

NOTICE OF MEETING

POLICY AND GOVERNANCE COMMITTEE

Secretary Treasurer's Office
March 8, 2023 at 5:00 PM
Public Viewing via live broadcast

Janet Fraser
Preeti Faridkot
Alfred Chien
Christopher Richardson

Helen McGregor, Superintendent of Schools
J. David Green, Secretary Treasurer

Notice of Meeting

A Meeting of the **Policy and Governance Committee** will be held in room 180 of the VSB Education Centre (1580 West Broadway, Vancouver, BC) **for participating trustees and staff and stakeholder representatives on Wednesday, March 8, 2023 at 5:00 pm.** The meeting will be live broadcast for the public.

Other Trustees:	Lois Chan-Pedley Victoria Jung (Alternate) Suzie Mah	Jennifer Reddy Joshua Zhang
Student Trustee:	Mia Liu	
Other Senior Management Staff attending:	David Nelson	
Reps:	Carl Janze, VSTA Glen Hansman, VEAES Sonia Blair, VASSA Jason Eng, VEPVPA Hayden O'Connor, PASA Alan Patola Moosmann, DPAC Tim Chester, IUOE Suzette Magri, CUPE 15 Neil Munro, Trades Brent Boyd, CUPE 407 Lorriane Liu, VDSC	Alt: Terry Stanway, VSTA (Alt.) Jody Polukoshko, VEAES (Alt.) Annette Vey-Chilton, VASSA Sarah Dash, VEPVPA (Alt.) Rhonda Stangeland, PASA (Alt.) Kyenta Martins, DPAC (Alt. 1) Ian Row, DPAC (Alt. 2) Tim De Vivo, IUOE Chris Brown, CUPE 15 (Alt.) Justin Chapman, Trades (Alt.)
Other Staff:	Chris Allen	

POLICY AND GOVERNANCE COMMITTEE MEETING AGENDA

**Wednesday, March 8, 2023 at 5:00pm
Room 180, VSB Education Centre**

We are unlearning and relearning on the traditional and unceded lands of the x^wməθk^wəyəm (Musqueam), S^kwxwú7mesh (Squamish) and səliwətał (Tsleil-Waututh) Nations. The meeting is being live-streamed and the audio and visual recording will also be available to the public for viewing after the meeting. The footage of the meeting may be viewed inside and outside of Canada.

Meeting Decorum:

The Board has a strong commitment to ethical conduct. This includes the responsibility of committee members to conduct themselves with appropriate decorum and professionalism. As Chair of the Committee, it is my responsibility to see that decorum is maintained. To do that I ask that:

- i. All members/delegates request to speak through the Chair;
- ii. Civility towards others is maintained as stakeholder representatives and trustees share perspectives and participate in debate;
- iii. Staff be able to submit objective reports without influence or pressure as their work is acknowledged and appreciated;
- iv. Committee members refrain from personal inflammatory/accusatory language/action;
- v. Committee members, trustees, representatives and /staff present themselves in a professional and courteous manner.

Please see reverse for the Purpose/Function and Power and Duties of this Committee

1. Items for Approval

- 1.1 Draft Public Interest Disclosure Act
"Whistleblower" Policy

Presenters

J. David Green, Secretary Treasurer/CFO

2. Discussion Items

- 2.1 Draft Child Care Policy

David Nelson, Deputy Superintendent

3. Information Items

- 3.1 Sexual Orientation and Gender Identity (SOGI)
Policy and Administrative Procedure Update
(verbal)

David Nelson, Deputy Superintendent

- 3.2 Policy 8 Review of Standing Committee Roles
and Responsibilities (verbal)

David Nelson, Deputy Superintendent

4. Information Item Requests

Committee members may request by email to the Chair of the Committee follow-up information on previously discussed items and/or suggest possible topics for future committee meetings agendas. All requests for future agenda items will be considered by the Chair and Vice Chair at their weekly Agenda Setting meeting.

Date and Time of Next Meeting

Wednesday, April 5, 2023 at 7:00pm

Policy and Governance Committee

1.1 Purpose/Function:

- 1.1.1 To ensure the Board Policy Handbook is kept current.
- 1.1.2 To facilitate Board capacity building, continuous improvement, accountability, and effective working relationship with the Superintendent.
- 1.1.3 To facilitate the Board's effective advocacy/influence.
- 1.1.4 To review and provide recommendations to the Board in regard to assigned governance matters.

1.2 Powers and Duties:

- 1.2.1 Develop and recommend draft policy positions for submission to the BCSTA Annual General Meeting.
- 1.2.2 Ensure the annual facilitated Board Self Evaluation is carried out in a timely manner and in accordance with Policy. Subsequent to the annual evaluation monitor implementation of the agreed upon actions.
- 1.2.3 Annually develop an Advocacy/Influence Plan, recommend the plan to the Board and monitor the implementation of the agreed upon plan.
- 1.2.4 Annually make recommendations for building governance capacity of the Board and ensure approved actions are implemented.
- 1.2.5 On an ongoing basis identify motions which are intended to have continuing effect and ensure they are integrated into existing or new policy statements.
- 1.2.6 Ensure Board Policies are reviewed on a schedule such that all Policies in the Board Policy Handbook are reviewed at least once in a four year term. Make recommendations to the Board regarding policy revisions.
- 1.2.7 Policy or Governance Matters Referred to the Committee by the Board:
 - 1.2.7.1 Review matters referred and make recommendations as requested.

March 8, 2023

ITEM 1.1

TO: Policy and Governance Committee

FROM: David Green, Secretary Treasurer/CFO

RE: Draft Public Interest Disclosure Act “Whistleblower” Policy

*Reference to
Education Plan*

GOAL: The Vancouver School Board will increase equity by....

OBJECTIVE(S): Improving stewardship of the district’s resources by focusing on effectiveness, efficiency, and sustainability.

INTRODUCTION

The Board of Education of School District No. 39 (Vancouver) is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The District encourages and supports all personnel in bringing forward reports of unlawful acts and acts of wrongdoing in a manner consistent with the provisions of the British Columbia *Public Interest Disclosure Act* (PIDA).

This report contains a recommendation.

BACKGROUND

The Public Interest Disclosure Act (PIDA) came into force on December 1, 2019 with the intended purpose of establishing “whistleblower” protection for all public sector employees. The first phase of PIDA applied only to ministries of the Provincial Government and to Independent Offices of the Legislature.

School Districts across the province are required to develop and implement a policy and supporting procedures and structures to be compliant with PIDA by December 31, 2023.

Legal counsel for BCPSEA provided all school districts with guidance and a template to support development of a Board policy. Attached to this report is the second draft of a District PIDA Policy based upon the template provided by the BC Public School Employers’ Association. A draft of the Administrative Procedure (AP) which will support and operationalize this policy has been shared with the Administrative Procedures Working Group for review and feedback. The AP will be finalized for review by the Superintendent once the Board has adopted the PIDA Policy.

When adopted, the policy will not displace other existing mechanisms or processes including those outlined in the District Policy Handbook, the Administrative Procedures Manual, or in Collective

Agreements for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters.

An initial draft of the policy was shared at the February 8, 2023 meeting of the Policy and Governance Committee. Feedback received since the meeting has been considered. An updated draft of the policy is attached to this report for review and consideration.

BACKGROUND

IT IS RECOMMENDED that a final draft of the Public Interest Disclosure Act policy, inclusive of any changes as a result of feedback received at the March 8 Policy and Governance Committee, be forwarded to the Board for approval.

Attachment: Updated Draft Public Interest Disclosure Act Policy

Policy 22

PUBLIC INTEREST DISCLOSURE “WHISTLEBLOWER”

Purpose

The Board of Education of School District No. 39 (Vancouver) is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The School District encourages and supports all employees and trustees in bringing forward reports of unlawful acts and acts of wrongdoing in a manner consistent with the provisions of the British Columbia *Public Interest Disclosure Act* (“PIDA”).

The purpose of this policy and related Administrative Procedure is to establish a process, in compliance with the PIDA, for employees and trustees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

This policy is supported by AP# TBA

1. Scope of Policy

This policy applies to alleged wrongdoing related to the District’s operations or personnel (including trustees). This policy does not displace other mechanisms set out in policy for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters or under collective agreements.

2. Definitions

“**Advice**” means advice that may be requested in respect of making a disclosure or a complaint about a reprisal under this policy or the PIDA;

“**Discloser**” means an employee or trustee who makes a disclosure, seeks advice or makes a complaint about a reprisal;

“**Disclosure**” means a report of wrongdoing made under this policy;

“**Employee**” refers to a past or present employee of the District;

“**FIPPA**” means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto;

“**Investigation**” means an investigation undertaken by the District under this policy or by the Ombudsperson under the PIDA;

“**Personal Information**” has the same meaning set out in FIPPA, namely “recorded information about an identifiable individual”, and includes any information from which the identity of the discloser or any person who is accused of wrongdoing or participates in an investigation can be deduced or inferred;

“**PIDA**” means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;

“**Procedure**” means the District’s Administrative Procedure AP# TBA associated with this policy;

“**Reprisal**” means the imposition of, and any threat to impose discipline, demotion, termination or any other act that adversely affects the employment or working conditions of a member of personnel because they made a disclosure, sought advice, made a complaint about a reprisal or participated in an investigation;

“**Trustee**” means a past or present member of the District’s Board of Education; and

“**Wrongdoing**” refers to:

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of the laws of British Columbia or Canada;
- b. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee’s duties or functions;
- c. a serious misuse of public funds or public assets;
- d. gross or systematic mismanagement;
- e. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

3. Statement of Principles

- The District is committed to supporting ethical conduct in its operations and seeks to foster a culture in which employees and trustees are encouraged to disclose wrongdoing, including by receiving, investigating and responding to disclosures and by providing information and training about the PIDA, this policy and the supporting Procedure AP# TBA.
- The District will investigate disclosures that it receives under this policy. Investigations under this policy will be carried out in accordance with the principles of procedural fairness and natural justice.
- The District will not tolerate reprisals against any employee or trustee who, in good faith, makes a request for advice, makes a disclosure, participates in an investigation or makes a complaint under this policy.
- The District is committed to protecting the privacy of disclosers, persons accused of wrongdoing and those who participate in investigations in a manner that is consistent with its obligations under the PIDA and FIPPA.

4. Privacy and Confidentiality

All personal Information that the District collects, uses or shares in the course of receiving or responding to a disclosure, a request for advice, a complaint of a reprisal, or conducting an investigation will be treated as confidential and will only be used and disclosed as described in this policy, the procedure, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

5. Reporting

Each year, the Superintendent shall prepare, in accordance with the requirements of the PIDA, and make available to the public, an annual report concerning all disclosures received, any investigations undertaken and any findings of wrongdoing. All reporting under this policy will be in compliance with the requirements of FIPPA.

6. Responsibility

The Superintendent is responsible for the administration of this policy and shall ensure that training and instruction is available to all employees and trustees concerning this policy, AP#TBA and the PIDA.

The Superintendent may delegate their authority in writing to the Secretary-Treasurer or other senior team members.

Legal Reference: Public Interest Disclosure Act
 Board Policy Handbook
 Vancouver School Board Administrative Procedures Manual

Adopted: <Date of Board Meeting – Month, date, year>

Effective: November 1, 2023

DRAFT

March 8, 2023

ITEM 2.1

TO: Policy and Governance Committee

FROM: David Nelson, Deputy Superintendent

RE: Draft Child Care Policy

*Reference to
Education Plan*

Goal: The Vancouver School Board will improve student achievement, physical and mental well-being, and belonging.

OBJECTIVE(S): Improving school environments to ensure they are safe, caring, welcoming, and inclusive places for students and families.

INTRODUCTION

All School Boards are required to establish and implement a child care policy in alignment with the requirements of Bill 8, the Education Statutes Amendment Act and Ministerial Order M326, the Child Care Order. This policy is to be implemented effective July 1, 2023.

At the February 8, 2023, Policy and Governance Committee, staff presented an overview of child care currently provided on Board property and of work done to date on development of a draft policy. Following the meeting, committee members and representatives were emailed a copy of the draft policy. Staff are seeking input on the draft policy to inform further refinement.

This report is for discussion.

BACKGROUND

Education Statutes Amendment Act – Bill 8

In March of 2020, the Provincial Government enacted Bill 8, the Education Statutes Amendment Act, which repealed section 85.1 of the School Act replacing it with four new sections: section 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).

Section 85.1 of Bill 8 sets out that a board must establish a policy that promotes the use of board property by licensees, between the hours of 7 am and 6 pm on business days, for the purpose of providing a child care program. It also states that board policy must address the matters set out in any orders of the Minister. In August of 2020, the Minister issued Order M326, the Child Care Order outlining additional requirements for board policy.

Section 85.2 of Bill 8 enables boards, should they so choose, to provide child care for students enrolled in the district provided the board is a licensee and that the program provided operates on school days

before or after school hours. It is important to note that a third-party licensed provider that operates a program on board property can provide care before, during, and after school hours as well as on holidays.

Section 85.2 outlines that if boards operate a program they may only charge fees that cover the direct costs incurred by the board in providing the program. The board may charge a third-party licensed child care provider for both direct and indirect costs incurred in renting space to the provider.

Section 85.3 of Bill 8 outlines the continued authority of the board to allow third-party licensees to use board property for the purpose of providing child care programming and continues the restriction that any revenue obtained by the board not exceed the direct and indirect costs incurred by the board.

Section 85.4 outlines the requirement that any child care program offered on board property must be provided in accordance with the board's child care policy/procedures and ministerial orders and that any such programming must not disrupt or interfere with the provision of educational activities.

Child Care Order

On August 31, 2020 the Minister issued Order M326, the Child Care Order outlining several additional requirements for inclusion in board policy or procedures:

- A process for assessing community need for child care programs on board property.
- The requirement that programs support the principles of Indigenous reconciliation in childcare and provide inclusive child care.
- Steps for determining if a board will renew a lease with a licensee providing child care including considering if a board should provide a child care program directly.
- A description of the criteria for selecting a licensee.
- Standards for contractual agreements with licensees.
- Requirements for engagement.

Ministerial Order 326 requires districts to seek feedback in development of a policy. This engagement is to include board employees, parents/guardians, Indigenous communities, rightsholders and service providers, and child care operators. Staff shared a working draft at the February 8, 2023 Policy and Governance Committee meeting and are seeking feedback from the committee to inform development of a final draft policy for the consideration of the Board. Direct outreach has been made to Indigenous communities and rightsholders through the Indigenous Education Council Governance Sub-committee and through direct outreach to the *xʷməθkʷəy̓əm (Musqueam)*, *Skwxwú7mesh (Squamish)* & *səlilwətał (Tseil-Waututh)* Nations and the Métis Nation British Columbia. The District has also contacted child care providers who operate programs on board property to obtain their feedback.

NEXT STEPS

Feedback received through engagement activities underway, including any feedback received at the March 8, 2023 Policy and Governance Committee will be considered in development of a final draft of the policy for consideration and adoption by the Board. The final draft will be shared at the April 5, 2023 Policy and Governance Committee meeting.

Following adoption of the policy, staff will work to update Administrative Procedure 553 Appendix B to ensure alignment with Board policy. Updates to AP 553 Appendix B will be shared with the Administrative Procedures working group for input prior to adoption by the Superintendent.

Attachment: Draft Child Care Policy

Policy TBD

CHILD CARE SERVICES IN DISTRICT FACILITIES

Quality, accessible, and affordable childcare provides significant social and economic benefits for the community and helps build resilience in children throughout their lives. Participation in high-quality early care and learning programs has been shown to enhance children’s cognitive, social, emotional, and physical literacy as they develop, improving school readiness, and providing a foundation for future success.

While the funding and regulation of licensed child care is primarily a provincial government responsibility, the District along with the community stakeholders, can play a significant role in planning and coordinating child care services for children in Vancouver. This policy recognizes the primary K-12 educational mandate of the Board and provides the foundation to continue the development of options and opportunities through a collaborative partnership-based approach, to the provision of childcare. The District commits to continuing to work collaboratively with non-profit childcare providers, Indigenous communities and Rightsholders, the City of Vancouver, and the University of British Columbia/University Endowment Lands to expand access and options for childcare provided on Board property.

The Board believes its current and long-standing practice of working collaboratively with non-profit societies and/or associations that deliver quality, accessible and affordable licenced childcare is the most effective, efficient, and sustainable model for the delivery of child care programming on Board property. The Board maintains the authority to determine if a child care program, or programs, should be operated directly by the Board.

This policy is supported by Administrative Procedure 553 Appendix B.

1. Purpose

The purpose of this policy is to:

- 1.1. Affirm the District’s long-standing commitment to working with licenced non-profit societies and/or associations (child care providers) that deliver quality, accessible and affordable child care within district facilities and to continue to expand access to child care programming offered on Board property.
- 1.2. Provide guidance with respect to how the Board will work with childcare providers to support the provision of childcare programs on Board property between the hours of 7 am and 6 pm on business days.
- 1.3. Define the process by which the Board may consider taking on the role of operating a child care program(s).

2. Definitions

- 2.1. **Inclusive Childcare:** Inclusive childcare supports the individual strengths and needs of each child. All children are welcomed, supported, and valued, allowing them to participate meaningfully in all aspects of the program. Children of all abilities have equitable access and are provided supportive opportunities to learn through play with other children.
- 2.2. **Direct Costs:** Costs incurred that are directly related to providing the program/service including supplies, wages, and furniture.
- 2.3. **Indirect Costs:** Costs incurred that are not directly related to provision of the program/service including utilities, custodial, and regular maintenance.
- 2.4. **Childcare Provider:** A licensed non-profit society or association which operates a licensed childcare program on Board property.
- 2.5. **Business Day:** A Day other than Saturday, Sunday, or a holiday.
- 2.6. **Educational Activities:** Includes the provision of educational programs, early learning programs and extracurricular school activities.

3. Guiding Principles

The use of Board property to provide child care must not disrupt or otherwise interfere with the provision of education activities. In determining and allocating space for the provision of child care, priority will be given to the provision of K-12 educational programming.

- 3.1. The Board will continue to engage and work collaboratively with the City of Vancouver, existing child care providers and Indigenous Communities and Rightsholders (through the Indigenous Education Council) to assess community need for child care on Board property and to determine opportunities to expand child care spaces through expanded partnerships with non-profit child care providers.
- 3.2. Child care programs operated by child care providers on Board property must agree to:
 - 3.2.1 provide inclusive childcare;
 - 3.2.2 foster Indigenous reconciliation;
 - 3.2.2.1 All programs will be operated consistent with the following principles of the British Columbia Declaration of Rights of Indigenous Peoples Act: (i) Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the area of education; and (ii) “Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education”, and is inclusive and consistent with the principles of non-discrimination set out in the British Columbia Human Rights Code.

- 3.2.3 maintain a program philosophy and management concept congruent with the values of this Policy and the Board's Education Plan;
 - 3.2.4 demonstrate successful experience as a licensed childcare operator;
 - 3.2.5 opt into the Provincial Fee Reduction Initiative;
 - 3.2.6 demonstrate financial stability;
 - 3.2.7 utilize the BC Early Learning Framework to guide and support learning experiences in child care settings; and
 - 3.2.8 comply with all conditions as set forth in this Policy.
- 3.3. Fees for the use of Board property by child care providers will not exceed the direct and indirect costs the Board incurs in making board property available for the child care program.
- 3.4. At the Board's discretion, staff may be directed to explore possibilities for the Board to open and operate a child care program(s) on Board property. For any such Board operated program to be considered the following factors should be met:
- 3.4.1. There is a clear demonstration of demand within the school and community for such a program.
 - 3.4.2. The new program will not result in the displacement of an existing child care program.
 - 3.4.3. There is no childcare provider to operate the program.
 - 3.4.4. The program is financially viable and will not result in additional costs to the District. Fees charged for a Board run program must not be greater than the direct costs associated with operating the program.
 - 3.4.5. Staffing and physical space is available.
 - 3.4.6. Operating the program will not result in disruption to educational activities.
 - 3.4.7. The program will foster Indigenous reconciliation (see 3.2.2.1) and provide inclusive child care.

Legal Reference: Ministerial Order M326/20 [Child Care Ministerial Order M326/20](#)
Education Statutes Amendment Act – 85.1,85.2, 85.3 and 85.4
Vancouver School Board - Board Policy Handbook

Adopted: TBD

DRAFT

OUR VSB

Vancouver School District Policy and Governance Committee

March 8, 2023

1



INDIGENOUS ACKNOWLEDGEMENT

Please join me in acknowledging that we are unlearning and relearning on the traditional and unceded lands of the x^wməθk^wəy̓əm (Musqueam), Sḵw̓xwú7mesh (Squamish), and səlilwətaʔ (Tsleil-Waututh) nations



x^wməθk^wəy̓əm
(Musqueam)



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səlilwətaʔ
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2

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4

Committee Roll Call

- Roundtable roll call
 - Stakeholders: Please state your first and last name and the name of the group you are representing
 - Trustees and Staff: Please state your first and last name and position

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ITEM 1.1 Draft Public Interest Disclosure Act “Whistleblower” Policy

J. David Green, Secretary Treasurer/CFO

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Public Interest Disclosure Act “Whistleblower Policy”

The Public Interest Disclosure Act (PIDA) came into force on December 1, 2019, with the intended purpose of establishing “whistleblower” protection for all public sector employees.

School Districts across the province are required to develop and implement a policy and supporting procedures and structures to be compliant with PIDA by December 31, 2023.

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Public Interest Disclosure Act “Whistleblower Policy”

The following work has been undertaken:

- Development of the updated draft policy for further input and for Board approval.
- Currently working on development of the Administrative Procedure to support this policy. A draft of this procedure has been reviewed by the Administrative Procedures Working Group.

8

Public Interest Disclosure Act “Whistleblower Policy”

Comments and/or Feedback on the updated draft policy.

9

Public Interest Disclosure Act “Whistleblower Policy”

It is recommended that a final draft of the Public Interest Disclosure Act policy, inclusive of any changes as a result of feedback received at the March 8, 2023, Policy and Governance Committee, be forwarded to the Board for approval.

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ITEM 2.1

Draft Child Care Policy

David Nelson, Deputy Superintendent

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Draft Child Care Policy

At the February 8 Policy and Governance Committee meeting staff provided an overview of:

- Child Care currently operating on Board property.
- Work done to date on development of a draft policy.

Following the meeting committee members and stakeholder representatives were emailed the draft policy for review. This draft is included in the agenda for this meeting.

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Draft Child Care Policy

Comments and/or Feedback on the draft policy.

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ITEM 3.1

Sexual Orientation and Gender Identity (SOGI) Policy and Administrative Procedure Update (verbal)

David Nelson, Deputy Superintendent

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ITEM 3.2 Policy 8 Review of Standing Committee Roles and Responsibilities (verbal)

David Nelson, Deputy Superintendent

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Information Item Requests

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OUR VSB

Date and Time of Next Meeting

Wednesday, April 5, 2023

at 7:00pm

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OUR VSB

Thank you for your time,

The End

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