



Administrative Procedures Memorandum

#: APF008

Pupil Accommodation Review Process

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MEMO TO: Principals; Vice Principals; Executive Council; 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 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 (March 2015) (Appendix A)
Ministry of Education, Administrative Review of Accommodation Review Process (Appendix D)

FORMS

- N/A

APPENDICES

Appendix A – Ministry of Education Pupil Accommodation Review Guideline (March 2015)
Appendix B – Generic Terms of Reference Template
Appendix C – Generic School Information Profile
Appendix D – Ministry of Education Administrative Review of Accommodation Review Process

COMMENTS AND GUIDELINES

PREFACE

An accommodation review is a public process used to determine how students will be accommodated in schools. This may include adjusting boundaries, building capacity, or closing schools.

There are two types of accommodation reviews:

- a) **Boundary Review (Part A):** The purpose of a boundary review is to transfer students from one school to another school in order to balance enrolment. The Ministry Guideline does not apply.
- b) **School Closure Review (Part B):** The school closure review process applies where one or more schools is being considered for closure, consolidation, or as defined in the Ministry Guideline. The review process reflects the Ministry of Education Pupil Accommodation Review Guideline (Revised March 2015) and applies only to schools offering elementary or secondary regular day school programs.

RATIONALE FOR AN ACCOMMODATION REVIEW

There are many reasons an accommodation review (either boundary review or school closure review) may be initiated.

Examples include but are not limited to:

- Enrolment exceeds capacity
- Enrolment is below capacity causing an inefficient use of board resources
- Building condition
- Excessive transportation costs
- Site and building limitations
- Accommodation of special programs

PART A – BOUNDARY REVIEW

The Boundary Review Process will ensure that the public has opportunity to comment on the proposed boundary solution, the impact on affected students has been considered, and that decisions are based on an efficient and equitable use of system resources.

The decision to proceed with a boundary review will be made by the Board of Trustees following the review of an initial staff report. This staff report may, but is not required to, include boundary options.

1.0 BOUNDARY REVIEW COMMITTEE (BRC)

A BRC will be formed following the Board of Trustee's decision to proceed with a boundary review.

1.1 Membership

The BRC membership will include:

- Two (2) parent representatives from each school under review
- Principal of each school under review
- Two (2) Trustees
- Superintendent of the affected schools
- Superintendent of Corporate Services
- One (1) student from each school under review (secondary reviews only)

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

1.2 Role

The role of the BRC is as follows:

- To act as the official conduit for information shared between the school board and the school communities
- Act as a consultation body, providing advice to staff
- Review materials provided by board staff
- Comment and provide suggestions on the boundary option(s) and materials provided
- Consider the needs of the entire school system and resist advocating for any particular school or neighbourhood
- Attend public meetings and review public comments

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

1.3 Meetings

Meetings of the BRC will be open to the public. 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.

1.4 Terms of Reference

Board staff will provide the BRC with a Terms of Reference based on the generic Terms of Reference found in Appendix B. The Terms of Reference will include the following:

- The board's education and accommodation objectives for the BRC
- The roles and responsibilities of the BRC
- The procedures of the BRC
- Approximate number of meetings

2.0 PUBLIC CONSULTATION

All data, reports, submissions, parent/ratepayer comments received during the boundary review process are subject to Freedom of Information/Protection of Privacy legislation. All written public comments received by staff may be distributed to 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.

2.1 Public Meetings

A public meeting is an open meeting with the purpose of sharing relevant information with members of the public and soliciting feedback. The meeting may take on a variety of formats including, but not limited to, a presentation, question/answer period, open house, workshop, or small group discussions.

A minimum of one (1) public meeting is required. This meeting will be facilitated by Board staff.

The public meeting will be advertised in advance using a variety of methods (e.g. posted on website, notice in school newsletter, notice sent home with students at the affected schools, etc.).

Trustees are encouraged to attend all public meetings.

3.0 RECOMMENDATIONS AND APPROVALS

3.1 Final Staff Report

Following the public consultation process, staff will submit a final staff report to the Board of Trustees. This report will include an overview of the process and materials considered, the recommended option, and implementation recommendations.

The final staff report will be made available to the public and posted on the board's website.

3.2 Approvals

Once the final staff report is submitted to the Board of Trustees, members of the public will be invited to register as a delegation to provide their comments directly to the Trustees. Delegations must adhere to the WCDSB General Board Operational and Procedural By-law.

The final decision will be made by the Board of Trustees. No delegations will be permitted at the meeting where the board is scheduled to make their final decision.

4.0 EXEMPTIONS

In most cases, the final approval of a boundary change rests with the Board of Trustees and would involve a 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 is 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 a boundary change is being considered for an area which was part of an Accommodation Review up to and including five years previous, the change will come to the Board for information and approval.

4.1 Notification

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.

4.2 Appeals

The public will have the ability to appeal the decision of senior administration to the Board of Trustees within thirty (30) days of public notification. The Board, upon receipt of an appeal, will have the option of endorsing the decision of senior administration, directing staff to advise on minor modifications, or ordering administration to conduct a full review.

If no appeal is received within thirty (30) days of the notification date the decision of senior administration will be final.

PART B – SCHOOL CLOSURE REVIEW

1.0 MINISTRY GUIDELINE

In October 2006, the Ministry of Education released the Pupil Accommodation Review Guideline. This Guideline was revised in June 2009 and March 2015.

The purpose of the Guideline is to provide a framework of minimum standards for school boards to undertake pupil accommodation reviews (school closure reviews) in order to determine the future of a school or group of schools. The Guideline ensures that a decision is made with the involvement of an informed local community and is based on a broad range of criteria regarding the quality of the learning experience for students.

The Ministry of Education recommends that, wherever possible, schools should only be subject to a school closure review once in a 5-year period, unless there are circumstances determined by the school board that deem it necessary (e.g. significant change in enrolment, changes to funding, building deterioration, etc.).

2.0 GUIDING PRINCIPLES

All school closure reviews shall align with the following guiding principles.

1. Catholic presence in each community
2. Student well-being
3. Academic achievement
4. School Board financial viability/sustainability

3.0 INITIATING A SCHOOL CLOSURE REVIEW

A school closure review shall be initiated through an initial staff report and subsequent decision by the Board of Trustees to proceed.

The initial staff report must include the following:

- Summary of accommodation issues for the school(s) under review

- One or more options to address the issues, including supporting rationale
 - Where students would be accommodated
 - If proposed changes to existing facilities are required
 - Identify any program changes
 - How student transportation would be affected
 - If new capital investment is required including how the board intends to fund the project and an alternative solution should funding not become available
- A recommended option (if more than one option is presented)
 - A timeline for implementation
- Any relevant information obtained from municipalities or community partners, including any confirmed interest in using underutilized space.

Following a decision by the Board of Trustees to proceed with a school closure review, the initial staff report will be made available to the public and posted on the board's website.

4.0 ACCOMMODATION REVIEW COMMITTEE (ARC)

An ARC will be formed following the Board of Trustee's consideration of the initial staff report and prior to the first public meeting.

4.1 Membership

The ARC membership will include:

- Two (2) parent representatives from each school under review (1 selected by School Council, 1 selected by the principal)
- Principal of each school under review
- Two (2) Trustees (selected by the Chair of the Board)
- One (1) parish representative, where possible
- Superintendent of the affected schools
- Superintendent of Corporate Services
- One (1) student from each school under review (secondary reviews only)

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

The parish representative must not be personally affiliated in any way with the schools under review.

4.2 Role

The role of the ARC is as follows:

- To act as the official conduit for information shared between the school board and the school communities
- Act as a consultation body, providing advice to staff
- Comment on the initial staff report
- Seek clarification on the initial staff report
- Request clarification about information in the school information profiles
- Suggest other accommodation options, including supporting rationale
- Review materials provided by board staff

- Consider the needs of the entire school system and resist advocating for any particular school or neighbourhood
- Attend public meetings and review public comments

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

Staff will compile feedback from the ARC and present this information in the final report to the Board of Trustees.

4.3 Meetings

Meetings of the ARC will be open to the public. 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.

The first meeting of the ARC will describe the ARC's mandate, its roles and responsibilities, and the procedures of the ARC.

4.4 Terms of Reference

Board staff will provide the ARC with a Terms of Reference based on the generic Terms of Reference found in Appendix B. The Terms of Reference will include the following:

- The board's education and accommodation objectives for the ARC
- Reflect the board's strategy for supporting student achievement and well-being
- The roles and responsibilities of the ARC
- The procedures of the ARC
- Minimum number of working meetings

5.0 SCHOOL INFORMATION PROFILES (SIP)

The purpose of the SIP is to provide an understanding of and familiarity with each school under review. The SIPs will be shared with the ARC and the community as an orientation document.

Prior to the commencement of the review, Board staff will prepare SIPs that are complete and accurate to the best of the board's ability.

A generic SIP is attached as Appendix C. The generic SIP may be customized to reflect the specific circumstances of the review. The SIP must consider the value of each school to the student and to the board. For comparison purposes, the SIPs must examine the same criteria for each school under review.

6.0 PUBLIC CONSULTATION

All data, reports, submissions, parent/ratepayer comments received during the school closure review process are subject to Freedom of Information/Protection of Privacy legislation. All written public comments received by staff may be distributed to 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.

6.1 Consultation with Governments & Community Partners

Following the Board of Trustee's decision to proceed with a review, staff will invite the affected municipalities (single & upper-tier via the Clerks Department) and community partners (who have requested to be notified) to a meeting to comment on the recommended option in the initial staff report.

Staff will document its efforts to meet with municipal and community partners and provide any relevant information as part of the final staff report to the Board of Trustees.

In addition, the parish of the school(s) proposed to close will be notified as will the Diocese of Hamilton.

Feedback must be received prior to the final public meeting in order to be considered in the final report.

6.2 Public Meetings

A public meeting is an open meeting with the purpose of sharing relevant information with members of the public and soliciting feedback. The meeting may take on a variety of formats including, but not limited to, a presentation, question/answer period, open house, workshop, or small group discussions.

A minimum of two (2) public meetings are required.

The public meetings will be advertised in advance using a variety of methods (e.g. posted on website, notice in school newsletter, notice sent home with students at the affected schools, etc.).

Board staff will facilitate the public meetings. The first public meeting must include the following:

- An overview of the ARC orientation session (first meeting)
- The initial staff report with recommended option(s)
- A presentation of the SIPs

Trustees are encouraged to attend all public meetings.

7.0 RECOMMENDATIONS AND APPROVALS

7.1 Final Staff Report

Following the public consultation process, staff will submit a final staff report to the Board of Trustees. This report will include the following:

- Community Consultation section: contains feedback from the ARC and public consultations, including any relevant information from municipal and community partners.
- A recommended option including a proposed accommodation plan and a timeline for implementation. The recommended option does not have to be the same as the recommended option provided in the initial staff report.

The final staff report will be made available to the public and posted on the board's website.

7.2 Delegations to the Board of Trustees

Once the final staff report is submitted to the Board of Trustees, members of the public will be invited to register as a delegation to provide their comments directly to the Trustees. Delegations must adhere to the WCDSB General Board Operational and Procedural By-law.

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.

Comments from delegations will be compiled through the regular board process (e.g. included in the minutes for that meeting).

There must be a minimum of ten (10) business days between the meeting when the Board received the last delegation(s) and the meeting when the Board of Trustees makes a decision. As a result, delegations will not be permitted at the same meeting where the Trustees are scheduled to make their final decision. Likewise, delegations may not be permitted at the Committee of the Whole meeting prior to the final decision if that meeting date falls within ten (10) business days of the final decision.

7.3 Decision of the Board of Trustees

The Board of Trustees has the discretion to approve the recommendations of the final staff report, modify the recommendations of the final staff report, or approve a different outcome.

Where a proposed decision varies from the recommendations of the final staff report, sufficient time should be taken to evaluate the merits and feasibility of the proposal. The public should also be given the opportunity to comment prior to the decision being finalized.

8.0 TRANSITION PLANNING

Following a decision to close a school, a separate committee will be established to address the transition of students and staff. A transition plan will be created based on Appendix E.

9.0 TIMELINES

The school closure review must comply with the following timelines at a minimum:

- Within five (5) business days of the decision to proceed with the review, staff will provide written notice to:
 - The affected single and upper-tier municipalities as well as community partners that expressed an interest prior to the review. The notice will include an invitation for a meeting to discuss and comment on the recommended option(s) in the initial staff report.
 - The Directors of Education at the coterminous boards
 - The Ministry of Education through the Assistant Deputy Minister of the Financial Policy and Business Division
- The affected single and upper-tier municipalities and the notified community partners must provide their comments prior to the final public meeting.
- There must be no fewer than thirty (30) business days between the decision to proceed with the review and the first public meeting.
- There must be a minimum of forty (40) business days between the first and final public meeting.
- The final staff report must be publicly posted no fewer than ten (10) business days after the final public meeting.
- From the posting of the final report, there must be no fewer than ten (10) business days before public delegations.
- There must be no fewer than ten (10) business days between public delegations and the final decision of the Board of Trustees.

10.0 MODIFIED PROCESS

The Ministry Guideline allows for an optional modified process for reviews that are less complex. Specifically, a modified process would include only one (1) public meeting. The Board of Trustees must approve a defined set of criteria that would allow a review to qualify for the modified process.

Community consultation would be required to adopt the modified process as part of this administrative procedures memorandum. Additional consultation with the school community would be required prior to the initiation of a modified school closure review.

A modified process has not been included in this procedure at this time.

11.0 EXEMPTIONS

The Ministry of Education Pupil Accommodation Review Guideline (Appendix A) outlines specific circumstances where there is no requirement to undertake a school closure review.

- 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 a replacement school is to be built by the school board on the existing site, or built or acquired within the existing school attendance boundary and the school community must be temporarily relocated to ensure the safety of students and staff during the reconstruction;
- When a lease for the school is terminated;
- When the board is planning the relocation in any school year or over a number of school years of grades, or programs, in which the enrolment constitutes less than 50% of the enrolment of the school's enrolment. 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;
- Where a facility has been serving as a holding school for a school community whose permanent school is over-capacity and/or is under construction or repair; or
- Where there are no students enrolled at the school at any time throughout the school year.

In advance of a decision by the Board to provide an exemption based on the criteria above, the Board will consult with local school communities about the proposed accommodation options for students.

At least 5 days following a decision to proceed with an exemption resulting in a school closure, the board will provide written notification to the following:

- The Ministry of Education (Assistant Deputy Minister of the Financial Policy and Business Division)
- Single and upper-tier municipalities (Clerks Department or equivalent)
- Community partners who have previously expressed an interest prior to the exemption.
- Coterminous school boards (Director of Education)

A transition plan will be put in place following the Board of Trustees' decision to consolidate, close, or move a school or students in accordance with this section.

12.0 ADMINISTRATIVE REVIEW

The Ministry of Education has outlined a process by which the public may apply for administrative review of a Board decision. Administrative review applies only to those reviews that follow the school closure process and does 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.

The Ministry of Education's Administrative Review of Accommodation Review Process can be found in Appendix D.