

SCHOOL DISTRICT NO. 63 (SAANICH)

POLICY DEVELOPMENT COMMITTEE
Report to Board Meeting of June 14, 2023

Committee Members:	Trustee VanWell Trustee Elder Trustee McMurphy
Staff Support:	Dave Eberwein, Superintendent of Schools Jason Reid, Secretary Treasurer
Partner Representatives:	Don Peterson, STA Nola Welsh, CUPE – regrets Suzanne Chisholm, SAA COPACS – regrets
Other Attendees:	Chair Dunford, Trustee Hickman, & Trustee Vandall

Committee Meeting

Tuesday, June 6, 2023

A. PRESENTATIONS AND QUESTIONS

No Items.

B. ITEMS DISCUSSED

Political Meeting Attendance by Staff
Administrative Procedure 411 (Staff Participation in Political Activities) was discussed and the Superintendent will reflect feedback in the final Administrative Procedure.

C. ITEMS FOR RECOMMENDATION

1. Policy 9 (Board Operations)

Motion:

The Committee recommends and I, Trustee VanWell move,
That the Superintendent be requested to redraft Policy 9 (Board Operations) reflecting the feedback provided by the Policy Committee.

D. ITEMS FOR INFORMATION

No Items.

E. FUTURE AGENDA ITEMS

- Policy 3 – Role of the Trustee – ProD Funds
- Policy Review – November 2024

To: Policy Committee

Prepared By: Dave Eberwein
Superintendent of Schools

Subject: Policy 9 - Trustee Attendance at Board Meetings

Date: June 1, 2023

Purpose

The Board requested a review of Policy 9 with regards to trustee meeting attendance. To provide the necessary context, this briefing note includes descriptions of applicable legislation and current Board Policy, as well seeking direction from the Board on next steps:

1. School Act - Sections 67(6) & 67(7) - Electronic participation by Trustees in meetings
2. Policy 9 – Board Operations - Section 9(9) - Trustee Participation in Meetings through Electronic Means
3. School Act – Section 52(2) - Disqualification for failure to attend meetings
4. Next Steps

Background

1. School Act – Sections 67(6) & 67(7) - Electronic participation by Trustees in meetings

The School Act provides clear direction permitting School Boards the discretion of allowing or not allowing electronic participation of Trustees in meetings:

Section 67(6)

A board may allow trustees to participate in or attend a meeting of the board by telephone or other means of communication if all trustees and other persons participating in or attending the meeting are able to communicate with each other.

Section 67(7)

If a trustee participates in or attends a meeting of the board by telephone or other means of communication as provided under subsection (6), the trustee is to be counted for the purposes of establishing a quorum.

2. Policy 9 - Board Operations – Section 9(9) - Trustee Participation in Meetings through Electronic Means

Board Policy 9 contains sections dealing with Board Meeting procedures, Trustee Remuneration, Conflict of Interest and Trustee Attendance.

Section 9(9) deals specifically with Trustee meeting participation through electronic means:

Policy 9(9) - Trustee Participation in Meetings through Electronic Means

1. *A Trustee may participate in a meeting of the Board by electronic means or other communication facilities if the electronic means or other communication facilities enable the Trustees participating in the meeting and members of the public attending the meeting to hear each other.*
 2. *Trustees participating in a meeting of the Board by electronic means or other communication facilities are deemed to be present at the meeting.*
 3. *The Chair of the Board may refuse to allow a Trustee to participate in a meeting by electronic means or other communication facilities where the required electronic equipment is not available or where Special meetings are held in private and or for the purpose of hearing appeals or conducting hearings related to employee matters, or any Board matters which attract the principles of natural justice.*
 4. *Notwithstanding the requirements of these procedures, a Trustee cannot attend more than three (3) consecutive Regular meetings of the Board electronically without being authorized by resolution of the Board to do so.*
 5. *Trustees who connect to a meeting of the Board by video conference, teleconference or other means of electronic transmission will be considered in attendance at the meeting and form part of the quorum.*
3. School Act – Section 52(2) - Disqualification for failure to attend meetings

Section 52(2)

If a trustee is continuously absent from board meetings for a period of 3 consecutive months, unless the absence is because of illness or with the leave of the board, the office of the member is deemed to be vacant and the person who held the office is disqualified from holding office as a trustee until the next general school election.

Next Steps

The Superintendent is seeking direction from the Board on possible next steps in the review of Policy 9.

- a. Virtual Attendance:

The School Act provides Boards with the option of allowing electronic attendance by Trustees at meetings. The Board has provided this option through Policy 9(9).

Should Section 9(9) be updated to reduce duplication of language (i.e., 9.2.2 and 9.2.5) as well as update language to include more modern electronic forms of communication?

Does the Board wish to prioritize in-person attendance over virtual and, if so, does it wish to set parameters around this priority?

b. General Trustee Attendance – Section 52(2)

Applying Subsection 52(2):

- Subsection 52(2) does not apply to deem the office of a trustee vacant when the trustee has been continuously absent from Board meetings for a period of three months, and during that time at least one of those absences was the result of illness.
- Without clear expectations having been communicated by a Board, a trustee simply notifying the Chair and/or the Board that an absence is the result of illness satisfies the exception “unless the absence is because of illness” in subsection 52(2).
- A Board can choose to communicate to trustees in writing expectations regarding attendance and required procedures for validation of absences due to illness (example: requiring a doctor’s note following repeated absences). Once communicated these procedures can then be implemented to validate future absences when administering subsection 52(2). Note that these procedures cannot be applied retroactively prior to the point in time they are communicated.
- A Board is not obligated by legislation to develop clear guidelines regarding validating absences due to illness, and a Board also has the authority under subsection 52(2) to grant “leave of the Board” for any reason. Therefore, this is not a matter of legislative compliance but rather what a Board views to be acceptable practice.

What action(s), if any, does the Board want to consider in the process of having the office of trustee vacated through Section 52(2)?

Respectfully submitted,



Dave Eberwein
Superintendent of Schools

DE/klg