



Administrative Procedures Memorandum

#: **APF008**

Pupil Accommodation Review Process

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MEMO TO: Principals; Vice Principals; Planning and Priorities; Trustees; School Council
Chairs

FROM: Director of Education

PURPOSE:

The purpose of this administrative procedures memorandum is to outline the procedures to be followed when conducting pupil accommodation reviews (i.e. boundary reviews and school closure reviews).

REFERENCES:

- **Executive Limitation IV 008, “Financial Conditions and Activities”...** “The CEO shall not
8. Acquire, encumber or dispose of real property.”
- **Executive Limitation IV 010, “Facilities/Accommodations”...** “The CEO shall not:
 1. Allow material changes to facilities, boundary changes, or the closure of existing facilities to occur without established procedures that includes the board appointing two trustees as non-voting members of the Accommodation Review Committees.
 2. Fail to present to the board an annual report on current enrolment status, future demographic trends and a list of potential schools being considered for boundary changes or closure.
- Ministry of Education, Pupil Accommodation Review Guidelines (Appendix A).
- Ministry of Education, Administrative Review of Accommodation Review Process.

APPENDICES

- Appendix A – Ministry of Education Pupil Accommodation Review Guideline
- Appendix B – Generic Terms of Reference Template
- Appendix C – Generic School Information Profile

- Appendix D – Best Practice Procedures for Accommodation Review

DEFINITIONS:

“Accommodation Review” is a public consultation process used to assess how students are accommodated in WCDSB schools. An accommodation review may be used to examine and adjust school boundaries (Boundary Review) or to examine the need to close a school (School Closure Review).

“Public Consultation Session” is a public session designed to encourage an open and informed exchange of views. A Public Consultation Session may take on various formats such as an open house, formal public meeting with a presentation and question/answer period, information session, workshop, etc.

COMMENTS AND GUIDELINES

An accommodation review process may be initiated by an excess of students at a school or schools within a planning area, where there is a lack of enrolment causing an inefficiency in the use of Board resources, or where other factors suggest that an alternative accommodation solution should be explored (e.g. building condition, excessive transportation costs, etc).

When considering the rationale for conducting an accommodation review it is necessary to recognize that one set of criteria cannot be applied to all situations and each potential review area must be evaluated on its own merits. For instance, the criteria used to evaluate urban schools may differ from the criteria used to evaluate rural schools.

Two types of accommodation reviews are defined in this policy as follows:

- a) Part A – Boundary Review: The purpose of a boundary review is typically to transfer students from one school to another school in order to balance enrolment.
- b) Part B – School Closure Review: The school closure review process applies where one or more schools is being considered for closure. This process reflects the Ministry of Education Pupil Accommodation Review Guideline (Revised June 2009). Closure reviews apply only to schools offering elementary or secondary regular day school programs.

The Ministry of Education Public Accommodation Review Guidelines (Appendix A) outline specific circumstances where there is no requirement to undertake a boundary or school closure review. In the circumstances below, the Board will consult with local school communities about the proposed accommodation options for students in advance of any decision by the Board.

- Where a replacement school is to be rebuilt by the board on the existing site, or rebuilt or acquired within the existing school attendance boundary as identified through the board’s existing policies;
- Where the board has leased a building, or part of a building, to provide elementary or secondary pupil accommodation and the lease is being terminated;
- When the board is planning the relocation in any school year or over a number of school years of a grade or grades, or a program, where the enrolment constitutes less than 50% of the enrolment of the school. This calculation is based on the enrolment at the time of the relocation or the first phase of a relocation carried over a number of school years;
- When the board is repairing or renovating a school, and the school community must be temporarily relocated to ensure the safety of students during the renovations; or
- Where a facility has been serving as a holding school for a school community whose permanent school is over-capacity and/or under construction or repair.

PART A: BOUNDARY REVIEW PROCESS

The Boundary Review Process will ensure that the public has adequate opportunity to comment on the alternative solutions, the impact on affected students has been considered and that the decisions are based on an efficient and equitable use of system resources. In most cases, the final approval of a boundary change rests with the Board of Trustees and would involve a full public consultation process. There are, however, two exceptions to this rule which would allow senior administration to be the decision making body. These exceptions are as follows:

- Where a boundary change is being considered for an area where there are no existing students, the boundary options may be considered by senior administration and a decision reached by them without community consultation.
- Where there are relatively few students affected by a proposed boundary change, the families of those students will be consulted directly and given an opportunity to comment on the boundary options being considered. Following this consultation, senior administration may make a decision or elect to conduct a full review.

Where senior administration is the decision making body, the proposed boundary change will be communicated directly to the affected school community. In addition, the details of the boundary change will be posted on the Board's website accompanied by a written report explaining the rationale for the change. The public will have the ability to appeal the decision of senior administration to the Board of Trustees within thirty days of public notification. The Board, upon receipt of an appeal, will have the option of endorsing the decision of senior administration or ordering administration to conduct a full review. If no appeal is received within thirty days of the notification date the decision of senior administration will be final.

a) Boundary Review Committee (BRC)

The Boundary Review Committee is an advisory committee appointed by the Board of Trustees. The purpose of the committee is to provide feedback to Board administration regarding alternative accommodation scenarios and implementation recommendations. Committee members will consider the needs of the entire school system in their deliberations and will resist advocating for any particular school or neighbourhood. The following people will be invited to sit on the boundary review committee:

- School Superintendent(s) of the affected school(s) (Chair)
- Two parent representatives from each school in the review
- Principal from each school included in the review
- Senior Manager of Capital Planning
- Chief Managing Officer
- Two trustees (non-voting members)

For secondary boundary reviews, one student representative from each school will be invited to sit on the BRC.

Parents of each school community will be invited to apply to become a parent representative on the BRC. Parent representatives will be selected by the principal at each school. No substitute parent reps will be allowed to attend BRC meetings in the absence of the designated parent reps.

All voting members of the BRC must attend a predetermined number of BRC meetings and public consultation sessions to be eligible to vote. This number will be set by the BRC chair at the beginning of

the review. Should a parent representative be absent for a vote, that parent may submit their vote by proxy to the principal prior to the vote.

If, for any reason, the committee refuses to complete, or dramatically delays, the review process then board administration may continue on their behalf.

b) Committee Meetings

Meetings of the BRC will be open to the public. The BRC will take delegations at a minimum of three committee meetings throughout the review. Delegations must register in advance if they wish to address the BRC.

Members of the public attending committee meetings are expected to act with decorum and in a manner that respects the work of the committee. Individuals or groups that disrupt the work of the committee proceedings may be asked to leave.

c) Terms of Reference

The Terms of Reference for the BRC will include the committee's purpose, their responsibilities, a set of Reference Criteria that frame the parameters of the discussion, and the procedures for conducting the review. A generic Terms of Reference has been attached as an example of what the terms of reference may contain (Appendix B).

d) Boundary Review and Analysis

The BRC will review potential boundary changes including the various factors that could be considered in making a decision. These factors may include (but not be limited to) the following:

- Existing and proposed boundaries
- Enrolment projections (5 or 10 years, as appropriate)
- Future residential growth potential
- Number of students potentially impacted by the boundary change
- Implications for program delivery
- Facility utilization
- Transportation considerations (number of walking and bussed students, bell times, efficiency)
- Financial impacts (operating costs, staff costs, transportation costs)
- Capital implications (portables, new construction, facility renewal)
- Implications for program delivery (class size, grade structure, specialized program offering)

The BRC is responsible for providing recommendations to senior administration regarding a preferred boundary configuration and implementation recommendations. Senior administration will bring the recommendations of the BRC to the Board of Trustees. Senior Administration may also bring their own recommendations forward at that time. The Board of Trustees will make the final decision.

e) Community Consultation

The purpose of the public consultation process is to keep the public informed, listen to and acknowledge concerns and to receive feedback. The BRC will report on how public input influenced the recommendations.

The public consultation process must include a minimum of two public consultation sessions prior to the meeting where the preferred option and implementation recommendations are first presented to the Board of Trustees. The preferred option and draft recommendations of the committee will be presented to the public before they are presented to the Board. Additional public consultation sessions may be scheduled as necessary to ensure that there has been an appropriate opportunity for public consultation.

Public consultation sessions will be publicized in advance through a range of methods. A summary of the communications will be kept and shared with the Board of Trustees and the BRC throughout the review process.

The public consultation sessions should be held at the school(s) under review, if possible, or in a nearby facility if physical accessibility cannot be provided at the school(s). Public consultation sessions will be structured to encourage an open and informed exchange of views. The sessions will contain presentation and open house components. All information presented at public consultation sessions, including the final report to the Board outlining the recommended option, will be made available on the Board website.

All data, reports, submissions, parent/ratepayer comments received during the BRC process are subject to Freedom of Information/Protection of Privacy legislation. All written public comments received by staff will be distributed to BRC members and the Board of Trustees in their entirety. Public comments received throughout the process may be shared with the public and may become part of the public record.

Trustees are encouraged to attend all public consultation sessions. The Board of Trustees will receive an update after the public consultation session where initial accommodation options are discussed.

f) Board Meetings

The recommendations of the Boundary Review Committee will be considered by the Board of Trustees as follows.

- The first meeting would involve the presentation of the BRC's recommendations and the Board will receive delegations from the public.
- The second meeting would allow trustees to ask questions of staff and provide an additional opportunity for delegations.
- The final meeting would be held for trustee decision-making and no delegations would be permitted.

Delegations must adhere to the WCDSB General Board Operational and Procedural By-law. There must be a minimum of seven calendar days between the meeting when the board received the last delegation(s) and the meeting when the Board of Trustees make a decision.

The community will be made aware of the dates and times of these Board Meetings in a similar manner to the notification provided for the other public consultation sessions.

PART B: SCHOOL CLOSURE REVIEW PROCESS

In October 2006, the Ministry of Education released Pupil Accommodation Review Guidelines to provide direction to school boards regarding accommodation reviews where school closure is a possibility. These guidelines were subsequently revised in June 2009.

The guidelines are meant to ensure that decisions regarding school closures are made with the full understanding and involvement of the local community and that a broad range of criteria have been considered regarding the quality of the learning environment for students. The Board's school closure review process must, at a minimum, reflect the policies outlined in the Ministry's Pupil Accommodation Review Guidelines (Appendix A).

a) Accommodation Review Committee (ARC)

Each school closure review process will be conducted by an Accommodation Review Committee appointed by the Board of Trustees. Committee members will consider the needs of the entire school system in their deliberations and will resist advocating for any particular school or neighbourhood. The recommended composition of the committee is as follows:

- School Superintendent (Chair)
- Two parent representatives from each school in the review
- Principal from each school included in the review
- Chief Financial Officer (or designate)
- Senior Manager of Capital Planning
- Chief Managing Officer
- Two Trustees (non-voting members)
- One business representative (where possible)
- One municipal representative (where possible)
- One parish representative (where possible)

Business and Parish representatives must not be personally affiliated in any way with the schools under review. Municipal representatives will be appointed by the local municipality.

For secondary boundary reviews, one student representative from each school will be invited to sit on the ARC.

Parents of each school community will be invited to apply to become a parent representative on the ARC. Parent representatives will be selected by the principal at each school. No substitute parent reps will be allowed to attend ARC meetings in the absence of the designated parent reps.

All voting members of the ARC must attend a predetermined number of ARC meetings and public consultation sessions to be eligible to vote. This number will be set by the ARC chair at the beginning of the review. Should a parent representative be absent for the vote, that parent may submit their vote by proxy to the principal prior to the vote.

If, for any reason, the ARC refuses to complete or dramatically delays the review process then board administration may continue on behalf of the ARC.

b) Committee Meetings

Meetings of the ARC will be open to the public. The ARC will take delegations at a minimum of three committee meetings throughout the review. Delegations must register in advance if they wish to address the ARC.

Members of the public attending committee meetings are expected to act with decorum and in a manner that respects the work of the committee. Individuals or groups that disrupt the committee proceedings may be asked to leave.

c) Terms of Reference

The Terms of Reference for the ARC will include the committee's purpose, their responsibilities, a set of Reference Criteria that frame the parameters of the discussion, and the procedures for conducting the review. A generic Terms of Reference has been attached as an example of what the terms of reference may contain (Appendix B).

d) School Information Profile

A School Information Profile (SIP) will be completed for each school in the accommodation review. The purpose of the SIP is to provide basic information on each school to inform the ARC and the community with regard to the objectives and Reference Criteria outlined in the Terms of Reference. A generic SIP is attached (Appendix C). The SIP includes data for each of the following four considerations:

- Value to the student
- Value to the school board
- Value to the community
- Value to the local economy

It is recognized that the school's value to the student takes priority over the other considerations about the school. The SIP will be completed by board administration for each of the schools in the review. The same profile template will be used for each school in the review. The completed SIP will be provided to the ARC to discuss, consult on, modify based on new or improved information, and finalize. The final SIP and the Terms of Reference will provide the foundation for discussion and analysis of accommodation options.

e) Accommodation Options

A variety of accommodation options will be examined by the ARC. These options may be developed by Board administration or by the ARC. Board administration will provide the necessary data, where possible, to enable the ARC to examine the options. As the ARC considers accommodation options, the members have a responsibility to consider the needs of all students objectively and fairly.

The ARC may recommend options that include capital investment. In these situations, the Board will advise on the availability of funding and where no funding exists the ARC must propose how students would be accommodated if funding does not become available.

The ARC will submit an Accommodation Report to the Director of Education that outlines the process the ARC followed, the preferred accommodation option and recommendations for implementation. Committee members may have differing opinions and consensus may not be reached by the ARC. The Accommodation Report will reflect the range of opinions expressed by the ARC, including those that are in opposition to the final recommendations.

Should the Director of Education disagree with the ARC's recommendations, a dissenting report will be prepared. The dissenting report should outline specific concerns with the ARC recommendations, the rationale/analysis supporting these concerns, and the Director's recommendations to the Board of Trustees. Both reports would then be presented to the Board of Trustees for a final decision.

f) Community Consultation

Once an accommodation review has been initiated, the ARC must ensure that a wide range of school and community groups are consulted. These groups may include the school councils, parents, guardians, students, teachers, the local community and other interested parties.

The purpose of the public consultation process is to keep the public informed, listen to and acknowledge concerns and to receive feedback. The ARC will report on how public input influenced the decision.

The public consultation process must include a minimum of four public consultation sessions to consult about the School Information Profile, the accommodation options and the ARC's Accommodation Report. The preferred option and recommendations of the committee will be presented at one of these public consultation sessions. Public consultation sessions will be structured to encourage an open and informed exchange of views. Public consultation sessions will contain presentation and open house components.

A summary reflecting the full range of opinions expressed at the public consultation sessions will be made available on the Board website. All information and presentation materials from the public consultation sessions will be also be made available on the Board website.

All data, reports, submissions, parent/ratepayer comments received during the ARC process are subject to Freedom of Information/Protection of Privacy legislation. All written public comments received by staff will be distributed to ARC members and the Board of Trustees in their entirety. Public comments received throughout the process may be shared with the public and may become part of the public record.

Public consultation sessions must be well publicized, in advance, through a range of methods and held at the school(s) under review, if possible, or in a nearby facility if physical accessibility cannot be provided at the school(s). A summary of the communications will be kept and shared with the Board of Trustees and the ARC throughout the review process.

Trustees are encouraged to attend all public consultation sessions. The Board of Trustees will receive updates:

- after the public consultation session where the school information profiles are discussed; and
- after the public consultation session where initial accommodation options are discussed.

g) Board Meetings

The recommendations of the Accommodation Review Committee will be considered by the Board of Trustees as follows.

- The first meeting would involve the presentation of the ARC's recommendations and the Board will receive delegations from the public.
- The second meeting would allow trustees to ask questions of staff and provide an additional opportunity for delegations.
- The final meeting would be held for trustee decision-making and no delegations would be permitted.

Delegations must adhere to the WCDSB General Board Operational and Procedural By-law. There must be a minimum of seven calendar days between the meeting when the board received the last delegation(s) and the meeting when the Board of Trustees make a decision.

The community will be made aware of the dates and times of these Board Meetings in a similar manner to the notification provided for the other public consultation sessions.

h) Timelines

After the intention to conduct a closure review has been announced by the school board, there must be no less than 30 calendar days notice prior to the first of a minimum of four public consultation sessions. Beginning with the first public consultation session, the public consultation period must be no less than 90 calendar days.

The completed Accommodation Report be posted on the Board's website upon receipt by the Director of Education. Once the report has been received, there must be a minimum of 60 calendar days notice prior to the meeting where the Board of Trustees will vote on the recommendations.

Summer vacation, Christmas break and Spring break, including adjacent weekends, must not be considered part of the 30, 60, or 90 calendar day periods.

i) Administrative Review of Accommodation Review Process

The Ministry of Education has outlined a process by which the public may apply for administrative review of a Board decision. The Ministry guidelines are contained in Appendix A. Administrative review applies only to those reviews that follow the school closure process and do not apply to boundary review decisions. An administrative review cannot overturn a decision by the Board of Trustees and can only examine the Board's process. A review of a school board's accommodation review process may be sought if the following conditions are met.

An individual or individuals must:

- Submit a copy of the board's accommodation review policy highlighting how the accommodation review process was not compliant with the school board's accommodation review policy.
 - The petition must be specific in terms of what parts of the process is being challenged relative to Board policy.
- Demonstrate the support of a portion of the school community through the completion of a petition signed by a number of supporters equal to at least 30% of the affected school's headcount (e.g., if the headcount is 150, then 45 signatures would be required). Parents/guardians of students and/or other individuals that participated in the accommodation review process are eligible to sign the petition. Only one signature per household will be counted for the purpose of meeting the required percentage of supporters.
 - The petition should clearly provide a space for individuals to print and sign their name; address (street name and postal code); and indicate whether they are a parent/guardian of a student attending the school subject to the accommodation review, or an individual who has participated in the review process.
- Submit the petition and justification to the school board and the Minister of Education within thirty (30) days of the board's closure resolution.

The school board would be required to:

- Confirm to the Minister of Education that the names on the petition are parents/guardians of students enrolled at the affected school and/or individuals who participated in the review process.
- Prepare a response to the individual's or individuals' submission regarding the process and forward the board's response to the Minister of Education within thirty (30) days of receiving the petition.

If the conditions set out above have been met, the Ministry would be required to:

Undertake a review by appointing a facilitator to determine whether the school board accommodation review process was undertaken in a manner consistent with the board's accommodation review policy within thirty (30) days of receiving the school board's response.