



GOVERNMENT OF BERMUDA

MINISTRY OF EDUCATION

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER OF EDUCATION

23rd November, 2015

Dear Teachers,

As the Acting Commissioner of Education I would like to take the opportunity to provide you with an update on the legal action brought against the Minister of Education and the Commissioner of Education by Mr. Harry Matthie (as Chairman of the Bermuda Parent Teacher Student Association) for and on behalf of the Bermuda Parent Teacher Student Association (“BPTSA”). I believe that direct communication to you is important considering the possible implications for you as teachers, and for our children, their parents, principals and the Bermuda Public School System as a whole.

It is important to note that the BPTSA Chairman purports to speak on behalf of PTAs, which essentially include all principals, teachers and parents. He asserts that certain decisions taken by the Minister of Education and/or the Commissioner of Education this year are unlawful because in his view consultation either did not take place or was inadequate. The decisions to which he refers are:

- i. The transfer of principals and teachers;
- ii. The establishment of a School Reorganisation Advisory Committee (the SCORE Advisory Committee); and
- iii. The introduction of Education (Parent Council) Rules 2015.

The Minister of Education and the Acting Commissioner of Education strongly disagree with the BPTSA Chairman’s view and as a result are fighting this legal challenge in the Supreme Court.

You may be aware that the BPTSA Chairman attempted to have a stay (or in other words an injunction) ordered to stop the Ministry of Education and Department of Education from fully implementing these decisions. However, as per the recent rulings by Justice Stephen Hellman, the Ministry of Education and the Department of Education in partnership with parents, principals, teachers, and community members were allowed to proceed with these decisions until the full case in connection with consultation is heard and a ruling made in the Supreme Court.

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Although the full case is not expected to be heard until at least January or February, 2016, the Minister of Education and the Commissioner of Education are returning to the Supreme Court for a hearing on November 26th, 2015 at 10:00 a.m.

At this hearing, arguments will be made on behalf of the Minister of Education and the Commissioner of Education that individual PTAs (and not the BPTSA Chairman and leadership) are in fact the proper and primary parties to bring forth a legal challenge regarding the decisions as outlined above.

Arguments will also be made that the possible reversal of decisions on principal and teacher transfers at this point will have a severe negative impact on student learning, schools and the Bermuda Public School System. It will also be argued that the BPTSA Chairman's request to have the Education (Parent Council) Rules 2015 quashed would be detrimental to good governance and sound administration.

Although the issue of school reorganisation is a matter that will be heard as part of the full case in early 2016, it is not part of this week's hearing and should not be confused with the upcoming School Reorganisation (SCORE) Advisory Committee working sessions also taking place this week with parents, educators and community members.

I must acknowledge that the complexity of the legal system and the many issues at play may raise a number of questions for you as teachers. I can only expect that some of those questions will be addressed once the case is fully heard, hopefully early in the New Year.

Regardless of the outcome of this matter, I envision that the Minister of Education, Commissioner of Education, principals, teachers, parents and community members will continue to work towards improving schools and the public education system for the benefit of all of our children.

Yours faithfully,



Dr. Freddie Evans, Ed.D, J.P.
Acting Commissioner of Education

cc: Mrs. Valerie Robinson-James, Permanent Secretary
School Principals