support services would be phased in over three years.

Once government announced that teaching and learning assistants would be introduced in the education system, the NLTA immediately began working to ensure these positions would provide the greatest possible range of support for teachers, including supervision duty, while clearly defining the role and establishing limits to the scope of practice. In order to best achieve these goals, your Provincial Executive determined that inclusion of Teaching and Learning Assistants (TLAs) in the NLTA membership and bargaining unit provided the greatest opportunity for success. On August 9, 2018, the President, the Minister of Finance and the President of the Newfoundland and Labrador School Boards Association signed a Memorandum of Agreement to the Provincial Collective Agreement which specifies that Teaching and Learning Assistants are members of the NLTA bargaining unit, defines the scope of practice for these positions, and sets out the terms and conditions for employment. (A similar Memorandum of Agreement will be signed with respect to the Labrador West Collective Agreement.)

Memorandum of Agreement (MOA)

The MOA is a comprehensive document that spells out the rights and obligations of TLAs. The MOA is available in the attached document and on the NLTA website. I draw your attention to the following important points of reference:

Clause 42.01(o):

“Teaching and learning assistant” means a teacher employed in a teaching and learning assistant position, the minimum certification requirement for which is a Level II teaching certificate endorsed “Teaching and Learning Assistant”, and who works under the direct supervision of a classroom teacher holding Level IV teaching certificate or higher.

The MOA also provides that:

It is understood and agreed by the parties that the scope of practice of Teaching and Learning Assistants does not enable them to fulfill the responsibilities for which a teaching Certificate IV or higher is required. As such, the parties agree that responsibilities requiring a Certificate IV or higher cannot be carried out by Teaching and Learning Assistants.

These provisions, along with others that clearly distinguish between teachers and teaching and learning assistants, will now be incorporated into the overall collective agreements.

For ease of reference, the key points of the **Memorandum of Agreement** are:

1. All existing collective agreement provisions apply to TLAs unless otherwise specifically exempted, amended or clarified.
2. The use of the terms “teacher” and “teachers” in the agreements includes TLAs unless otherwise specifically exempted, amended or clarified.
3. Agreed that TLAs cannot carry out responsibilities for which a TC IV or higher is required.
4. Hiring – Article 6 (Lab West Article 42)
 - a teacher holding only a Level II TLA endorsed certificate can **only** be hired in a TLA position
 - teachers holding a TC IV or higher are eligible for TLA positions
 - Clause 6.11 is not applicable to TLAs; a new Clause 6.12 sets out the hiring hierarchy for TLAs – for example, a permanent TLA who is qualified as a teacher with a TC V could not be considered as a permanent applicant for teaching positions
 - a TLA (permanent, term or substitute) who holds a TC IV or higher is not eligible for substitute, term or replacement teaching positions during the term of their paid contract period – for example, a full-time permanent TLA who holds a TC V would not be considered for a full-time replacement teaching position that arises during the school year
5. Probation and Tenure – Article 7 (Lab West Article 41)
 - separate but similar provisions are made with respect to probation and tenure for TLA positions
 - service as a teacher counts towards probation and tenure in a TLA position
 - service as a TLA does **not** count towards probation and tenure in a teaching position
6. Redundancy/Reassignment/Layoff – Article 9 (Lab West Articles 1 and 47)
 - separate but similar provisions are made with respect to redundancy, reassignment, layoff, and recall for TLAs

- seniority cut-off and layoff notice date for TLA reassignment/layoff is **May 28** (May 7 for teachers)
 - for permanent teachers and TLAs, all service counts for the purpose of seniority – for example, a permanent teacher with 4 years of service as a teacher and 2 years of service as a TLA would have 6 years of seniority
 - no reassignment or recall across classifications – teachers go to teaching positions, TLAs go to TLA positions
7. Unpaid Leave – Article 19 (Lab West Article 30)
- language included to make it clear that placement upon return from leave is to the same classification
 - if you are on leave from a teaching position, you return to a teaching position; if you are on leave from a TLA position, you return to a TLAs position
8. Educational Leave – Article 20 (Lab West Article 31)
- this article has no application to TLAs and they therefore are not eligible for paid educational leave – the rationale for this is that there is no avenue for upgrading from a certification or salary perspective for TLAs within that role
9. Salaries – Article 21 (Lab West Article 23)
- all teachers working as TLAs will be paid at the TC II level, with credit for service as per the grid
 - service as a teacher will count for incremental purposes for TLA positions, but service as a TLA will **not** count for incremental purposes for any other teaching positions
10. Pension – Article 27 (Lab West Schedule F)
- TLAs are included in the Teachers’ Pension Plan
11. Workload – Article 29 (Lab West Article 17)
- separate but similar provisions are made regarding consultation on the allocation of duties, distribution of workload, and timing for informing TLAs of their assignment for coming year
12. Definitions – Article 42 (Lab West Article 1)
- “Teaching and learning assistant” means a teacher employed in a teaching and learning assistant position, the minimum certification requirement for which is a Level II teaching certificate endorsed “Teaching and Learning Assistant”, and who works under the direct supervision of a classroom teacher holding Level IV teaching certificate or higher.
13. DSLP – Article 51 (Lab West Article 57)
- language included to make it clear that placement upon return from deferred salary leave is to the same classification – if you are on leave from a teaching position, you return to a teaching position; if you are on leave from a TLA position, you return to a TLA position
14. Classifications – Article 52 (Labrador West Article 53)
- TLAs included in list of recognized classifications