

December 2, 2009

Honourable Kathleen Wynne  
Minister of Education  
900 Bay Street  
Toronto  
M7A 1L2

Re: Facilitator's Report for Prince of Wales Public School and Tecumseth North Elementary School

Dear Minister,

On September 25, 2009, your Ministry appointed me as the facilitator to conduct an Administrative Review of the accommodation review processes undertaken by the Simcoe County District Board regarding Prince of Wales Public School and Tecumseth North Elementary School.

My appointment was the result of separate petitions received by the Ministry in June 2009, asking for an Administrative Review of the Simcoe County District School Board's decision to close Prince of Wales Public School and Tecumseth North Elementary School. The petitions for each of the schools met the requirements under the Ministry of Education's *Pupil Accommodation Review Guideline*, October 31, 2006.

I want to thank Debra Hyland of the Barrie Regional Office of the Ministry of Education who arranged the meetings for this Administrative Review and offered professional input and advice where appropriate. I would also like to express my appreciation to the Trustees, Board officials, parents and members of the community who provided me with their time, views and advice.

## **TERMS OF REFERENCE**

The following terms of reference were established by your Ministry for my work as the facilitator conducting this Administrative Review.

### PRINCIPLES

- School boards, parents, communities and the government recognize that school boards have the legal right to close schools after following a board-approved pupil accommodation review process

- The Ministry of Education’s *Pupil Accommodation Review Guideline* provides direction to school boards regarding pupil accommodation reviews undertaken to determine the future of a school or a group of schools.
- School boards are responsible for establishing and following their own accommodation review policies. School boards’ accommodation review policies are to reflect the requirements of the Ministry’s *Pupil Accommodation Review Guideline*.
- Under the *Pupil Accommodation Review Guideline*, schools are required to make school valuation the centre of board and community decision-making. School valuation requires school boards to consider the value of a school or schools, based on community consultation.

## SCOPE OF THE REVIEW

The independent facilitator shall be responsible for:

- determining whether the Simcoe County District School Board followed its board-approved pupil accommodation review process in conducting the accommodation review;
- reviewing formal documentation, interviewing relevant participants including Accommodation Review Committee (ARC) members, petitioners and board staff;
- submitting a written report to the Minister of Education upon completion of the review.

## REPORTING TO THE MINISTER

- The report should be in the form of a letter to the Minister, indicating whether the accommodation review process followed the board’s pupil accommodation review policy.
- The Minister is responsible and will make the facilitator’s findings available to the board and the public in a timely fashion.

## **BOARD AND SCHOOL PROFILES**

Simcoe County District School Board covers the entire 4,800 square kilometres of Simcoe County. The boundaries of this Board have remained the same for over 40 years. The Board is bordered by the Holland Marsh in the south, the Trent-Severn Waterway in

the east, Blue Mountain in the west and Muskoka in the north. The County includes urban areas such as the Cities of Barrie and Orillia, small villages such as Cookstown, and some of the best agricultural land in Ontario in the Holland Marsh.

The operating budget for this Board is approaching a half billion dollars. Since 2004-05 elementary enrolment has declined by close to 10% and stands today at approximately 32,000 students. Enrolment at the secondary level peaked in 2007-08 at just over 19,000 students. For the 2009-10 school year, enrolment is just over 18,000.

## PRINCE OF WALES PUBLIC SCHOOL

Prince of Wales Public School was built in 1876 and it is the oldest operating elementary school in Simcoe County. There were additions made to the school in 1921 and 1960.

The enrolment of the school is around 200 students and is expected to remain stable primarily because the Extended French Second Language program draws students from other school boundary areas of the Board.

I visited the school and found happy students and staff who were clearly engaged and committed to making the school work. The building itself is in poor condition and has been declared “Prohibitive to Repair”.

## TECUMSETH NORTH ELEMENTARY SCHOOL

Tecumseth North Elementary School was built in 1961. It has a capacity of 107 students and current enrolment of 117 students. All students at this school are bussed. Since the school is not located near any significant residential areas and is in a rural part of Simcoe County, there is no community use of this school. The Board reports that there are building issues that would require significant funds if the school were to remain open.

I toured the school in the evening so there were no students or staff present at the time, but everyone I met told me the students are fully engaged with great teachers and staff. Given the small student population all classes are combined grades.

## **SUMMARY OF BOARD PROCESS LEADING TO DECISIONS**

On December 12, 2007, the Central Services Steering Committee of the Board recommended that Accommodation Review Committees (ARCs) be established to review two groups of schools. ARC C included Prince of Wales Public School and ARC D included Tecumseth North Elementary School. The Board ratified this recommendation on March 27, 2008. The memberships of the ARCs included parents, principals, and

teachers from each of the schools being reviewed as well as superintendants from the Board, municipal and community representatives.

## **SUMMARY OF ARC C – PRINCE OF WALES PUBLIC SCHOOL**

ARC C's mandate was to review Andrew Hunter Elementary School, Hillcrest Public School, Portage View Public School, Prince of Wales Public School and Warnica Public School. With the exception of Warnica Public School, the schools are located in proximity to each other. Warnica Public School was included in the ARC because, like Prince of Wales Public School, it offers the Extended French Seconded Language Program. It was thought for programming reasons this school should be included for consideration of the ARC.

ARC C held its first meeting on April 23, 2008, and had a total of 18 working meetings and 4 public meetings before completing its work. During our meeting, I believe the ARC told me that there were other meetings to deal with the writing of the report, so that in reality the total number of meetings was well over 20. Public meetings were advertised through local media, web postings and through the students attending the schools.

The ARC received extensive information related to each of the schools and the valuation framework was completed over the course of many meetings. An elaborate process was used to try to find consensus on each issue.

In January the Administration made a presentation to the ARC outlining what other Boards have done to deal with accommodation issues. It seemed to indicate that the Board had no preference for any particular model to deliver elementary education in their jurisdiction.

The ARC eventually developed four options that they wished to present to the public for feedback. These options are referred to by the board as the "Alternative Accommodation Plans", which board staff are required to prepare according section 4.7 of the Board's Accommodation Review Policy. Three of the four options called for the closure of Prince of Wales Public School.

After public consultation, a fifth option was developed which incorporated additions and renovations to three of the four schools that were to remain open. Prince of Wales Public School would close if this option was accepted. The majority of the ARC felt that this option would result in upgraded facilities to meet curriculum and program needs for the students of central Barrie. However, there was no consensus. The ARC report recommended this option and it was submitted to the Board.

On March 24, 2009, the Facility Standing Committee of the Board reviewed and endorsed the Administration's recommendations which reflected the ARC report. This

standing committee includes the entire membership of the Board. Since there had been no opportunity for the community to make representation to the Board on this matter, there was concern that a decision had been made in this manner by the Board.

On April 23 and 28, 2009, the Board held special meetings to receive input from delegations concerning ARC C and the recommendations from the Facility Standing Committee. At the end of May, the Board made the final decision to adopt the recommendations from the Facility Standing Committee meeting of March 24, 2009, which included the closure of Prince of Wales Public School.

## **SUMMARY OF ARC D – TECUMSETH NORTH ELEMENTARY SCHOOL**

ARC D's mandate was to review Alliston Union Public School, Cookstown Central Public School, Tecumseth North Elementary School and Tecumseth Beeton Elementary School.

The ARC membership included the principal, a teacher and parent from each of the schools being reviewed plus municipal and community representation. The Board appointed a superintendent and there was non-voting trustee representation.

The process and timelines followed by ARC D were the same as ARC C. Nearly 30 meetings of the ARC, including the four public meetings, were held between April 2008 and February 2009. Extensive information concerning each of the schools was provided by Board officials. Presentations by planners from local municipalities took place.

The ARC spent much time working through the school valuation process. There were 150 valuation indicators. Decisions as to how each indicator applied to each school was done by consensus. It was a time consuming process.

The ARC public meetings were rotated amongst the four schools under review. The ARC considered several scenarios and eventually narrowed them down to two which were presented at the final two public meetings. As in the ARC C process, the Board believes that the preparation of these options satisfies the Board's Accommodation Review Policy section 4.7.

Both of these scenarios included rebuilding Alliston Public School on its current site and additions to Cookstown Central Public School and Tecumseth Beeton Public School. The main difference between the two options was that one recommended the closure of Tecumseth North Elementary School and the other called for renovations and boundary changes for this school.

In the end, the ARC opted for the closure of Tecumseth North Elementary School.

As was the case for ARC C, the ARC D report was presented to the Facility Standing Committee along with the Administration report and recommendation. The Administration recommended the three school option and the closure of Tecumseth North Elementary School. The Board Facility Standing Committee recommended that the Board approve this option. There were no delegations allowed at this meeting.

On April 27 and 30, 2009, the Board heard delegations and on May 27, 2009, the Board approved the closure of Tecumseth North Elementary School.

## **PRINCE OF WALES PUBLIC SCHOOL PETITION**

The petition for an Administrative Review from the Prince of Wales Public School community raised a number of issues which I explored with the Petitioners when we met.

The first issue raised in the petition is a concern that a review of the “attendance area” for the schools under review was not completed before the accommodation review process began. The Petitioners feel that if this review had taken place and school boundaries had been adjusted, enrolment at Prince of Wales Public School would have increased.

The Board policy states that accommodation reviews should focus on groups of schools and the Petitioners feel that while the ARC did include a group of schools, the focus was on the closure of Prince of Wales Public School.

The Petitioners expressed concern that the “Prohibitive to Repair” designation and the funding that this designation provided the Board, all worked against Prince of Wales Public School.

The petition outlines a few concerns about the school valuation process. The Petitioners feel that once the valuation process was completed, it was not applied to the various options that the ARC examined. They told me that if the “value to the student” was to be the centre piece of the deliberations by the ARC, Prince of Wales Public School would have received more favourable consideration.

They also felt that input from community groups concerning the school valuation was inadequate. According to the Petitioners, the parents most impacted by the school consolidations had little input into the school valuation.

The issue that occupied much of our discussion centred on concerns that when Prince of Wales Public School closes, there will be no public elementary schools remaining in the core of the City of Barrie. With the emphasis by the Province and the City of Barrie on increasing the population within in the City (through higher densities or intensification when building new housing), the Petitioners feel that elementary schools must remain open in the core of the City. Without schools, development is less attractive in the core because families want to live near services for their children. The Petitioners feel that the “school valuation tool” was not customized to adequately deal with this issue.

Finally, there was concern expressed about a vote taken by the Trustees when the ARC report and the Administration's response to it was presented to the Facility Standing Committee of the Board on March 24, 2009. The vote was to recommend that the Administration's response to the ARC report, which is referred to in Board documents as the "Board Report", be approved by the Board at a future meeting. This committee of the Board is comprised of all the Trustees of the Board and the vote took place without any input from community delegations. As the final decision still had to be made by the Board, the Petitioners feel that the procedure violated the requirement that there be 60 days notice and the opportunity for the public to present their views to the Board. The Petitioners at Tecumseth North Elementary School have the same complaint. The Petitioners point out that the Administrative Procedure was changed after the committee meeting to clarify the process for the future.

## **TECUMSETH NORTH ELEMENTARY SCHOOL PETITION**

The petition from Tecumseth North Elementary School raised a number of issues. Firstly, they raised concerns that the ARC was told that there would be \$3.3 million of funding to upgrade the other schools the ARC was examining if Tecumseth North Elementary School was closed. The feeling of the Petitioners was that the financial incentive to close their school and to renovate the others pre-determined the outcome of the process.

The Petitioners also feel that the Board policy requires a one year notice that the Board would be considering closure of the school. Since the ARC did not have a clear alternative accommodation plan from the Board, and in fact the Board seemed to indicate any option may be possible including keeping all schools open, the one year notice was not given according to the Petitioners. When I met with the Petitioners I pointed out that the ARC was established in March 2008 and that the timelines from that point forward seem to comply with Board policy.

The Petitioners feel that the Board policy regarding the membership of the ARC was violated since one of the students whose parent was on the ARC changed schools part way through the work of the ARC. In addition, one of the teacher representatives on the ARC had a child attending one of the schools being reviewed and the Petitioners feel this was a conflict of interest.

In our meeting the Petitioners expressed the view that the Board should have been clear from day one as to what they were trying to accomplish. They feel that the Board did not make the case as to why these changes were in the best interest of the students. They feel it was and still is very unclear what the Board is trying to achieve or what the grand plan is and how students will benefit. Is the Board trying to save money, is it increasing student access to program, or is it trying to achieve both?

## **THE BOARD'S RESPONSE**

I met with a number of Trustees from the Board and in a separate meeting I met with the Director and her Senior Management Team. The Trustees and the Administration responded to the specifics in the petitions through discussion during our meetings and in writing.

## **THE BOARD'S RESPONSE - ARC C**

The Petitioners claim that Board procedures had not been followed because an attendance area review had not been undertaken prior to the ARC process. The Board points to the 2008 capital planning process which included the review of student enrolment and resulted in the establishment of the ARC. This ARC included a number of schools in the planning area which conforms to the Board policy to review a group of schools rather than a single school.

The Petitioners claim that the ARC report and recommendations were not centred on the School Valuation Framework and that Prince of Wales Public School is at or above the Board average when this framework is applied. The Board states that the School Valuation Framework was applied to each of the schools being studied by the ARC. This process allows the members of the ARC to gain an understanding of the strengths and weaknesses of each of the schools. The Board does not rank its schools or produce a score for schools and there is no Board average.

The Board outlined the make-up of the ARC and outlined how it conformed to Board policy.

The Board disputes the claim by the Petitioners that the School Valuation Framework was not customized to local need in order to deal with the issues of urban growth, intensification and the Provincial planning policies that encourage cities to increase densities. The Board indicated that the ARC discussed these matters and it had been made clear to the ARC, early on in the process, that it could add valuation factors to the framework.

With respect to the Petitioners' concern that there was not enough public input, the Board points out that the ARC had representation from each of the schools, the working sessions of the ARC were open to the public and there were four ARC meetings for public input and feedback.

The Board agrees that the ARC report and the Administration's response went to the Facilities Standing Committee of the Board on March 24, 2009. The Board reports that there was confusion as to how the Standing Committee could receive the report, as well as how it would be forwarded to a formal Board meeting for the final decision.

According to the Board, at the Facilities Standing Committee meeting, the Chair of the standing committee and the Director stated that under the Administrative Procedures in place, the committee had to “recommend the report” in order for it to make its way to a Board meeting for final decision. The Board insists that it was made clear that the final decision regarding the reports would be made at the Board meeting not the committee meeting. In effect, they were saying that they had to follow this procedure so the Board, at a future meeting, could consider the item for final decision. I reviewed the minutes of the committee meeting and can certainly understand why members of the public would be confused. It would not be difficult to come to the conclusion that this committee of the Board, which is made up of all of the Trustees on the Simcoe DSB, had gone far beyond any procedural requirements to get the matter before a future Board meeting. The procedural rules have been amended to avoid this confusion in the future.

### **THE BOARD’S RESPONSE - ARC D**

The Petitioners had a concern that the \$3.3 million available from the Ministry of Education for “Primary Class Size” was an incentive to consolidate the schools being studied by ARC D and therefore close Tecumseth North Elementary School. The Board argues that the matter was never presented in this manner and instead it was described as a benefit for the ARC and as a resource for the community.

All issues around representation on the ARC were inline with Board policy and when a child of a parent representative moved to another school, the ARC discussed the matter and agreed to have the parent remain on the ARC. There had been an attempt to find a replacement but no volunteer came forward.

The Petitioners argued that the ARC was to weigh the value of the school to the student above everything else and that the student input results clearly showed that the school did very well. The Board points out that the valuation process is not a scoring system and that the ARC needed to look at the value to the student when examining the various options for accommodation.

There were a number of concerns the petition raised regarding data and financial information the Board used at the ARC. The Board provided me with the notes and minutes which document the discussions that took place at the ARC. While there were differences of opinion, the majority of the ARC accepted the Board’s information.

The Petitioners from Tecumseth North Elementary School raised the same issue as the Prince of Wales Public School Petitioners regarding the March 24, 2009, meeting of the Facilities Standing Committee. The committee reviewed the ARC reports, the Administration’s response and passed detailed motions that recommend to the Board the closure and consolidation of the schools be approved. The Facilities Standing Committee was composed of all of the Trustees for this Board. There were no delegations allowed as the Board argues that this was a committee meeting and that the final decision was made at a Board meeting following delegations from the public.

Many of the other issues in the petition were items that argue in favour of keeping the school open. The Board responded to these issues in the petition but I will not include them in this report as they are outside of my terms of reference.

### **MEETING WITH ARC C**

Much of my meeting with the ARC C members centred on the School Valuation Framework. ARC members stated that the framework was very difficult and that the decision-making process was very time consuming. The ARC had an extensive process to achieve consensus and several ARC members felt that minor or even frivolous questions in the framework took enormous amounts of time to resolve. Some ARC members felt the valuation process took so long and then once completed it was not extensively used. In addition, because so much time was used for the School Valuation Framework, the balance of the work of the ARC was rushed.

ARC C had 17 working meetings, four public meetings and several writing meetings.

With the exception of the lead Petitioners on the ARC, the members told me they felt the issue of “intensification” was discussed extensively. The evidence, they said was that the development that is occurring in downtown Barrie will not generate students because it is multi-story condominium development. The ARC membership included a member of Barrie City Council and a private sector land use planner. Some ARC members pointed out that Hillcrest Public School is very close to the area of the city that is defined as the core. The counter point was put forward that without an elementary school located in the core of the city, it will be difficult to attract development that would house families with children.

The overwhelming view of the ARC was that they felt Board policy had been followed and that the final recommendations, which included the closure of Prince of Wales Public School, were difficult but necessary.

### **MEETING WITH ARC D**

ARC D shared many of the same observations that I heard at my meeting with ARC C. This ARC had 22 working meetings and four public meetings. Each of the meetings would last 2 ½ to 3 ½ hours. The decision-making process focussed on consensus and even less significant issues would be time consuming because of the necessity of reaching a consensus on everything. Although when writing the ARC report and making final recommendations, reaching a consensus was not possible.

The ARC also felt the valuation process took too much time. The “value to the student” involved focus groups with students and some members of the ARC questioned whether this was really the best way to determine “value to the student”.

ARC members were not given information as to what the Board's professional staff felt were the best options for quality education. Instead the ARC was told everything was on the table.

Overall however, the majority of the ARC members felt the final report reflected the best interests of the community and students.

## **OBSERVATIONS AND SUGGESTIONS**

The objective of an accommodation review policy is to establish the ground rules for District School Boards and the communities they serve. Ontario's Ministry of Education set the minimum standards and Boards are free to develop their own policy within these parameters. The policy provides for extensive opportunities for the community to be directly involved through membership on the Accommodation Review Committee, through public meetings of the ARC and through direct representation to the Board. This approach is meant to develop a partnership whereby the District School Board that has the legal ownership for decisions concerning school closures, can benefit from extensive community input and feedback.

The ARCs that considered the future of Prince of Wales and Tecumseth North Elementary Schools committed huge amounts of time and energy to develop their reports. The impression I have from my consultations, is that generally the members of the ARCs have a positive feeling about the process and that their reports to the Board represent the best interest for public education in Simcoe County. The Board can and should learn from what worked in these reviews and what needs to be changed.

My first observation is that it was very unclear as to what the Board was trying to accomplish with both of these ARCs. The presentation to both ARCs by the Board Administration seemed to put every possible model for the delivery of education on the table. I reviewed the power point presentation developed by the Board for the ARCs and it outlined different models Board's have adopted elsewhere. The Board provided no preference of its own and stated that no policy has been adopted by the Board regarding the size of elementary schools that would be ideal for program delivery in Simcoe.

When I met with the Trustees they stated that they intentionally did not present a clear alternative accommodation plan early on in the process because they felt the community would respond by feeling that the Board had already made up its mind. In fact, the Board's policy is unclear as to when or if alternative accommodation plans should be presented to ARCs.

District School Boards have highly skilled professional staff lead by Directors of Education. These professionals should be empowered by their Board of Trustees to develop accommodation plans that they believe will be in the best interest of students and taxpayers. Just as any organization expects its CEO to develop plans for their Board of

Directors to review and consider while in the midst of restructuring, Boards of Trustees should do no less. ARCs function best when they understand the Board's objectives and overall plan to accommodate students and provide program. In the absence of a plan or policy ARCs believe that everything and anything is possible and clearly this is not the case.

The membership of these ARCs complied with their Board policy. However there was some confusion about the role of the Trustees on the ARCs. Also, I observed that the significant number of Board staff on each ARC, as voting members, is unusual. It must put principals and teachers from the schools in very difficult situation. The Board may want to look at other models used by other Boards where the staff are the professionals who guide and support the work of the ARC. They do not function as voting members on the ARC.

Both ARCs spent much time working through the School Valuation Framework at the beginning of their mandate. It was after this work that other detail was put on the table. For example, capital grant information was presented well after the ARCs began their work. Some members of the ARC felt this information should have been provided earlier; otherwise it makes the Board look like it is manipulating the process. It may be wise to present all the necessary information up front so that all ARC members have the same level of information and they have the time to digest the implications. Presenting all the information early in the ARCs work would make the process more transparent.

Both groups of Petitioners expressed concern that the Board policy stipulates that "value to the student" should be considered above everything else. The School Valuation Framework needs to be reviewed and perhaps simplified. It is intended to consider the strengths and weaknesses of the schools being reviewed. As the Board said in its response to the petition, the tool could never be designed in such a way as to compare or rank schools based on the "value to the student". I believe, from my discussions with Board staff and Trustees, that they also feel this aspect of their policy could be improved.

The Prince of Wales Public School Petitioners raised the issue of land use planning, intensification and urban growth. The Province of Ontario has focused on the need to increase residential development densities, making better use of existing urban infrastructure and therefore avoiding development of rural and farm land. The Petitioners rightly make the observation that access to schools in the core of urban areas makes development more attractive. The question I have to examine is whether or not the ARC had the opportunity to discuss and examine this important issue. I reviewed the notes from ARC meetings and met with members of the ARC and it is clear to me that this issue was dealt with extensively. There was not complete agreement but the majority of the ARC members supported the final ARC report to the Board.

The final issue I need to address is the meeting of the Facility Standing Committee held March 24, 2009. Both groups of Petitioners raised this issue and I tried to outline the specifics earlier in this report. While the meeting of this Board committee was not the final decision on these issues, it was the first time that all Trustees deliberated on these

matters. I understand that the Chair of the Committee and the Director of Education explained at the meeting that Board administrative procedures made it necessary for this Committee to recommend that the ARC reports and/or the Administration's Responses be approved by the Board. This step they said was necessary if the Board was to have the opportunity to decide the issue. However, I understand why the Petitioners were upset. The Accommodation Review Policy provides for the public to express their views to the Board before the Trustees pass judgement. No delegations were allowed at the Facility Standing Committee. Any member of the public would conclude that the Trustees had approved the closure of two schools without any delegations being allowed to present their views.

The level of detail in the motions debated and approved by the Committee makes it difficult to believe that this was just a procedural step that needed to take place before the decision was formally made by the Board.

The Administrative Procedural by-law was changed 2 days after this meeting of the Facility Standing Committee according to an e-mail I received from Simcoe County District School Board staff member Lou Brandes. Mr. Brandes is the former Superintendent who oversaw these accommodation reviews and worked on behalf of the School Board to co-ordinate the Board's response to my Administrative Review. Perhaps the Board should have made the changes to the Procedural by-law before the meeting of the Standing Committee.

## **CONCLUSIONS**

The Simcoe County District School Board serves urban, small urban and rural communities. There are some areas of growth and many areas where enrolment is declining. It is clear that this Board, like most boards across Ontario, must close some schools as enrolment declines, otherwise a larger portion of our education dollars will go towards the fixed costs of maintaining a building rather than educating our students.

I have reviewed the work of both ARC C and D, as well as the Board's handling both of these issues once the ARC reports were submitted for their consideration. I have concluded that the Simcoe County District School Board followed its Board approved Accommodation Review Policy. I have also concluded that the policy needs to be reviewed.

There were some Board procedures that, while not a violation of Board policy, were clearly a violation of the intention of a policy that calls for an open and transparent decision-making process. The process used by the Facilities Standing Committee for consideration of these reviews stands out as the clearest example of a confusing and poor decision-making process.

I know there will be some Petitioners who will be disappointed with my conclusion that the Board did not violate its Board approved policy. However, thanks to the input of

everyone who participated in this review, I believe the Board will review its Accommodation Review Policy and make the necessary changes. The Trustees and the Administration that I met with all stated that they are very open to revisions and improvements to the Board's policy and procedures.

Dave Cooke  
Facilitator