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**Kootenay Lake
Teachers' Federation
(CVTA & NDTA)**

NDTA Office
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2024-04-10

Ms. Trish Smillie, Superintendent of Schools
School District 8 (Kootenay Lake)
811 Stanley Street, Nelson, BC
V1L 1N8

Notice of Estoppel

Dear Trish,

The employer recently advised that the district had completed a review of IEPs for students that have been designated with special needs categories G and Q. The employer further indicated its intention that as a result of this review 160 of the 271 of the students currently designated in categories G or Q will not be considered for the purposes of class composition language or for calculating remedy starting next (2024/2025) school year. The employer reasoned that this change is due to an arbitration award of Arbitrator Marguerite Jackson.

It is the position of the KLTF that this arbitration award is from 2019 and current practices reflect implementation of the award. The KLTF does not see any contractual basis for departing from the current practices, and does not agree that there are students who are currently counted towards class composition limits that can be excluded from the count.

Changes to collective agreement provisions must be negotiated. Section 54 notice of the Labour Relations Code cannot be used to depart from practices that are required by the collective agreement or practices that were relied upon by the parties during the last round of bargaining. If this occurs, the KLTF will grieve.

Sincerely,



Doug Kunzelman,
Co-president, KLTF



Carla Wilson
Co-president, KLTF

Cc Chandra Singh, Director of HR, SD8
Julia MacRae, BCTF

*The KLTF is comprised of the Creston Valley Teachers' Association (CVTA) and the Nelson District Teachers' Association (NDTA), autonomous local associations of the British Columbia Teachers' Federation
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