

**THE BOARD OF EDUCATION OF SCHOOL DISTRICT 68
REGULAR BOARD MEETING
AGENDA**

Wednesday, January 26, 2022, 6:00 PM

BOARD ROOM

395 Wakesiah Avenue

Nanaimo, BC V9R 3K6

Policy 2.4 Role of the Chair and Vice-Chair

The Chairperson, or designate, shall be the official spokesperson to the news media for the Board.

Pages

1. CALL TO ORDER

The Chair will call the meeting to order. With great respect and humility, we acknowledge and honour the lands of the Snuneymuxw people. The Snuneymuxw people maintain their profound, unique and spiritual connection to the land through ageless traditions, teachings, stewardship and expressions of reciprocity.

2. OATH OF OFFICE

Pursuant to Section 50 (1) of the School Act a person elected or appointed to office must make a prescribed Oath of Office within 45 days after the declaration of election or appointment. At this time Naomi Bailey will swear the Oath of Office and sign the School Trustee Code of Conduct.

3. TRANSFER OF ITEMS TO OPEN MEETING AGENDA

4. ADDITIONS

5. DELETIONS

6. CHANGE IN ORDER

7. APPROVAL OF THE AGENDA

That the Agenda be approved.

NANAIMO LADYSMITH PUBLIC SCHOOLS

BOARD OF EDUCATION

INFORMATION SHEET

DATE: January 26, 2022
TO: Board of Education
FROM: Scott Saywell, Superintendent
SUBJECT: Vaccine Mandate

Background

At the closed Board meeting on January 20, 2022, the Board passed the following motions:

- 1. That the Board of Education of School District No. 68 (Nanaimo-Ladysmith) implement a vaccine mandate and direct the Superintendent to create, implement, and amend as necessary, a Proof of Vaccination Regarding COVID-19 Administrative Procedure to help protect the health and safety of both staff and students in accordance with the following:**
 - **The procedure will be consistent with the K-12 Sector Guidelines for Vaccination Policies and the BCPSEA Template Operations Procedure.**
 - **Appropriate employee representatives (including unions and joint health and safety committees), and parent, First Nations, Metis, Inuit, and community partners will be consulted.**
 - **The procedures will ensure the School District complies with its obligation to accommodate individuals who are legally entitled to accommodation for medical reasons or under the Human Rights Code of British Columbia or Canadian Charter of Rights of Freedoms.**
 - **The procedure will ensure the School District's privacy obligations are met.**
 - **That the finalized procedure and communication plan be implemented as soon as possible.**
- 2. That the Board of Education of School District No. 68 (Nanaimo-Ladysmith) direct the Board Chair to make a News Release advising of the vaccine mandate and Proof of Vaccination Administrative Procedure as soon as possible.**

This Information Sheet is a brief outline of the administrative procedure created in response to the Board's direction.

Discussion

Attached as Appendix A is the draft Administrative Procedure: Proof of Vaccination Regarding COVID-19 (the "AP"), which is in alignment with the template provided to school districts by BCPSEA. It has been shared with the NDTA and CUPE Executives, First Nations, Metis and urban Indigenous partners and DPAC.

The goals of the AP include: increasing safety in our schools and workplaces, minimizing school closures and disruptions, reducing absenteeism, and increasing vaccination rates among District employees.

The AP applies to all District employees and contractors working on District sites, and requires that employees and contractors elect one of the following options:

- Provide proof of full vaccination by February 18, 2022;
- Agree to comply with twice per week rapid testing for COVID-19; or
- Take an unpaid leave of absence from work.

The AP provides a process for supported time away from work with pay for employees to attend vaccination appointments, and a process for employees to pursue medical, and other Human Rights, accommodations. We note that based on the procedures allowing for vaccination, rapid testing, or a leave of absence, we do not expect accommodations will be necessary.

The next step is for the District to give employees and contractors six weeks' notice of the AP taking effect, as this allows time for those who wish to, to become fully vaccinated. This timing lines up with the District's return from spring break, and we recommend an implementation date of March 28, 2022.

We also note that volunteers will be required to confirm their vaccination status. However, the District does not intend to offer alternatives to vaccination for volunteers.

The District will also be applying to the Provincial Health Service Authority to enroll in its Point of Care Screening Program (the "Program"). The District will be required to identify individuals to be trained for the responsibilities under the Program, in three roles: Coordinator, responsible for the overall administration of the local program; Tester(s), and Sample Collector(s). The District must have individuals trained to be responsible for the topics of: PPE, Sample Collection, Testing, eFORM, and Reporting and must adhere to the Program's requirements in these areas, and for daily set up and shut down of testing site(s). Sample collection can be done by trained individuals or done by self-collection by the testing subject.

Conclusion

The AP implements the Board's motion, passed on January 20, 2022. The District can now proceed with communicating the implementation of the AP, with the vaccine requirements taking effect on March 28, 2022.

Appendix A: Draft Administrative Procedure: Proof of Vaccination Regarding COVID-19



Administrative Procedure XX – Proof of Vaccination Regarding COVID-19

AP XX – Proof of Vaccination Regarding COVID-19

Background

K-12 School Districts in British Columbia are committed to ensuring the health, welfare and safety of all employees and students through providing safe working and learning environments. Despite intensive vaccination efforts, COVID-19 continues to circulate in BC communities.

Public health officials have been clear that vaccines are the most effective way to reduce the risk of COVID-19 transmission in schools and communities. The vaccines used in BC are highly effective against COVID-19, including among variants of concern. Most COVID-19 cases, hospitalizations, and deaths are now among unvaccinated adults. Unvaccinated individuals are nine times more likely to become a COVID-19 case and 40 times more likely to be hospitalized or die. The most effective means to protect students from COVID-19 is for adults in their community, including their school community, to be vaccinated.

Purpose

The purpose of this Administrative Procedure (“Procedure”) is:

- to safeguard the health and safety of our employees and students from COVID-19, taking into account the particular risks of transmission in schools, which will be reduced by vaccination;
- to reduce the impacts to in-person learning by minimizing school closures and disruptions;
- to reduce absenteeism;
- to improve safety plan implementation in the event of an outbreak of COVID-19;
- to enhance employee, student, and parent confidence in the safety of schools; and
- to increase vaccination rates at schools in a manner that balances the Districts’ needs to evaluate risk and plan, while ensuring compliance with applicable laws, including the British Columbia *Human Rights Code*, the British Columbia *Freedom of Information and Protection of Privacy Act*, and the *Canadian Charter of Rights and Freedoms*.

This Procedure supplements, and does not replace, the public health measures set out in Provincial Health Officer orders, public health guidance, the Provincial COVID-19 Communicable Disease Guidelines for K-12 Settings, or the BCCDC Public Health Communicable Disease Guidance for K-12 Schools.

This Procedure supplements the District’s Communicable Disease Prevention Plan, which has been amended to cross reference this Procedure.

Administrative Procedure XX – Proof of Vaccination Regarding COVID-19

Scope

This Procedure applies to all Employees of the District, Individual Contractors (as defined below), and volunteers.

Effective Date

This Procedure is in effect commencing March 28, 2022, until June 30, 2022, subject to review and extension.

Consultation

This Procedure addresses the recent guidelines issued by the Advisory Committee on K-12 Sector Guidelines for Vaccination Policies established by the Ministry of Education.

The District has consulted with public health officials, employee group representatives, Union representatives, local First Nations, Metis and Inuit communities, Indigenous employee organizations, parent advisory committees, and joint health and safety committees.

Definitions

Extraordinary Leave: Unpaid leave available to Employees who are unwilling to provide Proof of Vaccination or undergo Rapid Testing under these Procedures. Health and welfare benefits may continue during this leave, subject to the terms of the plans if the Employee pays the full cost of benefit premiums.

Approved Vaccine: COVID-19 vaccines that have been approved for use by Health Canada.

District Site: Any building or property at which District operations are carried out, including school, administrative or operational buildings and properties.

Employees: Means all employees of the District (i.e., teachers, support staff, management and exempt staff)

Fully Vaccinated: An individual is considered Fully Vaccinated under this Procedure fourteen (14) days after they have received the full series of an Approved Vaccine or a combination of Approved Vaccines as determined by public health officials in British Columbia.

Individual Contractors: Means all individuals contracted directly by the District to provide services at District Sites.

Modified Work: Means modified job duties.

Administrative Procedure XX – Proof of Vaccination Regarding COVID-19

Proof of Vaccination: The following constitutes “Proof of Vaccination” for the purposes of this Procedure:

- BC vaccination card;
- BC Health Gateway’s electronic Vaccination Card;
- BC’s digital vaccination card QR code that properly displays the employee’s correct legal name / identity and vaccination status;
- proof in writing issued by the government for the purpose of showing proof of vaccination in accordance with orders made under the Public Health Act;
- a type of proof, whether electronic or in writing, that is issued by the Government of Canada or of a province or territory of Canada for the purpose of showing proof of vaccination for public health or travel purposes; or
- a type of proof, whether electronic or in writing, where the employee obtained their vaccination while resident in another country, that is issued by a governmental authority of that country that provides confirmable and reliable proof of vaccination for public health purposes and is deemed an Approved Vaccine and proof by Health Canada.

Rapid Testing: A protocol for regular asymptomatic COVID-19 testing (rapid antigen test), with a reasonable testing and reporting schedule, established by the District. The Rapid Testing kit and cost of administration of the tests is as at no cost to the employee; however, the employee takes the test(s) at times set by the District and is not remunerated for taking the test(s).

Remote Work: An Employee’s existing duties performed at a location other than a District Site.

Procedure

A. Requirement to Provide Proof of Vaccination – Employees represented by the BCTF

1. The following requirements are subject to the Accommodation provisions set out below.
2. Employees must provide Proof of Vaccination showing they are Fully Vaccinated by February 18, 2022, or, if they are on leave of absence at the time this Procedure comes into effect, by the date their leave ends. Those employees who fail to do so will be considered not Fully Vaccinated will be offered Rapid Testing as a condition of work. Employees who are not Fully Vaccinated and have not agreed to Rapid Testing by February 18, 2022, will be placed on Extraordinary Leave commencing the date this Administrative Procedure comes into effect.
3. After the date this Procedure comes into force, only individuals who provide Proof of Vaccination showing they are Fully Vaccinated are eligible to be hired.
4. An Employee who is subject to Rapid Testing, may also be required to follow additional health and safety protocols, including enhanced safety measures.

Administrative Procedure XX – Proof of Vaccination Regarding COVID-19

5. In all circumstances, Extraordinary Leave or Rapid Testing are not disciplinary measures and no Employee shall be terminated because they choose not to provide Proof of Vaccination showing they are Fully Vaccinated.
6. An Employee subject to Rapid Testing who tests positive on a rapid antigen test, is considered a preliminary positive; therefore, they must:
 - a. notify the District’s designated rapid test administrator;
 - b. self-isolate immediately and follow public health guidance;
 - c. take a laboratory-based PCR test within 48 hours; and
 - d. not come to work until the Employee is authorized to do so by public health officials.

B. Requirement to Provide Proof of Vaccination – Employees represented by Support Staff Unions, Exempt Staff, Independent Contractors, and Volunteers

7. The following requirements are subject to the Accommodation provisions set out below.
8. Employees must provide Proof of Vaccination showing they are Fully Vaccinated by February 18, 2022, or, if they are on leave of absence at the time this Procedure comes into effect, by the date their leave ends. Those employees who fail to do so will be considered not Fully Vaccinated and will be offered Rapid Testing as a condition of work. Employees who are not Fully Vaccinated and have not agreed to Rapid Testing by February 18, 2022, may be offered one of the alternative options below, if feasible and available, on a temporary basis:
 - a. Remote Work; or
 - b. Modified Work.
9. Should none of the above alternative options prove feasible, the Employee will be placed on Extraordinary Leave.
10. After the date this Procedure comes into force, only individuals who provide Proof of Vaccination showing they are Fully Vaccinated are eligible to be hired or engaged as Employees, Individual Contractors, or volunteers.
11. An Employee who is subject to Rapid Testing or one of the alternative options in paragraph 8 above, may also be required to follow additional health and safety protocols including enhanced safety measures.
12. In all circumstances, Rapid Testing, Remote Work, Modified Work, and Extraordinary Leave are not disciplinary measures and no Employee shall be terminated because they choose not to provide Proof of Vaccination showing they are Fully Vaccinated.

Administrative Procedure XX – Proof of Vaccination Regarding COVID-19

13. Where the District determines that an alternative option in paragraph 8 above is feasible in a particular circumstance but implementation of that option requires the modification of a collective agreement provision, the District will engage the applicable union to determine if the Union will agree to the modification prior to implementation.
14. Where the District determines one of the alternative options in paragraph 8 is feasible in a particular circumstance but implementation of that option requires the modification or amendment to an exempt employee's employment contract, the employee will provide written acceptance of such amendment prior to any implementation. Should no agreement be reached, that alternative option will not be available.
15. Individual Contractors who do not provide Proof of Vaccination showing they are Fully Vaccinated by the date this Procedure comes into effect, are no longer eligible to provide and may not provide services on District work sites where students and/or employees are present.
16. Volunteers must provide Proof of Vaccination showing they are Fully Vaccinated by February 18, 2022. Volunteers who have not provided Proof of Vaccination by February 18, 2022, will be ineligible to volunteer with the District commencing the date this Administrative Procedure comes into effect.
17. An Employee subject to Rapid Testing who tests positive on a rapid antigen test, is considered a preliminary positive; therefore, they must:
 - a. notify the District's designated rapid test administrator;
 - b. self-isolate immediately and follow public health guidance;
 - c. take a laboratory-based PCR test within 48 hours; and
 - d. not come to work until the Employee is authorized to do so by public health officials.

Accommodations

18. Individuals seeking medical accommodation from the requirement to provide Proof of Vaccination showing they are Fully Vaccinated under this Procedure on the basis that they are entitled to protection under the *Human Rights Code* of British Columbia must apply to Human Resources expeditiously.
19. Accommodation requests will be considered in accordance with applicable legal requirements, collective agreement provisions, and District policies and procedures.
20. Approved accommodations will be confirmed in writing and will be subject to periodic review.
21. Individuals with an approved accommodation may be required to follow other health and safety protocols, including enhanced safety measures, Remote Work, Modified work, and Rapid Testing.

Administrative Procedure XX – Proof of Vaccination Regarding COVID-19

Support for Vaccination

22. Employees requiring a vaccine appointment time during regular work hours will be granted leave without loss of pay for up to three hours to attend their appointment. To facilitate attending a vaccine appointment with minimal disruption, Employees must notify their manager in advance to arrange time away from work during working hours.

False Disclosures and Failure to Comply

23. Employees who falsify their Proof of Vaccination or otherwise fail to comply with this Procedure may be subject to disciplinary action, up to and including termination.
24. Individual Contractors who falsify their Proof of Vaccination or otherwise fail to comply with this Procedure will be ineligible to continue in their capacity with the District.

Privacy Statement

25. The attached Vaccination Data Collection applies to this Procedure.
26. The District will collect, use, disclose and store personal health information including Proof of Vaccination (“Personal Health Information”), in accordance with the District’s Privacy Policy and any applicable privacy legislation, including the B.C. *Freedom of Information and Protection of Privacy Act* and the B.C. *Public Health Act*.
27. Personal information collected under or in connection with this policy is collected under the authority of sections 26(c) and (e) of the *Freedom of Information and Protection of Privacy Act*.
28. The District is collecting Personal Health Information under this Procedure for the Purposes set out above.
29. The District will limit access to Personal Health Information on a strictly need-to-know basis and only for the purposes described above. This information will be shared externally only where permitted or required under applicable laws.

References

Advisory Committee’s K-12 Sector Guidelines for Vaccination Policies
[Provincial COVID-19 Communicable Disease Guidelines for K-12 Settings](#)
[Public Health Communicable Disease Guidance for K-12 Schools](#)
Public Health Act Human Rights Code
Workers Compensation Act
Freedom of Information and Protection of Privacy Act
District Communicable Disease Prevention Plan
Communicable Disease Prevention Plans must be updated to include a reference to this Procedure.
http://www.bccdc.ca/schools/Documents/Health_Safety_Checklist.pdf