

SCHOOL DISTRICT NO. 63 (SAANICH)

POLICY DEVELOPMENT COMMITTEE  
**Report to Board Meeting of April 23, 2025**

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 CUPE - regrets Suzanne Chisholm, SAA COPACS – regrets
Other Attendees:	Chair Dunford, Vice Chair Silzer, Trustee Hickman, Trustee Vandall & Rae Dennett, SAA

**Committee Meeting**  
Tuesday, April 16, 2025

**A. PRESENTATIONS AND QUESTIONS**

No Items.

**B. ITEMS DISCUSSED**

1. Policy 16 (Appeals Bylaw)

**C. ITEMS FOR RECOMMENDATION**

1. Policy 28 (Languages)

**Motion:**

As the required Notice of Motion has been provided on February 12, 2025, I, Trustee VanWell move that revisions to Policy 28 (Languages) be approved.

**D. ITEMS FOR INFORMATION**

No Items.

**E. FUTURE AGENDA ITEMS**

Policies 2, 3, 4, 5 – May 2025  
Policies 1, 6, 8 – June 2025  
Policies 10, 14 – Sept 2025

Policies 11, 12, 13 – Oct 2025  
Policies 15, 17 – Nov 2025  
Policies 20, 21 – Jan 2026  
Policies 22, 23 – Feb 2026  
Policies 24, 25, 26 – Mar 2026  
Policies 18 – Apr 2026  
Policies 19 – May 2026  
Policies 27, 29 – June 2026

## **BYLAW 16: APPEALS**

Employee decisions relating to individual students should be carried out in accordance with principles of fairness. The appeal process should encourage all parties of disputes to understand the concerns of the other parties and make good faith efforts to resolve disputes to mutual satisfaction.

The Board generally encourages complaints and disputes to be dealt with at the point closest to where the dispute first arises.

If an employee's decision is disputed or a complaint is made about an employee's decision, the dispute or complaint is not resolved to the satisfaction of the student or the parent of the student affected, and the decision significantly affects the education, health or safety of the student, the Board recognizes the right of a student and/or his or her parents (including guardians and persons acting in place of parents) to appeal to the Board.

The Board also recognizes that employee decisions that do not significantly affect the education, health or safety of a student are within the final authority of the Superintendent as the Board's Chief Executive Officer.

"Decision" includes a failure to make a decision.

"Parent" is as defined in the School Act, and includes a guardian.

Appeals to the Board are to be carried out in accordance with principles of fairness, including:

1. The appeal process should be accessible to parents and students. Information about the appeal process and relevant policies should be readily accessible to all on the school district website, including employees, students and parents. Reasonable accommodation should be provided where necessary to allow parents or students to make use of the appeal process.
2. Appellants are entitled to receive the same written and oral information to be used in the appeal as is provided to the Board by administration and to have an opportunity to respond to it.
3. The Board accepts its responsibility to exercise its independent judgment when hearing appeals. In particular, a Board Officer who has participated in making the decision being appealed, who has attempted to mediate it or who has investigated it shall not assist the Board with its deliberations on the appeal.
4. A student or parent shall not be subjected to retribution by the Board, its officers or employees because an appeal has been made.

Appeal procedures shall be established by bylaw and shall be applied in accordance with the above principles.

The Board recognizes that whether a decision significantly affects a student's education, health, or safety is a matter for individual consideration. The following will normally be considered to be matters that significantly affect a student's education, health or safety:

- Suspension or exclusion of a student from a school for a period in excess of 10 consecutive school days, or that could prevent the student from fulfilling graduation requirements in a timely way;
- Decisions regarding placement in an educational program other than access to a specific course or class;
- Decisions regarding whether a student has met the requirements for promotion from one grade or course to the next, or has met the requirements for secondary school graduation;
- Denial of a request for an individual education plan; and,
- Failure to consult regarding a student's Individual Education Plan.

Decisions made on appeals are not precedential and are not binding on future decision-makers.

In considering appeals of employee decisions, the Board shall consider:

- Whether the decision appealed is in accordance with legislation, board policies and procedures;
- Whether the decision appealed was reached through a process that was fair to the student and after consideration of relevant information;
- Whether the evidence presented to the Board supports the decision or calls it into question;
- Whether the decision is reasonable in the circumstances; and,
- Whether there are special circumstances that would warrant making an exception to a Board policy.

## **Appeal Procedures (Bylaw):**

Procedures for hearing appeals shall be applied in accordance with the guiding principles in the Board's Appeal Policy.

### **1. Pre-Appeal Dispute Resolution Process**

1. Before filing an appeal, the student and/or parent/guardian shall take the dispute resolution steps as outlined in [Administrative Procedure 152 \(Complaints Regarding Personnel, Programs or Procedures\)](#). It is the Board's expectation that the student and/or parent/guardian will discuss the issue in dispute in a constructive manner with those responsible at the school or district level before an appeal will be considered. In this regard, at a minimum, the Board expects the following steps will be taken:

#### **STEP 1**

The person(s) will share their concern(s) with the individual involved in an attempt to resolve the concern(s).

#### **STEP 2**

The person(s) will meet with the principal/supervisor or designate to carry out an appropriate review in an attempt to resolve the concern(s).

#### **STEP 3**

The person(s) will submit to the Superintendent a written statement which outlines the concern(s) with their recommendation for resolution. The Superintendent, or designate, will review all relevant information including contacting the concerned person(s) in an attempt to resolve the concern(s). The Superintendent, or designate, may consider the option of mediation if appropriate and will include in writing any proposed action meant to resolve the concern.

If the applicable dispute resolution process does not resolve the concern, an appeal is normally based upon the decision of the highest supervisory officer who dealt with the matter in the dispute resolution process.

### **2. Starting an Appeal**

1. If the steps in Section 1 are not successful, a parent and/or student begins the Board appeal process by presenting a written Notice of Appeal to the Secretary Treasurer within fifteen (15) school days after being informed of the decision that is being appealed, or from the date of completion of the dispute resolution steps referred to in 1.1, whichever is later.

2. The Notice of Appeal must include:
  1. The name, address and school placement of the student (including, where appropriate, grade level and home room teacher);
  2. The name and address of the person(s) making the appeal;
  3. The decision that is being appealed;
  4. The date on which the student and/or parent/guardian bringing the appeal were informed of the decision;
  5. The name of the Board employee(s) who made the decision being appealed;
  6. Particulars of the effect on the student's education, health or safety;
  7. The grounds for the appeal and the action requested or relief sought;
  8. A summary of the steps taken by the student and/or parent/guardian to resolve the matter;
  9. Whether the person making an appeal is requesting an oral hearing;
  10. Whether the person making an appeal requires any special accommodation in order to proceed with the appeal (such as interpretation services at the hearing of the appeal.).
3. The Secretary Treasurer is responsible on behalf of the Board for:
  1. Receiving Notices of Appeal;
  2. Reviewing Notices of Appeal for completeness and timeliness;
  3. Giving any notices required under Collective Agreements;
  4. Receiving and distributing documents relevant to an appeal;
  5. Communicating with the appellants and others on matters relating to an appeal hearing;
  6. Arranging for any accommodation required; and,
  7. Scheduling hearings.
  8. The Secretary Treasurer may designate another staff member to carry out these responsibilities. If the Secretary Treasurer has participated in the dispute resolution steps or is the employee whose decision is being appealed, another staff member shall be designated.
4. If the Secretary Treasurer is of the opinion that:
  1. An appeal is not timely;
  2. An appellant has refused to participate in the dispute resolution steps;

3. An appeal is not an appeal of a decision of a board employee or the decision does not significantly affect the student's education, health or safety; or
  4. There is any other preliminary matter that should be settled before a hearing of an appeal on its merits;
  5. The Secretary Treasurer may schedule a preliminary hearing before the Board for purposes of a decision on that matter, without first complying with all requirements of section 3.
5. Appellants are notified of a preliminary hearing and provided with the opportunity to make written submissions on the preliminary issue to be determined.

### 3. Pre-Hearing Responsibilities

1. Upon receipt of the Notice of Appeal, the Superintendent shall be notified. The Superintendent, or a person designated by the Superintendent to be responsible for investigation and presentation on the appeal, will prepare a report for the Board concerning the matter under appeal and is responsible for gathering the information to be presented to the Board, other than the information to be presented by the appellant.
2. If the appellant is a student under the age of 19 and no parent is named as an appellant, a parent will be notified as soon as practicable by the Superintendent or designate.
3. If the appellant has not met with the Superintendent during the dispute resolution process, at the Superintendent's request, the appellant is required to meet with the Superintendent or a person designated by the Superintendent. A report of this meeting shall be included in the report prepared under 3.1. The report may include the Superintendent's recommendations as to whether the dispute should be referred to an outside mediator.
4. Any notices required under relevant collective agreements are given.
5. Instead of an oral hearing, the Board may determine that an appeal will be decided on the basis of written submissions only.
6. The appellant shall be notified of the date, time and place for hearing of the appeal and of the requirement to provide any documents in advance.
7. A copy of the report prepared under 3.1 will be provided to the appellant no later than 48 hours before the time set for hearing.

8. The appellant is required to provide copies of any documents on which they intend to rely, or copies of written submissions, no later than 48 hours before the date set for hearing.

#### 4. Hearing and Decision

1. The Board will decide the appeal based on the oral and/or written submissions presented to it and, for an oral hearing, will determine the order of, and time allotted for, submissions.
2. At any time the Board may request further information from the appellant or the Superintendent or designate and may adjourn in order that such information may be obtained.
3. The Board may make any interim decision it considers necessary pending the disposition of the appeal.
4. The Board may invite submissions from any person whose interests may be affected by the Board's decision on the appeal.
5. The Board may refuse to hear an appeal where:
  1. The appeal has not been commenced within the time set out under 2.1;
  2. The student and/or parent or guardian has refused or neglected to discuss the decision under appeal with the person(s) specified in the applicable dispute resolution process or the Superintendent or delegate, or such other person as directed by the Board; or
  3. The decision does not, in the Board's opinion, significantly affect the education, health or safety of the student.
6. The Board may hear an appeal despite any defects in form or technical irregularities and may relieve against time limits.
7. Appeals and decisions on appeals will be held in closed session.
8. The Board will ensure that each party has received all documentation provided by the other party prior to the hearing.
9. At the end of each party's submission, trustees may ask questions.
10. When questioning by trustees is complete, the parties leave and the Board meets to decide how it will dispose of the appeal.



11. The Board must make a decision within 45 days from receiving the Notice of Appeal.
  12. The Board's decision is final, subject to any rights to appeal under the School Act. The Board may reconsider its decision only:
    1. If it is satisfied that new evidence or information would have a material effect on the decision and the failure to present that evidence or information at the original hearing is satisfactorily explained;
    2. The decision contravenes law; or
    3. A reconsideration is directed or requested in connection with an appeal of the Board's decision under School Act Section 11.1.
  13. The parties will be promptly notified of the Board's decision. Written reasons will be provided as soon as practicable.
5. Appellants who have appeal rights under School Act s.11.1 will be advised of those rights when or before they are notified of the Board's reasons for decision.

# Languages

The Board of Education believes that learning languages enriches students' lives, enhances their understanding of other cultures, and celebrates diversity. The Board also recognizes the cognitive, social and career benefits of learning languages.

The Board commits to offering a K-8 Languages program, which will be primarily Core French, and may include SENCOTEN where available.

## Guiding Principles:

1. All students, except those who are in the French Immersion Program, will be enrolled in the K-8 Languages program. The Languages program will be offered to:
  - 1.1. All Kindergarten to Grade 5 students at all district neighbourhood elementary schools, with the main objective of developing basic verbal fluency;
  - 1.2. All Grade 6-8 students at all district neighbourhood middle schools, to further develop verbal fluency and introduce written language.
2. The Board believes that students who pursue a language as an elective beyond Grade 8 will have an opportunity to achieve a high standard of language development and advance their skills in the areas of listening, speaking, reading and writing.
3. The Board supports the inclusion of all students in language programs and expects that students with unique learning needs, including students with Ministry designations, will be supported appropriately. Students identified with language-based needs in their Individual Education Plans and/or by the school based team will participate in alternative learning activities designed to support their individualized specific long range goals.

## Policies Revised During Board Term

Motion: That during the last two years of the term, the Board conduct a review of policies not previously reviewed by this Board, pursuant to Policy 6 – Policy Making & Review

Policy	Board Review - 2022-Present	Action/Discussion	Previous Board 2018-2022	Recommendation
1 – Foundational Statements			New Policy approved Jun/19	
<b>Recommendation</b> <ul style="list-style-type: none"> <li>Defer review to coincide with development of next Strategic Plan</li> </ul>				
2 – Role of the Board App A – Annual Work Plan App B – Advocacy Public Education	Sept 2023 / 2024	Spring/21 changes were made to align with legislative changes / ministerial order for childcare (3.9)		No changes recommended
3 –Role of the Trustee	Jan 2024	Reviewed Jan/24 – changes made to para16 to support for ProD	New Policy approved Jun/19	No changes recommended
4 – Role of the Board C			New Policy approved Jun/19	No changes recommended
5 – Role of the Vice-Chair			New Policy approved Jun/19	No changes recommended
6 – Policy Making & Review	Mar 2023	6.4 – Evaluation of Policies	New Policy approved Oct/19	No changes recommended
7 – Board Committees			New Policy approved Jun/19	
<b>Recommendation</b> <ul style="list-style-type: none"> <li>HR 1.5 – What is STA/CUPE Committee?</li> <li>FFT 2.5 – Student Safety?</li> <li>Ed Dir 4.5 Should early learning &amp; childcare programs be included in the scope of the Ed Directions Committee?</li> <li>FFT 2.2.2 May want to review Audit Committee Responsibilities as there is a Future Agenda Item to review audit committee guidance</li> </ul>				
8 – Board Representatives			New Policy approved Jun/19	No changes recommended
9 – Board Operations	Nov 2023 Nov 2024	Nov/23 – revisions relating to Trustee Attendance at Bd Mtgs  Nov/24 – revisions section 7 (public participation) and 'clean up' amendments		No changes recommended
10 – Delegation of Authority			New Policy approved Nov/20	No changes recommended
11 – Indemnification			New Policy approved Nov/20	Legal Review
12 – Trustee Elections App A – Elections			New Policy Sept/19	No changes recommended

13 – Trustee Code of Conduct App – Code of Conduct Sanctions			New Policy approved Jun/19	No changes recommended
14 – Role of the Superintendent			Reviewed May 2019	No changes recommended
15 – Parent/Guardian Involvement			New Policy approved Jan/20	No changes recommended
16 – Appeals Bylaw	Feb 2024	Policy re-write		No changes recommended
17 – Public Consult.			New Policy approved Jan/20	No changes recommended
18 – Recruitment of Personnel App A App B			New Policy approved Oct/19	No changes recommended
19 – Accumulated Operating Surplus		Revisions made in 2021/22 response to Ministry direction re approval of internal restrictions and fund transfers	New Policy approved Nov/20	No changes recommended
20 – Environmental Sustainability			Approved Jan/20	No changes recommended
21 – Student Transp.	Feb 2024	Revision following extensive community consultation		No changes recommended
22 – Disposal of Land & Improvements			New Policy approved Jan/20	No changes recommended
23 – School Closures			New Policy approved Oct/19	No changes recommended
24 – Programs of Choice			New Policy approved Apr/21	No changes recommended
25 – Int’l Student Program			New Policy approved May/21	No changes recommended
26 – Online Learning			New Policy approved Sep/21	No changes recommended
27 – Sexual Orient. Gender Identity			New Policy approved Dec/21	No changes recommended
28 – Core French	Jan 2024	Committee provided direction for future policy revisions		To be reviewed
29 – Diversity & Incl.	Dec 2022	New Policy		No changes recommended