



**COMMITTEE REPORT OF THE
EDUCATION-POLICY COMMITTEE via MS Teams
Oct. 6, 2020 – 6:00 p.m.**

Present: Bob Phillips, Trustee (Committee Chair)
Dianna Seaton, Trustee (Committee Member)
Margot Swinburnson, Trustee (Committee Member)
Missy Haynes, STA
Lisa Haug, CUPE
Georgette Walker, SPVPA
Scott Stinson, Superintendent/CEO
Stephanie Hedley-Smith, Associate Superintendent
Paul Block, Associate Superintendent
Cendra Beaton – SPEAC

Guest: Laura Schwertfeger, District Principal – International Program

Regrets: Dave Strange, Associate Superintendent

1. **CALL TO ORDER AND ACKNOWLEDGMENT OF FIRST NATIONS TERRITORIES**
We are honoured to be meeting on the traditional territories of the Coast Salish: T'Sou-ke Nation and Scia'new Nation and Nuu-chah-nulth: Pacheedaht Nation. We also recognize some of our schools reside on the traditional territory of the Esquimalt Nation and Songhees Nation.
2. **Opening Remarks from Chair, Bob Phillips**
3. **COMMITTEE REPORT** of September 8, 2020 Education Standing Committee meeting
The committee report for the September 8, 2020 Education Standing Committee meeting was reviewed by the committee members.
4. **BAA COURSE PROPOSALS**
No courses were brought forward for consideration at this meeting.
5. **REVIEW OF POLICIES/REGULATIONS**
Prior to reviewing the policies below, the Chair asked the Superintendent for a quick update on overall school district business. Scott Stinson reviewed Remote Teachers, ISP programs and school events.
 - a. Appeals By-law 1-08 update – Scott Stinson
Superintendent Stinson shared some minor changes that have no impact on the intent or purpose; simply housekeeping changes only.

b. Policy C-350 "Appeals" update – Scott Stinson

Superintendent Stinson shared the process of review and the need to add references to other policies within the District Policy Manual and/or *School Act* that are connected or in support of facilitating better understanding and referencing for users.

c. Draft Revised Policy & Regulations C-432 "Maintenance of Order" – Scott Stinson

Superintendent Stinson reviewed the minor language revisions that need to be made to align with current language. For example, removing the term "administrator" as this is no longer referenced in the *School Act* as a term for principals/vice-principals. There are no changes that impact intent or purpose; housekeeping changes only.

Recommendation:

That the Board of Education give Notice of Motion to draft revised Policy and Regulations C-432 "Maintenance of Order".

6. **NEW BUSINESS**

a. International Program Update – Laura Schwertfeger, District Principal

Mrs. Schwertfeger presented the impacts of COVID-19 on the International Student Programs. She focused on the positive impacts of ISP programming and supports for students and their overall health and wellness during the pandemic.

Mrs. Schwertfeger also spoke about:

- the current political state and latest news in regards to borders opening and students gaining access to Canada and our schools.
- Homestay capacity update.
- Virtual marketing.
- Important educational issues for ISP department and students.

b. Growing SD62 – School Gardens – Dave Strange

Tabled until next meeting.

7. **FOR INFORMATION**

- a. Research Project Approval – Ryan Davidson – "The Development of Collective Teacher Efficacy at the Middle School Level" – Scott Stinson
- b. Research Project Approval – MediaSmarts – Lynn Huxtable – "Young Canadians in a Wireless World" – Scott Stinson

8. **FOR FUTURE MEETINGS – REVIEW OF POLICIES/REGULATIONS**

As per Policy Work Plan

9. **ADJOURNMENT AND NEXT MEETING DATE: Nov. 3, 2020**

POLICY AND REGULATIONS ADOPTION

School District #62 (Sooke)

October 27, 2020

Draft revised Policy and Regulations C-432 "Maintenance of Order" are now ready for Notice of Motion.

NOTICE OF MOTION:

That draft revised Policy and Regulations C-432 "Maintenance of Order" be given Notice of Motion.

School District #62 (Sooke)

MAINTENANCE OF ORDER	No.: C-432
	Effective: Feb. 9/82 Revised: Oct. 25/05; Jan. 22/07; Apr. 25/17 Reviewed: Dec. 5/16; Oct. 6/20; Oct. 27/20

SCHOOL BOARD POLICY

The Board of Education believes that in order to maintain safe, caring and orderly schools ~~any a person who loiters on any school building or grounds without written/verbal permission, or who causes a disturbance, or is demonstrating disorderly conduct,~~ **must not disturb or interrupt the proceedings of a school or official school function. A person doing so** is committing an offence and may be excluded from the school premises.

Section 177 of the *School Act* is intended to prevent the disruption of schools and school functions and to ensure the protection of students and staff. ~~This includes school buses and non-school facilities owned by SD#62.~~ This section allows the principal, **vice-principal, director of instruction or a person who is authorized by the board to direct a person to leave the land or premises of any district facility, including school buses** ~~or school administrator~~ to call for assistance from law enforcement if necessary. ~~If a person contravenes this~~ **Any person contravening section 177(1) and (2) of the *School Act*, he or she is committing** ~~commits~~ an offence. The purpose of providing this authority to principals and other ~~administrators~~ **authorized staff** is to maintain order on school premises and to ensure the protection of students and staff.

Policy References:

Policy: C-350 Appeals

By-law 1-08 Parent Student Appeals

Legislation:

School Act Section 177

Freedom of Information and Protection of Privacy Act

School District #62 (Sooke)

MAINTENANCE OF ORDER	No.: C-432
	Effective: Apr. 25/17 Revised: Reviewed: Dec. 5/16; Oct. 6/20; Oct. 27/20

ADMINISTRATIVE REGULATIONS

The Board of Education supports that the Superintendent, Associate Superintendent(s), Director(s) of Instruction, Principals and Vice Principals have the authority to put in place an exclusion order in circumstances where the school district determines that a person's actions:

- pose a risk to the safety of students, staff or others in the school community, or presents a significant and ongoing disruption to the educational programs offered by the school.

The following procedures will be followed when it is deemed necessary to place an **Maintenance exclusion** order on an individual:

- Where practicable, provide prior notice to the Superintendent or Associate Superintendent of the intention to issue an exclusion order under Section 177 of the *School Act*. Call for assistance from the police if the administrator determines this is necessary. Report the incident to the Superintendent or designate.
- Provide written notification to the excluded person as soon as possible, including reasons for and length of exclusion, date for review, and information about avenues of appeal.

Document the incident, including the following information at a minimum:

- Name of school or school facility building;
- Date of birth and address of the individual named in the Maintenance Order;
- Date, time and location of incident or incidents;
- Description of incident or incidents (i.e. what happened, when, who was involved);
- Name of person excluded under Section 177;
- Name of Principal or other administrator **authorized staff member** who directed the person to leave school **or district** property;
- Length of exclusion ~~is 120 calendar days from the date of issue;~~
- **Date for review;**
- Name of person completing the document.

Policy References:

Policy: C-350 Appeals

By-law 1-08 Parent Student Appeals

Legislation:

School Act Section 177

Freedom of Information and Protection of Privacy Act

If an appeal is considered by the excluded person, ~~the following process will be followed~~ **it will be reviewed in accordance with Policy C-350 and By-law 1-08.**

- ~~• The written appeal will be considered no more than 30 calendar days following the date of service indicated on the Maintenance Order; there will be an opportunity for the excluded person to respond to the information included in the notification of exclusion; the appeal will be heard by the Superintendent or designate; a decision of the appeal will be communicated in writing, with reasons for the decision, to the excluded person within 30 days of the appeal date. If the excluded person is unsatisfied with the Superintendent's decision, he or she may appeal to the Board.~~

Any personal information collected in relation to a Section 177 exclusion will be dealt with in accordance with the *Freedom of Information and Protection of Privacy Act* and will be kept in a confidential file at the School District office. The district privacy officer will record and track the use of Section 177 at the school and district levels.

Policy References:

Policy: C-350 Appeals

By-law 1-08 Parent Student Appeals

Legislation:

School Act Section 177

Freedom of Information and Protection of Privacy Act

Appendix: Example of plain language explanation of section 177

Section 177 of the *School Act* is intended to prevent the disruption of schools and school functions, and to ensure the protection of students and staff. This section allows the Principal or other ~~school administrator~~ **authorized staff** to direct a person to leave school property and prevents the person from returning without prior approval of the Principal or ~~administrator~~ **authorized staff**. It also enables the Principal or ~~administrator~~ **authorized staff** to call for assistance from law enforcement if necessary. **Any person contravening** ~~if a person contravenes~~ this section of the *School Act* **is committing** ~~he or she commits~~ an offence. The purpose of providing this authority to Principals and other ~~administrators~~ **authorized staff** is to maintain order on school premises and to ensure the protection of students and staff.

The full text of section 177 of the *School Act* is provided below:

Maintenance of order

177 (1) A person must not disturb or interrupt the proceedings of a school or an official school function.

(2) A person who is directed to leave the land or premises of a school by a Principal, Vice Principal, Director of Instruction or a person authorized by the board to make that direction:

- (a) must immediately leave the land and premises, and
- (b) must not enter on the land and premises again except with prior approval from the Principal, Vice Principal, Director of Instruction or a person who is authorized by the Board to give that approval.

(3) A person who contravenes subsection (1) or (2) commits an offence.

(4) A Principal, Vice Principal, or Director of Instruction of a school or a person authorized by the board may, in order to restore order on school premises, require adequate assistance from a peace officer.

Section 1 of the *School Act* defines "school" as follows:

"school" means

- (a) a body of students that is organized as a unit for educational purposes under the supervision of a Principal, Vice Principal or Director of Instruction,
- (b) the teachers and other staff members associated with the unit, and
- (c) the facilities (including buses) associated with the unit and includes a Provincial resource program and a distributed learning school operated by a Board.

Policy References:

Policy: C-350 Appeals

By-law 1-08 Parent Student Appeals

Legislation:

School Act Section 177

Freedom of Information and Protection of Privacy Act

This letter to be written on school letterhead or School District letterhead

Date: preparation date of document

Address of excluded individual

Dear: Name of excluded individual DOB: date of birth of excluded individual

EXPIRY DATE: 120 days from the date of service

Synopsis: The details of the events that led to the exclusion

Re: Sooke School District #62

This letter is formal notification and direction that you are not permitted on the land or buildings which comprise the Sooke School District and you are directed not to enter these facilities. This action is taken under the authority of Section 177 of the *School Act*, R.S.B.C., 1996, ch. 412 as amended.

Section 177 of the *School Act* states:

Maintenance of order

- 177 (1) a person must not disturb or interrupt the proceedings of a school or an official school function.
- (2) a person who is directed to leave the land or premises of a school by a principal, vice principal, director of instruction or a person authorized by the Board to make that direction,
- (a) must immediately leave the land and premises, and
- (b) must not enter on the land and premises again except with prior approval from the principal, vice principal, director of instruction or a person who is authorized by the board to give that approval.
- (3) a person who contravenes subsection (1) or (2) commits an offence.
- (4) a principal, vice principal, or director of instruction of a school or a person authorized by the board may, in order to restore order on school premises, require adequate assistance from a peace officer.

This written direction is in accordance with Section 177 of the *School Act*.

If you enter any of the land and/or building(s) owned or operated by the Sooke School District in the future, you will be in contravention of Section 177(2) of the *School Act*. Such contravention constitutes an offence under the *Offence Act*. Sections 4 and 5 of the *Offence Act* state:

General penalty

4. Unless otherwise specifically provided in an enactment, a person who is convicted of an offence is liable to a fine of not more than \$2,000 or to imprisonment for not more than 6 months, or to both.

Policy References:

Policy: C-350 Appeals

By-law 1-08 Parent Student Appeals

Legislation:

School Act Section 177

Freedom of Information and Protection of Privacy Act

General offence

5. A person who contravenes an enactment by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence against the enactment.

Please be advised that if you enter any Sooke School District land or building(s) I will refer your attendance to the RCMP and will request that charges be laid against you.

"school" means

- (a) a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction,
- (b) the teachers and other staff members associated with the unit, and
- (c) the facilities (including buses) associated with the unit, and includes a Provincial resource program and a distributed learning school operated by a Board.

Appeal Process:

The written appeal will be considered no more than 30 calendar days following the date of service indicated on the Maintenance Order; there will be an opportunity for the excluded person to respond to the information included in the notification of exclusion; the appeal will be heard by the Superintendent or designate; a decision of the appeal will be communicated in writing, with reasons for the decision, to the excluded person within 30 days of the appeal date. If the excluded person is unsatisfied with the Superintendent's or designate's decision, he or she may appeal to the Board.

Yours truly,

Name of the individual submitting the 177 (i.e. Vice Principal or Principal)

Signed _____

Date and time of service: _____

Name of excluded individual _____
Recipient of Section 177

Policy References:

Policy: C-350 Appeals

By-law 1-08 Parent Student Appeals

Legislation:

School Act Section 177

Freedom of Information and Protection of Privacy Act