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Public Education in British Columbia The Rise of the Shock Doctrine or Kindling for a Shock- Proof Otherwise?

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Abstract

Public education in British Columbia is experiencing a protracted ‘crisis’. Teachers and the provincial government appear to be locked into a game of brinkmanship, and students’ unmet needs are at risk of being obscured by the fray. By extending Naomi Klein’s analysis of *shock doctrines*, I show how this impasse is not accidental and, in fact, acts as a means of enabling “orchestrated raids on the public sphere” to undermine public education in the province.



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“Only a crisis – actual or perceived – produces real change.”

-Milton Friedman

“Creating a useful crisis is part of what this will be about.”

- John Snobelen, Ontario Minister of Education and Training, 1995

Many would agree with the suggestion that public education in British Columbia is experiencing a protracted ‘crisis’. After more than a year of negotiations, contract talks between teachers and the designated provincial bargaining agent – British Columbia Public School Employer’s Association – have broken down and both sides appear to be locked into a game of brinkmanship. However, this breakdown in talks is not accidental and should not surprise. Following Naomi Klein (2007), this impasse ought be recognized as an encounter with the *shock doctrine*.

In *The Shock Doctrine: The Rise of Disaster Capitalism*, Klein (2007) argues that shocks and disasters disrupt societies’ “ruling narratives” and can – if given half a chance – be turned into opportunities for profit-grabbing and corporate re-structuring. To accomplish this, Klein asserts that politicians and pundits in the media distort needs and dangers to shock the public. Klein argues that this backdrop of crisis and fear makes the public more malleable and easier to manipulate. The focus of this manipulation, according to Klein, lies in advancing privatization schemes through “orchestrated raids on the public sphere” (p. 26). Klein focuses on an array of governments and regimes – e.g., Pinochet’s Chile, post-Katrina New Orleans, Thatcherism, etc. – but does not include British Columbia as an example. Even so, I believe her analysis can be extended to BC’s context, where the shock doctrine is being used to undermine public education.

Surviving Democracy: Contract Negotiations As Micro-Shocks

According to Klein (2007), a “shock, by definition, is a moment where there is a gap between fast moving events and the information that exists to explain them” (p. 552). During these times, Klein argues, many of us become “intensely vulnerable to those people who are ready to take advantage of the chaos for their own ends” (p. 552).

To say that the 2013/2014 school year had a shocking conclusion marked by “fast moving events” would be something of an understatement: There were votes for job action, pickets, lockouts, and a province-wide strike.

In the lead-up to this shocking conclusion – after more than a year of negotiations – BC’s government fired the Board of Directors at British Columbia’s Public School Employers’ Association (BCPSEA) and replaced it with a single CEO as public administrator (BCPSEA, 2014). When this failed to produce an agreement, the government appointed a chief negotiator who has been described as “angry, disrespectful, and confrontational” (Hyslop, 2014).

These moves obstructed the possibility of a negotiated settlement and encouraged teachers to appeal to BC’s Labour Relations Board (LRB) for protections as an essential service. Building frustration over a lack of progress led teachers to begin limited job action in April. At first, teachers withdrew “non-core educational activities” – e.g., before and after school supervision, and formal meetings with administrators. Then, when this failed to produce

momentum at the bargaining table, teachers escalated to a series of rotating withdrawals – and then a full-scale, province-wide strike.

BC's official response was a government-imposed lockout: teachers' work-day was limited to 45 minutes before and after school; teachers were "directed" to be off-site and to avoid using school facilities – e.g., the restroom – during lunch; and teachers were "directed" to avoid assisting students during breaks and to complete all work-related duties within their work day – no marking, recording, or prep to be done outside of the lockout. The lockout, once imposed, was used to justify a 10% cut in teachers' pay.

Via BCPSEA, BC's government also responded with successive appeals at BC's Labour Relations Board to have teachers and school boards: (i) compelled to provide marks for grade 12, then grade 10 and 11; (ii) compelled to offer diminished versions of provincial exams;¹ (iii) compelled to offer summer school.²

Continued frustration over a lack of progress at the bargaining table compelled teachers to request a mediator. Vince Ready, an iconic negotiator, was named as the BCTF's choice and [after some hesitation] BCPSEA agreed. A day later, Premier Christy Clark publicly announced that "no credible mediator" would take on this dispute. A few hours later, Ready announced that he was 'too busy', and declined (Bailey, 2014).

After review, BC Supreme Court Justice Stephen Kelleher was forwarded as the BCTF's next choice. Justice Kelleher agreed to mediate, but then decided that "mediation is not indicated" after BCPSEA imposed pre-conditions on the outcomes of mediation – including the stipulation that no additional funding was available (Woo, 2014). Afterwards, talks between teachers and BCPSEA broke down, and teachers extended their strike – now the longest in their history – into the summer break. Barring a breakthrough, it is possible that teachers could begin the 2014/2015 school year on strike.³

Following Klein (2007), this confusing mix of "fast moving events" can be recognized as typical of shock doctrines. Her analysis suggests that a consequence of this rapid succession of actions and reactions – all done 'For the kids!' – is that a "gap" in understanding can take root. In this case, the bargaining impasse challenges understandings of public education in British Columbia.

¹ Since teachers considered provincial exams struck work and a limited number of qualified administrators were available to mark them, the exams for Social Studies 11 and English 10 were modified and written portions were reduced. For affected students, a single multiple choice test with less than 50 questions was worth 20% of their final mark.

² The LRB's ruling extended teachers' essential service obligations to include summer school for students who failed a course in 2013/2014 and could not make it up the following year. Owing to the fact that failed courses could be made up in 2014/2015, most districts across BC found the LRB's ruling an impediment and canceled summer school. As a result of the LRB's ruling, summer school in BC fits within the ambiguous category of 'essential but optional'.

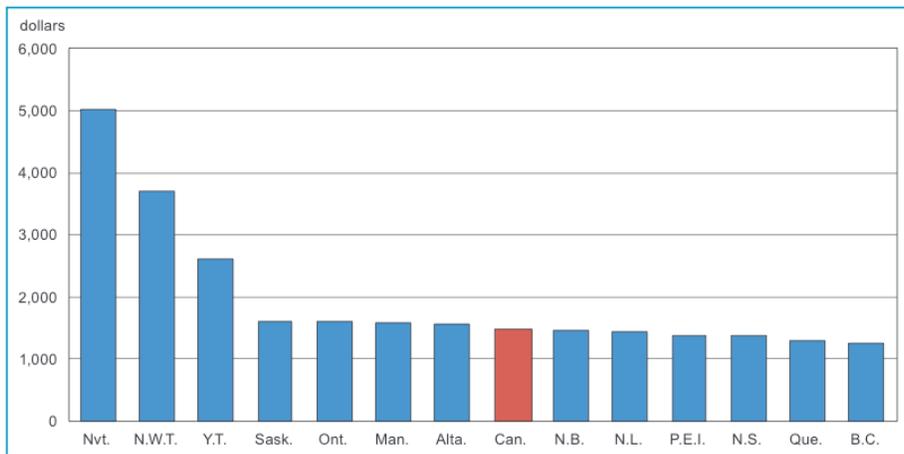
³ As a means of preparing for the possibility of a delayed start to the school year, BC's government recently announced a plan to reimburse parents with school-aged children \$40 for every day missed due to teachers' job action (Shaw & Carman, 2014). This insures that 'savings' accumulated during teachers' strike will not be returned to the public education system.

The Shock Doctrine Gets Lost In Transition: While We Taught, While We Bargained, While We Struggled

Far more than a mere “gap” in understanding, Klein’s (2007) shock doctrines are ‘miracles born of massacres’ that unleash “radical free-market makeovers” (p. 232). In order to legitimize the necessity of this “free-market makeover” in British Columbia, a war of attrition is being waged upon public education.

To put it another way, years of ‘race-to-the-bottom’ policies create a backdrop for understanding this impasse. For instance: 200 schools⁴ have been closed across BC since 2001 (Hyslop, 2011). At the same time, BC’s investment in public education lags behind other provinces as the worst in Canada (Statistics Canada, 2013c):

Total expenditures in public elementary and secondary schools per capita, 2010/2011
(in constant dollars, base year = 2002)



In addition to closed schools and scarce funding, between 2006/2007 and 2012/2013, the number of classrooms with more than three students with special needs increased from 9,559 classrooms to 14,885 (Kuehn, 2013). In spite of this increasing need, BC has laid off or surplussed thousands of specialist teachers (BCTF, 2012a):

⁴ For a searchable index of schools closed in BC since 2002, see <https://www.bctf.ca/data.cfm?page=SchoolClosures>

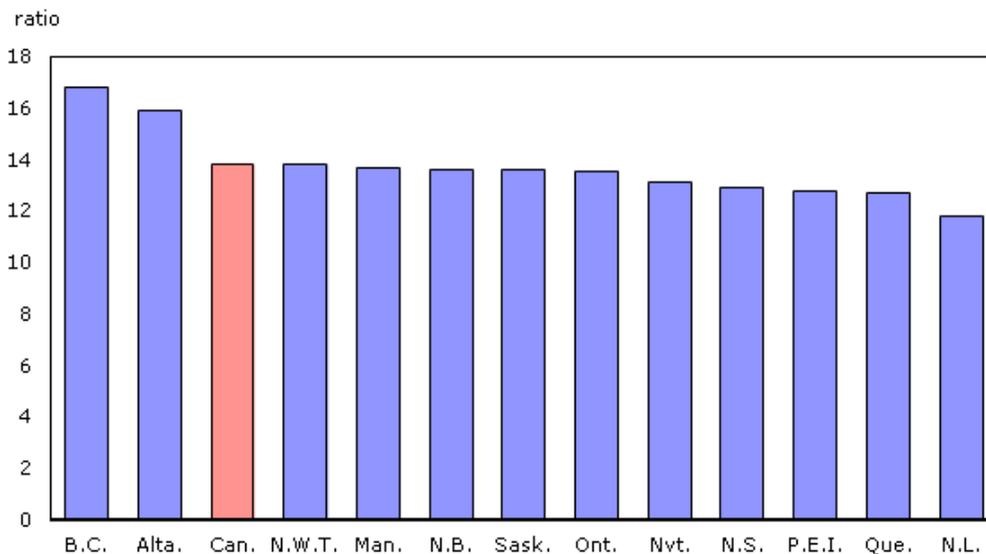
Change in FTE positions by type of specialist teacher: 2001–02 to 2011–12

FTE specialist teachers	2001–02	2007–08	2011–12	Change since 2007–08		Change since 2001–02	
				FTE	Percent	FTE	Percent
Library Services	921.8	730.0	635.8	-94.2	-14.8%	-286.0	-31.0%
Counselling	989.6	915.8	870.1	-45.7	-5.3%	-119.5	-12.1%
Special Education	4,051.5	3,446.5	3,282.3	-164.2	-5.0%	-769.2	-19.0%
English Language Learning	1,015.6	788.7	673.7	-115.0	-17.1%	-341.9	-33.7%
Aboriginal Education	206.9	193.4	196.0	2.6	1.3%	-10.9	-5.3%
Totals	7,185.4	6,074.4	5,657.9	-416.5	-7.4%	-1,527.5	-21.3%

BCTF Research table, with figures from BC Ministry of Education (2002, 2008, 2012), *Staff by Year and Program Code* (unpublished Form 1530 data).

In fact, according to Statistics Canada (2013), BC now has the worst student-to-educator ratio in Canada:

Student-educator ratio in public elementary and secondary schools, 2010/2011



Among the cumulative impacts of these ‘race-to-the-bottom’ policies is a toxic milieu of frustrated teachers, students with unmet needs, and concerned parents. However, it is important to emphasize that these statistical indicators are not accidents and are better understood as structural consequences of political choices.

Shocking Times: The Legislated Rise of a Manufactured Crisis

Back in January of 2002 the government of BC – led by the BC Liberals – passed Bill 28, which revoked classroom composition limits. At the time, Christy Clark, the new Minister of Education, stated: “This bill ... marks a move toward a more flexible, more responsive, better-managed system that meets students’ needs, one where students’ needs win out over mathematical formulas, ... and one where meeting students’ needs is the absolute number one priority” (Hansard, 2002).

Notwithstanding, in April of 2011 BC’s Supreme Court ruled Bill 28 unconstitutional, and the BC Liberals were given a year to make amends (BCTF v. BC, 2011). It is notable that the BC Liberals, in the end, decided not to appeal this loss. In fact, Christy Clark, as Premier, conceded the

need to go back and make sure that we address the issues that the court raised and we absolutely will do that. You know, I think whenever you bring in legislation ten years later turns out not to have worked, you have to take responsibility for that absolutely. Every time, you want to get it right and that time, we didn’t get it right. (Christy Clark, 2011)

The BC Liberals’ attempt to “get it right” – Bill 22 – was passed in March of 2012. Euphemistically titled the Education Improvement Act, Christy Clark (2012) said that the aim of Bill 22 was to “keep teachers in class by suspending job action, setting a cooling off period, appointing a mediator in an attempt to break new ground with the union.”

Still trying to “get it right”, in October 2012 the BC Liberals announced a plan for a 10 year contract with teachers. Christy Clark (cited in Hyslop, 2012) suggested that “It’s worth thinking about what could be achieved ... with a 10-year deal for teachers. Imagine a child in Grade two starting this year could go all the way to Grade 12 without any threat of labour disruption.” Nevertheless, it seems apparent that Christy Clark found less need for thinking about passing laws in accord with the Canadian Charter, because in January of 2014 BC’s Supreme Court ruled Bill 22 unconstitutional.

For starters, the Court (BCTF v. BC, 2014) ruled that: “Contrary to the position of the government, the labour situation between teachers and their employers in 2001 cannot be attributed to unreasonable demands or inflexibility on the part of BCTF with respect to class size and composition or other related issues later addressed in the legislation” [¶182]. Although Christy Clark said that her government’s policies were in pursuit of “flexibility”, after reviewing the available evidence and hearing sworn testimony, British Columbia’s Supreme Court determined that there was flexibility before the legislation – not after: “the government prohibited terms in a teachers collective agreement restricting or regulating a board’s power to establish class size and composition; assign as student to a class; determine staffing levels or staff ratios; or determining the number of students assigned to a teacher” [¶250].

British Columbia’s Supreme Court also

concluded that the government did not negotiate in good faith with the union after the Bill 28 Decision. One of the problems was that the government representatives were pre-occupied by another strategy. Their strategy was to put

such pressure on the union that it would provoke a strike by the union. The government representatives thought this would give government the opportunity to gain political support for imposing legislation on the union. (BCTF v. BC, 2014, Summary, p. 3)

More specifically: “When a full strike did not materialize, so important was a strike to the government strategy that in September 2011 [government representatives] planned a government strategy of increasing the pressure on the union so as to provoke a strike” [¶386].

In short, controversial legislative decisions in BC have nurtured a dissonant gap in the values that guide education policy in the province. Following Klein’s (2007) analysis of shock doctrines, these rifts may be seen as politically desirable because they produce “gaps in politics as usual when the need for consent and consensus do not seem to apply” (p. 167). In this case, race-to-the-bottom policies have combined with legislative decisions to foster a “gap in politics as usual” that provides a space where teachers’ bargaining objectives can be misconstrued as self-interested – if not ‘greedy’.

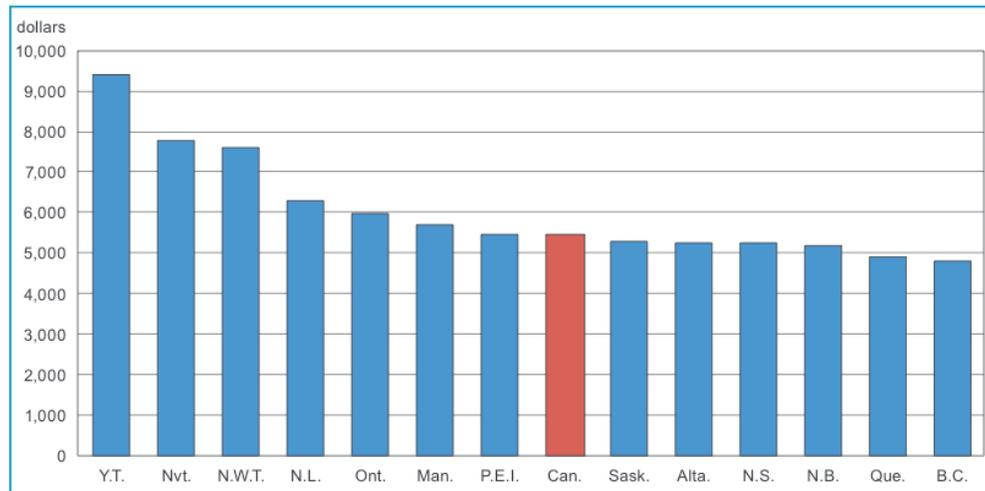
Mapping an Ideological Impasse: A Very Capitalist Disaster

For Christy Clark, BC’s current Premier, teachers’ bargaining objectives are “all about money, it’s never about quality of education” (cited in Hunter, 2014). Similarly, BC’s current Minister of Education, Peter Fassbender (2014), has described teachers as “in their own orbit”, asking for “more than twice what other unions have settled for.” For Fassbender, teachers’ bargaining proposals have been “disappointing”, and teachers’ unreasonableness has produced a situation where the possibility of a negotiated settlement is “virtually impossible.” Notwithstanding, at this point it is worth contrasting a few meaningful features of teachers’ and BCPSEA’s proposals. A more comprehensive analysis would need to detail and cost dozens of proposals, but in juxtaposing the ‘big ticket’ items of both parties a few key themes come into view.

Teachers’ proposals primarily seek to address concerns with workload issues and meeting students’ needs. For instance, teachers have suggested that the government create a multi-million dollar workload fund to address class size/composition and specialist teacher staffing ratios. Teachers also asked that the government create a multi-million dollar fund to address the grievances that will necessarily follow from government’s illegal re-write of teachers’ collective agreement (BCTF v. BC, 2014). Teachers’ proposals also include a salary increase of approximately 8% – staggered over five years – and a \$5,000 signing bonus. The signing bonus has been suggested in lieu of a retroactive salary increase for time worked under an expired collective agreement. And 8% over five years, it should be noted, would not keep pace with inflation (BC Stats, 2014), and would lock BC’s teachers into the ‘pattern’ of ‘among the worst paid in Canada’:

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Educator remuneration per student in public elementary and secondary schools, 2010/2011
(in current dollars)



Source: Statistics Canada (2013a)

BCPSEA's proposals, on the other hand, seek to extend managerial control and maintain 'affordability'. For instance, BCPSEA has countered with an offer of a salary increase of approximately 7%, staggered over six years. However, BCPSEA's proposal gives teachers the option to sign for seven years – for an extra 1%. In contrast with teachers' proposal for a dedicated fund to meaningfully address class size/composition issues, BCPSEA has proposed the maintenance of a \$75 million fund – a fraction of what is needed – to address class composition issues. BCPSEA has not tabled language to address the grievances that will follow from the government's breach of contract, but has tabled language that would allow either party to dissolve the entire collective agreement if they were unhappy with the outcome of the government's appeal of *BCTF v. BC* (2014). It seems unlikely that teachers would have reason to dissolve a collective agreement that took more than a year of difficult bargaining and sustained job action to secure. On the other hand, should the government lose its appeal of *BCTF v. BC* (2011), this language – a 'loser wins' clause – would allow the government the means to dissolve the entire collective agreement and initiate another round of bargaining. On the whole, BCPSEA's main proposals offer few obvious incentives for teachers.

Likewise, it is worth juxtaposing BC's Minister of Education's characterization of teachers' proposal as outside the province's "zone of affordability" (Fassbender, 2014) with the BC Treasury Board's (2001) acknowledgement that stripping class composition limits from teachers' collective agreement produced an annualized savings of \$275 million. Similarly,

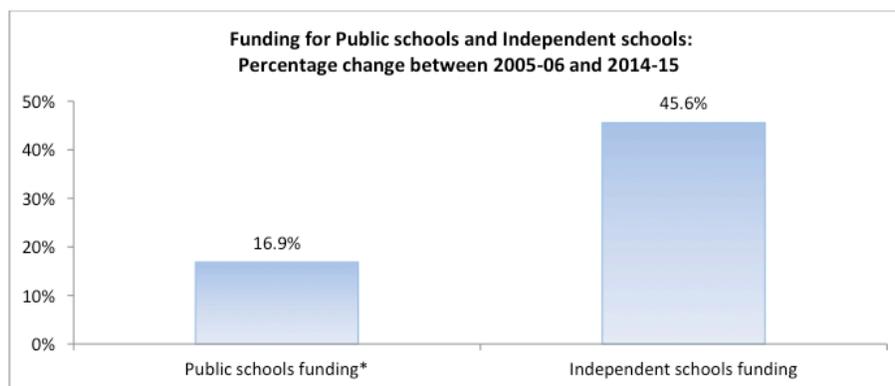
Minister Fassbender's claim that teachers' proposal is "more than twice what other unions have settled for" (Fassbender, 2014) is misleading and inaccurate: unlike other public sector unions in BC, teachers have had four years of 0% salary increases. Finally, it is worth underscoring the fact that BC's Minister of Finance has admitted that the province has around \$2.9 billion available in contingency funds – earmarked for developing Liquefied Natural Gas (read: 'fracking') facilities and for labour agreements (Sheppard, 2014). Given these points, I believe Fassbender's "zone of affordability" is best understood as an effect of political choices – and as an advancement of the shock doctrine in British Columbia.

Shock Therapy in BC: Profits and Privatization vs. Public Good

Shock doctrines, according to Klein (2007), exploit gaps in understanding to advance the application of market “solutions”. BC’s encounter with the shock doctrine, for instance, grew from an ideological impasse, was structurally induced through legislation, and was sustained by race-to-the-bottom policies. The market “solutions” applied in British Columbia include “opening up new vistas” (Klein, 2007, p. 364) for the advancement of private schools and school choice.

Public policy in British Columbia can have an ambiguous – if not involuted – relationship with the public good. As a prime case in point, BC has enacted economic policies that give it one of the “lowest corporate income tax rates among G7 nations” (BC Trade and Invest, n.d.). This provides a context for understanding how corporations in BC could generate \$25.8 billion in profits in 2013 (McMartin, 2012). It also provides a basis for understanding figures from Statistics Canada which show BC as leading Canada in: child poverty (20.7%), the worst poverty rate for children living in single mother families (49.8%), and the most unequal distribution of income among rich and poor families with children (First Call, 2013). At the same time, BC’s low corporate tax rate reflects a political choice to redistribute the burden of risk,⁵ access, and service to favour corporate profit over public need – an “orchestrated raid on the public sphere” (Klein, 2007, p. 26).

This ambiguous relationship with the public good is further illustrated by policymakers’ preferential resourcing of private schools in BC. For instance, public schools in BC have received a diminishing share of the provincial budget over the last decade – dipping from a high of 19.67% in 2001-2002 to a low of 15.4% in 2011-2012 (BCTF, 2012, p. 27). At the same time, changes in funding allotments for public and independent (read: “private”) schools in BC between 2005 and 2015 unambiguously favour private schools (White, 2014, p. 16):



* Includes public-school instruction, public-school administration, and Learning Improvement Fund.

Source: BCTF calculations with data from Ministry of Education Budget 2014 document: *2014/15 Fiscal year - Budget Overview*, February 2014, p.3.

⁵ As evidence of this re-distribution of burden, it is worth contrasting rising corporate profits with increasing economic precarity among the general public. For instance, in 2011 households in BC were the most economically vulnerable in Canada (TD Economics, 2011), and in 2013 consumer debt rose faster in BC than anywhere else in Canada (Mantin, cited in Global BC, 2013). More broadly, inflation rates across Canadian provinces are out-pacing wage increases – and the “benefits of rising prices are going to business and the one per cent while everyone else gets poorer” (Pittis, 2014).

These policy choices aggravate inequalities among schools and insure that students across the province have unequal access to educational resources and learning opportunities (Ross, 2014).

In addition to a legislated preference for private schools, policymakers have also shown a tendency to elevate private profits over public need by encouraging school districts to:

offset budget pressures with increased revenues from international students. These revenue streams are unreliable from year-to-year and reinforce inequalities among schools (Kuehn, 2012).

Policy makers in BC have also encouraged school districts to partner with for-profit international schools.⁶ Partnerships with international schools – where admissions are generally highly selective, and very expensive (Schuetze, 2008) – direct public school district resources away from the provision of learning opportunities in BC toward a concern with extracting profit.

Similarly, while compelling school districts to make do with less (Beresford & Fussell, 2009), policymakers in BC have shown an increasing preference for providing “educational programming” via the Internet (Hawkey & Kuehn, 2007). Budget constraints have pressed school districts to layoff classroom teachers, and it is evident that policymakers have made the political choice to have “fewer teachers in high school classrooms and more students either out in apprenticeships or getting their education online” (Bainas, 2010). A consequence of this re-alignment of “educational programming” is that public education in BC can be re-imagined as a commodity and packaged for consumption by self-interested individuals – like soap or cheese. Said differently, when understood as a commodity, public education in BC becomes a vehicle for advancing private values and for securing private profits. This means that policymakers’ preference for online education can be recognized as a dose of shock therapy in an “orchestrated raid on the public sphere” (Klein, 2007, p. 26).

As has been noted, Klein (2007) argues that applications of market “solutions” to public concerns are integral features in shock doctrines. In BC, this includes the tacit re-imagining of public education as a vehicle for private profit as well as the intentional re-direction of public resources to redistribute the burden of risk, access, and service to favour private profits over public need.

Shock Wears Off: The Rise of a More Equitable Otherwise

Public education in British Columbia is locked in a war of attrition with the shock doctrine. Policymakers have manufactured a politically useful crisis with controversial legislative decisions and race-to-the-bottom policies. At the same time, policymakers in BC have applied market “solutions” – i.e., shock therapy – to public concerns: elevating private profit above public need. The cumulative effects of these policy choices have produced the impasse

⁶ As an example, the Nechako Lakes school district launched a for-profit venture to “offer educational programming” in China and framed the project as a means of “stimulat[ing] economic development throughout northern BC” (Northern Development Initiative Trust, 2012). In other words, by selling BC curriculum in China, [some] people in BC profit. At a minimum, it is fair to say that this inducement to internationalism may be more driven by a thinly-cloaked drive for profit than a passion for extending and sharing the strengths of public education.

currently plaguing teachers' contract negotiations and have led teachers in BC into the most sustained job action they have ever attempted.

As described by Klein (2007), shock doctrines advance by way of disorienting gaps in understanding that leave us “vulnerable to those people who are ready to take advantage of the chaos for their own ends” (p. 552). This is because, according to Klein, shock doctrines rely on “confusion, disorientation and surprise. Without those elements, there is no shock” (p. 552). This means that “once the mechanics of the shock doctrine are deeply and collectively understood, whole communities become harder to take by surprise, more difficult to confuse – shock resistant” (p. 552).

The preceding analysis finds that policymakers have applied shock therapy to public education in British Columbia, and foregrounds the pressing need for “shock resistant” advocacy on behalf of a more equitable otherwise. This necessarily includes a broad coalition of advocates – teachers, parents, students, and conscientious citizens – acting individually and in concert to educate themselves and others about the circumstances that are allowing for and driving the use of shock therapy in BC. Informal examples of this work can occur anywhere as chats among concerned citizens, and also include teachers' engagements with the public while walking the picket lines. More formal examples of subverting the “confusion, disorientation and surprise” that are intrinsic to shock therapy include strategic public outreach and media campaigns,⁷ rallies in support of public education, and town hall-style discussions that focus on teachers' concerns. While the immediate impacts of these actions may be ambiguous, the cumulative impacts of a more informed and politically engaged citizenry that is “shock resistant” in its defense of public education are likely to include a more equitable otherwise for all. If so, a “useful crisis” might be re-imagined as an opportunity to advance the struggle for policies that are guided by public – not private – values. In this sense, shock therapy might be just what the doctor ordered.

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⁷ Here I would also stress the power of social media for building awareness and advancing counter-narratives. In British Columbia, for instance, social media has aptly been described as an “online extension of the picket line for teachers” (Robinson, Shaw & Sherlock, 2014).

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