

SCHOOL DISTRICT NO. 63 (SAANICH)

POLICY DEVELOPMENT COMMITTEE
Report to Board Meeting of June 19, 2024

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

Committee Meeting

Tuesday, June 11, 2024

A. PRESENTATIONS AND QUESTIONS

No Items.

B. ITEMS DISCUSSED

1. Policy 9 (Board Operations) – Section 7 – Procedures for Delegations to Board

C. ITEMS FOR RECOMMENDATION

No Items.

D. ITEMS FOR INFORMATION

No Items.

E. FUTURE AGENDA ITEMS

- Policy Review – November 2024

To: Policy Committee

Prepared By: Jason Reid
Secretary Treasurer

Subject: Policy 9 - Delegations

Date: June 3, 2024

Purpose and Background

The purpose of this briefing note is to present options for policy amendments to the “Procedures for Delegations to Board” in section 7 of Policy 9 (Board Operations).

At the March 5, 2024 Policy Committee meeting, committee members and staff agreed that staff would investigate and present options at a future Policy Committee meeting for policy amendments to the “Procedures for Delegations to Board” in section 7 of Policy 9 (Board Operations). Committee members and staff discussed that potential amendments may also apply to procedures for question period.

This direction followed discussion of recent incidents involving the behavior of activist groups at Board meetings provincially, and the recent implementation of policy changes by other Boards to ensure respectful, safe and orderly meetings. In addition to the importance of ensuring Board meetings are safe for those attending, implementing meeting procedures that ensure public Board meetings are respectful is also viewed as foundational to maintaining a safe and inclusive school environments for all students and staff.

The Saanich procedures for delegations to the Board are found in Section 7 in [Policy 9 \(Board Operations\)](#). In addition to outlining the process to follow for being included on the Board agenda, the following procedures apply:

1. The time allotted for the delegation's presentation will normally be five minutes.
2. Board members may direct questions for clarification through the Chair to the spokesperson for the delegation; however, the matter will not be debated.
3. Normally, the matter will not be considered by the Board at the meeting at which the delegation appears.
4. The Chair of the Board may waive the notice requirement and permit a delegation to appear before a Board meeting if the Chair of the Board considers the matter to be an emergent item.

The Saanich delegation procedures do not include a review and approval process for delegation requests. As long as the request and supporting materials are provided before the deadline, the delegation is placed on the agenda. Policy 9 does not have procedures specific to public question periods. The only reference to public question periods in [Policy 9 \(Board Operations\)](#) is their inclusion in the order of business (section 2.27) for Board meetings.

Policy in Other School Districts

I reviewed policy relating to delegations and question periods for 8 other Vancouver Island school districts. Detailed observations by district are included in the Appendix to this briefing note, and summary observations are below.

Delegations – Approval and Scope

Only three (3) of the nine (9) Board policies reviewed do not have language regarding approval of delegations for inclusion on the agenda. The Board Chair has the discretion to not approve a delegation for inclusion on the agenda in SD69, SD70, SD71, SD72, and SD79. SD68 policy provides narrower context for this discretion as follows: *“In extraordinary circumstances, the Chair may refuse a presentation that is anticipated to harm staff or students.”*

In many districts, the Board policy provides additional guidance on the scope of delegations. SD71 and SD79 policy states that public participation (including delegations) should not relate to labour relations issues, or matters that should be addressed in closed meetings. SD70 policy states that delegations are not accepted from individuals or entities soliciting business from the Board. SD68, SD71, and SD79 specifically restrict multiple delegations by the same group on the same topic.

Delegations - number and time limit

Five (5) out of the nine (9) Board policies reviewed limit the number of delegations on a Board agenda to:

- 2 delegations – SD68 and SD72;
- 6 delegations – SD61; and,
- Number at discretion of Chair – SD70 and SD79.

All nine (9) Board policies reviewed limit the presentation time for a delegation, with limits as follows:

- 5 minutes – SD61, SD62, and SD63;
- 10 minutes – SD68, SD69, SD70, SD72, and SD79; and,
- 15 minutes – SD71.

Question Period – Scope

Five (5) out of the nine (9) Board policies reviewed limit the scope of questions during question period, with limits as follows:

- Questions must relate to open meeting agenda items – SD70, SD72, and SD79
- *“Question Period is not to be used as a political forum, or for furthering presentations by delegations, or to deal with matters that should properly be dealt with through other channels. Questions or inquiries which deal with or reflect upon the personal or professional attributes of Trustees or District staff will not be recognized.”* – SD68 and SD70

- Public participation (including questions) should not relate to labour relations issues, or matters that should be addressed in closed meetings. – SD71 and SD79

Question Period – Number and Time Limitations

- Board policy limits each person to one question at a meeting - SD61, SD72 and SD79
- Board policy limits question period to a maximum of 15 minutes - SD61, SD68 and SD72

Options for Policy Committee Consideration

Reflecting the observations outlined above, the following are recommended options for amendments to Policy 9 (Board Operations) for consideration by the committee:

- Delegations – Approval options (**Either option 1 or 2, not both**)
 - **Option 1**- Add the following: *“The application request for a delegation will be at the discretion of the Board Chair and will be reviewed at the Board agenda setting meeting prior to the Board meeting.”*
 - **Option 2** - Add the following: *“In extraordinary circumstances, the Chair may refuse a presentation that is anticipated to harm staff or students.”¹*
- Delegations and Question Period – Scope
 - **Option 3** - Add the following: *“Delegations and Question Period shall not be used to address matters which must be dealt with in closed (in-camera) meetings.”*
 - **Option 4** - Add the following: *“As structures have been defined in legislation and collective agreements to deal with labour management issues, public participation opportunities (delegations and question period) are not to be used to deal with such matters. The Board respects and honors employee groups’ contracts and official representatives and will therefore deal with labour management issues through defined legislated and collective agreement processes.”*
 - **Option 5** - Add the following: *“The Board will not normally receive more than one (1) presentation/delegation from a particular individual or group on the same matter in a six (6) month period.”*
 - **Option 6** - Add the following: *“Question Period is not to be used as a political forum, or for furthering presentations by delegations, or to deal with matters that should properly be dealt with through other channels. Questions or inquiries which deal with or reflect upon the personal or professional attributes of Trustees or District staff will not be recognized.”*
- Delegations and Question Period – Number and Time Limitations:
 - **Option 7** - Add the following: *“The number of presentations and/or delegations will be limited to two (2) at each regular Board meeting.”*
 - **Option 8** - revise policy 9 as follows: *“The time allotted for the delegation's presentation will normally be **ten (10) five** minutes.”*
 - **Option 9** - add the following: *“Question period will be limited to 15 minutes.”*

¹ Option 2 would require modification if any of options 3 to 6 are also implemented.

- **Option 10** - add the following: *"There will be a limit of one question per person."*

Next Steps

Based on direction from the committee regarding the options outlined in this briefing, staff will draft policy amendments for review at the next policy committee meeting.

With Respect,

A handwritten signature in blue ink, appearing to read "Jason Reid".

Jason Reid
Secretary Treasurer

JR/klg

Appendix – Relevant Policy in Other School Districts

School District 61 (Victoria)

Procedures for delegations are found in [ByLaw 9360 \(General Meeting of the Board\)](#), and includes the following language regarding delegations:

- *“The Community Presentations period is limited to a maximum of six speakers, each speaking a maximum of five minutes; there can only be three speakers per issue (numbers and time may be extended at the discretion of the Chair)”*
- *“Individuals or delegations wishing to make a presentation will be advised of their placement on an upcoming agenda on the Wednesday before the Regular meeting. Presentations on behalf of groups will be presentation by the spokesperson(s) of that group, who will be identified on the agenda.”*
- *“There will be no public debate with presenters; information only will be received”*
- *“The Question Period is limited to 15 minutes”*

Similar to Saanich there does not appear to be a review and approval process for delegations appearing before the Board.

Specific procedures for question period are found in [ByLaw 9360.01 \(Question period during general meetings of the Board of Education\)](#), and include:

- The process for submitting questions to Board meetings (either using the question link on the website or by attending the Board meeting and submitting the question in written form).
- Questions are asked in order of submission and question period is limited to 15 minutes.
- There is a limit of one question per person.
- The Board Chair has discretion to call questions out of order and refer to an in camera meeting.
- Answers to questions must not result in staff workload exceeding 30 minutes.

Schools District 62 (Sooke)

Procedures for delegations and questions are found in [Policy A-412 \(Delegations and Questions to the Board\)](#) and [Procedural Regulation A-412 \(Delegations and Questions to the Board\)](#).

The SD62 procedures for delegations are similar to Saanich. The process outlines the process for delegations to appear at a Board meeting, but there is no review and approval process required. Similar to Saanich, the time limit on presentations is 5 minutes.

Regarding Questions, the regulation states that: *“The Chairperson of the Board shall determine whether a question requires referral to the staff for further information to be obtained, and whether supplementary questions on the same topic will be received verbally by the Board.”*

School District 79 (Cowichan)

Procedures for delegations and questions are included in Policy 7 (Board Operations) (see Policy 7 section 9 - Public Participation on pages 36 to 37 of the [Board Policy Handbook](#)).

The Cowichan Board policy for public participation includes several procedures limiting the scope of delegations and questions including that the Chair will rule on the propriety of all presentations, and that questions must relate to items on the current meeting agenda. Specific provisions include the following:

- That such opportunities shall not be used to address matters that must be dealt with in closed meetings.
- Public participation opportunities are not to be used to deal with labour management issues (*“The Board respects and honors employee groups’ contracts and official representatives and will therefore deal with labour management issues through defined legislated and collective agreement processes.”*).
- *“The Chair shall rule on the propriety of all presentations and questions and may decline to have a matter heard from a delegation or terminate any presentation or question or refer it to an “in camera” meeting of the Board if that is deemed to be appropriate by the Chair.”*
- *“Trustees may ask questions for clarification but no recommendations or motions concerning the presentation will normally be made at the same meeting.”*
- *“Presentations by delegations must be limited to ten minutes unless this time limit is waived by the Board.”*
- *“The Chair of the Board may determine the number of delegations that will be heard at any one Board meeting and shall inform all trustees regarding delegation requests that have been made, considered, and either included on the Board agenda or denied.”*
- *“9.8 The Chair may deny a request to appear as a delegation to the Board for any of the following reasons:*
 - 9.8.1 *If a request to appear as a delegation is relevant to a particular committee, that request is referred to the committee. For example, if an individual wants to address a new education program idea, he or she is referred to the Board Education and Business committee.*
 - 9.8.2 *If the individual or group has already presented to the Board on the same topic, the request is denied.*
 - 9.8.3 *If it is a full agenda, the number of delegations may be limited and the person denied is advised that they will be considered for the next meeting.*
 - 9.8.4 *A request to appear as a delegation may be denied if the topic is unclear. The person requesting to appear is asked for more information. Once more information is received, the request is considered again.”*
- *The Question Period is intended to enable the public to obtain clarifying information from the Chair regarding a current Regular Open Meeting agenda item.*
- *“Persons wishing to ask a question of the Board at a Regular Open Meeting shall do so in writing on the form provided. Those persons asking questions shall identify themselves by giving their name and address. Each individual shall be limited to one question and one follow*

up question on the response to that question. The Secretary-Treasurer will collect and review each question to confirm that it is related to a current agenda item prior to handing to the Chair for response.”

School District 68 (Nanaimo-Ladysmith)

Procedures for delegations and questions are included in section 4 of [Board Governance Policy Section 2.6 \(Board Meeting Procedures\)](#).

The Nanaimo Board policy for public participation includes several procedures limiting the scope of delegations and questions. The Chair may in extraordinary circumstances refuse a presentation that is anticipated to harm students or staff. Specific provisions include the following:

- *“The number of presentations and/or delegations will be limited to two (2) to any one meeting of the Board or Standing Committee.”*
- *“The Board will not normally receive more than one (1) presentation/delegation from a particular individual or group on the same matter in a six (6) month period.”*
- *“In extraordinary circumstances, the Chair may refuse a presentation that is anticipated to harm staff or students.”*
- *“A presentation to the Board or Standing Committee by an individual or a delegation will be limited to ten (10) minutes duration”*
- *“A Question Period of no more than fifteen (15) minutes duration shall be set on the agenda of each Regular Meeting and Standing Committee meeting.”*
- *“The Question Period is not to be used as a political forum, or for furthering presentations by delegations, or to deal with matters that should properly be dealt with through other channels.”*
- *“Questions or inquiries which deal with or reflect upon the personal or professional attributes of Trustees or District Staff will not be recognized.”*
- *“Persons directing questions to the Board at a Regular Meeting or to a Standing Committee member during a Standing Committee meeting shall do so in writing on the form provided.”*
- *“No one shall ask the same question at any one Meeting when the Chair rules that the question has been answered.”*

School District 69 (Qualicum)

Procedures for delegations and questions are addressed in sections VI and VIII in [Board Bylaw 3 \(Meetings of the Board\)](#). This bylaw includes that the Board Chair has the discretion to rule whether a delegation will be heard by the Board. Specific provisions include the following:

- *“The Board Chair, at the Board Chair’s discretion, will rule whether the delegation will be heard by the Board.”*
- *“The period of time normally allocated to the delegation shall be ten minutes.”*
- *“Questions at a Regular Board Meeting may deal with any topic related to the Board’s conduct of the schools. Questions at Special Board Meetings must be related to the call of the meeting.”*

School District 70 (Alberni)

The Board Procedure (under [1000 Board of Education](#)) includes procedures for Petitions/Delegations (section 13.0) and Audience Question Period (Section 15.0).

Petitions/Delegations to the Board are subject to approval. Specific provisions for Petitions/Delegations includes:

- *“Copies of the written petition/delegation will be brought to the Chair/Vice-Chair at the agenda setting table for review. If approved, the person(s) seeking the meeting time will be advised at which meeting date and time they will present.”*
- *“The Board Chair may limit the number of petitions/delegations to be presented at any single meeting. Petitions/Delegations are directed to the Board of Education as a corporate body, not individual trustees. Petitions/Delegations are not accepted from individuals or entities soliciting business from the Board.”*
- *“Petitions/Delegations shall be limited to ten minutes unless the Chair, prior to the commencement of the presentation, approves an extended time frame.”*

Questions made during question period are to relate to any matter connected with the agenda. Specific provisions for Audience Question Period include:

- *Under the Regular Meeting agenda item Audience Question Period, questions may be put to the Chair, or through the Chair to any member or officials of the Board, relating to any matter connected with the agenda of the day.*
- *The Audience Question Period is not to be used as a political forum, or for furthering presentations by delegations, or to deal with matters that should properly be dealt with through other channels. Questions or inquiries which deal with or reflect upon the personal or professional attributes of Trustees or District staff will not be recognized. The Chair may direct any questions to District staff to respond to.*

School District 71 (Comox Valley)

Policy 7 Board Operations (within the [Board Policy Handbook](#)) addresses delegations and questions in Section 5 - Public Participation (see pages 32 to 33).

This policy includes the following language narrowing the scope:

- *“Such opportunities shall not be used to address matters which must be dealt with in Closed (in-camera) meetings as noted elsewhere in this policy.”*
- *“In addition, structures have been defined in legislation and collective agreements to deal with labour management issues. The public participation opportunities noted below are not to be used to deal with such matters.”*

Delegations are subject to approval by the Chair: *“After receiving a written request to appear before the Board, the Board Chair, in consultation with the Superintendent, and the Secretary Treasurer shall determine whether the request will be granted.”*

Further guidance on delegations includes:

- *“Normally, a delegation representing a group previously heard on a topic will not be heard a second time unless the delegation presents, in advance, material or information not previously considered that is germane to any decision. A motion of the Board to hear the delegation a second time must be passed by having a majority of all its members cast an affirmative vote.”*
- *“Speakers and or presentations shall be allotted fifteen (15) minutes. An additional 5 minutes may be allotted for a brief Trustee question period.”*
- *“Decisions or responses on any requests made by a delegation or through a presentation are not normally made at the meeting at which the individual(s) is/are heard.”*

School District 72 (Campbell River)

Policy 15 (Meetings) in the [Board Policy Manual](#) addresses Delegations to the Board (section 4) and Question Period (section 8).

Delegations to the Board are subject to approval. Specific provisions for Delegations includes:

- *“The application request will be at the discretion of the Board chair and will be reviewed at the Board agenda setting meeting prior to the Board meeting.”*
- *“Presentations to the Board may not exceed 10 minutes unless approved by the Board chair.”*
- *“There will be no more than 20 minutes allotted for **all** presentations to the Board at each Board meeting.”*

Questions to the Board are limited to agenda items and must be provided in written form.

Specific provisions relating to question period includes:

- *Questions will be submitted to the superintendent of schools (or designate) prior to the start of the question period.*
- *The questions period will be limited to 15 minutes.*
- *There will be a limit of one question per person.*
- *Only questions on agenda items will be answered, if the information is readily available, at the public meeting.*
- *Answers to questions must not result in staff workload exceeding thirty (30) minutes.*