

SCHOOL DISTRICT NO. 63 (SAANICH)

POLICY DEVELOPMENT COMMITTEE AGENDA

Committee Members: Trustee Stelck, Chair
Trustee Holman
Trustee Martin

Dave Eberwein, Superintendent of Schools
Jason Reid, Secretary Treasurer

Tuesday, January 12, 2021
1:00 pm

A. PRESENTATIONS AND QUESTIONS

No Items.

B. ITEMS FOR DISCUSSION

1. Prioritization and discussion of policy items for review.
2. Policy #1 – consideration of an additional goal to be aligned with the “*Education Enhancement Agreement Goal #1: All students and staff will strengthen connections between Indigenous Peoples, Saanich schools and the Saanich School District in support of Indigenous student success*”.

Reference: Education Enhancement Agreement (June 2018 – June 2023):

[Education Enhancement Agreement](#)

C. ITEMS FOR RECOMMENDATION

Staff Recommendation:

That the Committee develop a policy/administrative procedure as per Ministerial Order M326 (August 2020) – Child Care Order.

D. ITEMS FOR INFORMATION

No Items.

E. FUTURE AGENDA ITEMS

That the following remain as policies pending a review by the Board about what portions of these programs the Board wishes to retain as policy:

- Policy 24 (French Language)
- Policy 25 (Programs of Choice)
- Policy 26 (Specialty Academies)
- Policy 27 (International Students)
- Policy 28 (Online Learning)
- Policy 29 (Sexual Orientation & Gender Identity)
- Policy 18 (Recruitment & Selection of Personnel) – clarity on hiring authority
- Correspondence
- Policy 7 (Board Committees)
- Policy 9 (Board Operations)

To: Policy Committee

Prepared By: Jason Reid
Secretary Treasurer

Subject: Ministerial Order M326 (Childcare Order)

Date: January 7, 2021

Purpose and Background

The purpose of this briefing note is to outline new Board policy requirements resulting from Ministerial Order M326 (Childcare Order), and to provide relevant historical background information, options for consideration, and a staff recommendation.

In March 2020, Bill 8 repealed the former section 85.1 of the *School Act* and replaced it with four new sections: sections 85.1, (Policies respecting child care programs), 85.2 (Boards may provide child care programs), 85.3 (Child care programs provided by others), and 85.4 (Use of Board property for child care programs).

The former section 85.1 required Boards to establish policies that:

- promote the use of Board property by licensed child care providers between the hours of 7am and 6pm on weekdays;
- required Boards to ensure that the use of Board property by licensed child care providers did not disrupt, or otherwise interfere with, the provision of educational activities; and
- requires that any revenue obtained by a Board from the use of Board property by licensed child care providers must not be more than the direct and indirect costs incurred by the Board.

These requirements were previously included in the administrative procedures associated with Policy 2400 (Community Use of Schools). With the adoption of the new policy and administrative procedure manuals these requirements are now included in paragraph 4.5 of [Administrative Procedure 550 \(Community Use of Schools\)](#).

Recently enacted sections 85.1 to 85.4 are included as attachment 1 for reference. Section 85.1 now includes the following:

“(2) A Board must establish a policy that:

- (a) promotes the use of Board property by licensees, between the hours of 7am and 6pm on business days, for the purpose of providing a child care program, and
- (b) addresses the matters set out in any orders of the Minister.”

Importantly, this new section states that policy must address the matters set out in any orders of the minister. On August 31, 2020, the Minister issued Order M326 (Childcare Order) establishing additional Board policy requirements. This ministerial order is included as attachment 2.

Development of new Board policy is guided by [Board Policy 6 \(Policy Making and Review\)](#). Policy 6 states the Board may develop the policy itself or delegate the responsibility for its development to the Superintendent.

Options for Consideration

While section 85.1 and Ministerial Order M326 refer to Board policy, it is common that legislation, regulation, and orders do not make the distinction between policy and procedure. Where requirements relate to an operational matter, in my view, it is appropriate that these requirements be included in administrative procedure consistent with Board policy regarding delegation of authority. Historically, the requirements of section 85.1 (now repealed but which also referred to policy) were included in administrative procedure.

There are three options for meeting the requirements of the new section 85.1.

1. develop Board policy addressing all of the requirements;
2. develop administrative procedure addressing all of the requirements; or
3. develop Board policy to address certain requirements and administrative procedure to address remaining requirements.

Staff Recommendation

Staff recommend option 3 (both policy and procedure).

Ministerial Order M326 include many requirements that are operational in nature including steps for determining lease renewal; and standards for the written contractual relationship. Currently childcare procedures are included in AP 550 (Community Use of Schools); however, with the legislative changes related to the Board's role in childcare delivery (now beyond simply providing access for community use), it is appropriate to create a separate administrative procedure.

Other new requirements relate to the Board's governance role and should be reflected in Board policy. These include the Board's process for assessing community need for childcare programs and a description of how the Board will support principles of Indigenous reconciliation in childcare; and inclusive childcare. New policy addressing these requirements should be reflected as additions to [Policy 2 \(Role of the Board\)](#).

In addition to the process for adoption of new policy provided for in Board Policy 6 (Policy Making and Review), Ministerial Order M326 further requires that "*When*

establishing a policy regarding the use of Board property for the provision of child care programs, a Board must consider the results of the Board's engagement with individuals or groups the Board considers are representative of:

- (a) employees of the Board,*
- (b) child care operators,*
- (c) parents and guardians, and*
- (d) Indigenous communities, rightsholders, and service providers.”*

Staff Recommendation #1

That the Policy Committee provide notice at the March 10, 2021 Board meeting that a motion will be moved to amend Policy 2 (Role of the Board) to make the following additions under the heading “Accountability to and Engagement of Community”:

- 3.8 Promote the use of Board property for the purpose of providing child care programs between the hours of 7am and 6pm on business days.
- 3.9 Engage the community, on an ongoing basis, to assess the need for child care programs on Board property, and how the Board will support principles of Indigenous reconciliation in child care; and inclusive child care.

Staff Recommendation #2

That pursuant to Board Policy 6 (Policy Making and Review) and Ministerial Order M326 (Childcare Order) the Policy Committee consult with partners and the community regarding the proposed amendment to Policy 2 (Role of the Board).

Staff Recommendation #3

Where the requirements of Section 85.1 of the School Act and Ministerial Order M326 (Childcare Order) are not reflected in Board Policy, that the Superintendent be directed to develop a new administrative procedure through a process that includes community engagement as outlined in Ministerial Order M326.

With respect,



Jason Reid
Secretary Treasurer

Attachments: Attachment 1 – School Act Sections 85.1 to 85.4
Attachment 2 – Ministerial Order M326 – Childcare Order

Attachment 1 – School Act Sections 85.1 to 85.4

Policies respecting child care programs

85.1 (1) In this section and in sections 85.2, 85.3 and 85.4:

"board property", in relation to a board, means land or improvements

- (a) that are owned or leased by the board,
- (b) that are within the board's school district, and
- (c) that are, have been or are intended to be used for educational activities;

"business day" means a day other than Saturday or a holiday;

"educational activities" means the provision of educational programs, early learning programs and extracurricular school activities;

"licensee", in relation to a child care program, means the person licensed under the *Community Care and Assisted Living Act* to provide the child care program.

(2) A board must establish a policy that

- (a) promotes the use of board property by licensees, between the hours of 7 a.m. and 6 p.m. on business days, for the purpose of providing a child care program, and
- (b) addresses the matters set out in any orders of the minister.

Boards may provide child care programs

85.2 (1) A board may provide a child care program on board property to students enrolled with the board if both of the following apply:

- (a) the board is a licensee;
- (b) the child care program is provided only on school days before or after school hours.

(2) If a board provides a child care program referred to in subsection (1), the board may charge fees to a student to whom the child care program is provided if the fees are not more than the direct costs incurred and to be incurred by the board in providing that child care program.

Child care programs provided by others

85.3 (1) A board may permit a licensee to use board property for the purpose of providing a child care program.

(2) If a board permits a licensee to use board property for the purpose of providing a child care program, the board must ensure that any revenue obtained by the board from that use is not more than the direct and

indirect costs incurred and to be incurred by the board in making the board property available to the licensee for that use.

Use of board property for child care programs

85.4 If a child care program is provided on board property by the board or by a licensee other than the board, the board must ensure

- (a) that the child care program is provided in accordance with the board's policy established under section 85.1 (2) and any orders of the minister, and
- (b) that the provision of the child care program does not disrupt or otherwise interfere with educational activities.

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF EDUCATION


School Act

Ministerial Order No. **M326**

I, Rob Fleming, Minister of Education, order that the Child Care Order is made as set out in the attached schedule.

August 31, 2020

Date



Minister of Education

(This part is for administrative purposes only and is not part of the Order.)

Authority under which this Order is made:

School Act, R.S.B.C. 1996, c. 412, s. 168.001

Schedule

CHILD CARE ORDER

Interpretation

1 In this order,

“**board**” includes a francophone education authority;

“**board property**” means board property as defined in section 85.1(1) of the *School Act*;

“**child care program**” means a child care program as defined in section 1(1) of the *School Act*;

“**licensee**” means a licensee as defined in section 85.1(1) of the *School Act*;

Provision of child care program on board property

2 Where a board decides to change the use of board property that is being used for providing a child care program, the board must, without delay, provide the Minister with written notification of the decision in a form and with the information specified by the Ministry.

Board policies regarding the provision of child care programs

3 The board policy that promotes the use of board property by licensees for the purpose of providing child care programs must include:

- (a) the board’s process for assessing community need for child care programs on board property;
- (b) a description of how the board will support
 - (i) principles of Indigenous reconciliation in child care; and
 - (ii) inclusive child care;
- (c) steps for determining if a board will renew a lease with a licensee providing child care on board property, including:
 - (i) considering if a board should provide a child care program directly, and whether
 - i. it is appropriate for the board to become a licensee; and
 - ii. the board has space and staffing capacity to offer before and after school child care; and
 - (ii) a description of the board’s criteria for selecting a licensee to provide a child care program;
- (d) standards for the written contractual relationship to be entered into between the board and a licensee providing a child care program;
- (e) a requirement for ongoing engagement with the individuals or groups described in section 4 regarding the use of board property for the provision of child care programs

4 When establishing a policy regarding the use of board property for the provision of child care programs, a board must consider the results of the board's engagement with individuals or groups the board considers are representative of

(a) employees of the board,

(b) child care operators,

(c) parents and guardians, and

(d) Indigenous communities, rightsholders, and service providers.

5 Boards must submit their policies respecting the use of board property for the provision of child care to the Ministry on a date specified by the Minister.

