



**MINISTRY OF EDUCATION**  
**PUPIL ACCOMMODATION REVIEW GUIDELINE**

April 2018

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## PREAMBLE

School boards are responsible for managing their school capital assets in an effective manner. They must respond to changing demographics and program needs while being cognizant of the impacts of their decisions on student programming and well-being, school board resources and the local community.

One aspect of a school board's capital and accommodation planning is reviewing schools that have underutilized space. These are schools where the student capacity of the school is greater than the number of students enrolled. When a school board identifies a school that is projected to have long-term excess space, a school board would typically look at a number of options such as:

- moving attendance boundaries and programs to balance enrolment between over and underutilized schools;
- offering to lease underutilized space within a school to a coterminous school board;
- finding community partners who can pay the full cost of operating the underutilized space; and/or
- decommissioning or demolishing a section of the school that is not required for student use to reduce operating costs.

If none of these options are deemed viable by a school board, the board may determine that a pupil accommodation review process take place which could lead to possible school consolidations and closures. These decisions are made within the context of supporting the school board's student achievement and well-being strategy and to make the most effective use of its school buildings and funding.

The Ministry of Education expects school boards to work with their community partners when undertaking capital planning, including when a school board is beginning to develop options to address underutilized space in schools. The Ministry of Education's *Community Planning and Partnerships Guideline* (CPPG) outlines requirements for school boards to reach out to their local municipalities and other community partners to share planning related information and to explore potential partnership opportunities. The *Pupil Accommodation Review Guideline* (the "*Guideline*") builds upon the CPPG by providing requirements for school boards to share information with and seek feedback from their local municipalities and other community partners related to any pupil accommodation reviews a school board initiates.

If a pupil accommodation review results in a school closure decision, a school board will then need to decide whether to declare that school as surplus, potentially leading to the future disposition (that is, sale or lease) of the property. These dispositions are governed by Ontario Regulation 444/98 – Disposition of Surplus Real Property. Alternately, a school board may decide to use a closed school for other school board purposes, or hold the property as a strategic long-

term asset of the school board due to a projected need for the facility in the future. Each school board decides when it is appropriate to review its strategic property holdings to determine if these properties are still required to be held or should be considered surplus to the school board's needs and considered for a future disposition.

This document provides direction to school boards on one component of their capital planning - the pupil accommodation review process. It provides the minimum standards the province requires school boards to follow when undertaking a pupil accommodation review. It is important to note that school boards have flexibility to modify their pupil accommodation review policies to meet their local needs, and can develop policies that exceed the provincial minimum standards outlined in this document.

## **I. PURPOSE**

The purpose of the *Guideline* is to provide a framework of minimum standards for school boards to undertake pupil accommodation reviews to determine the future of a school or group of schools. This *Guideline* ensures that where a decision is taken by a school board regarding the future of a school, that 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.

This *Guideline* is effective upon release and replaces the previous *Guideline* of March 2015.

## **II. INTRODUCTION**

Ontario's school boards are responsible for deciding the most appropriate pupil accommodation arrangements for the delivery of their elementary and secondary programs. These decisions are made by school board trustees in the context of carrying out their primary responsibilities of fostering student achievement and well-being, and ensuring effective stewardship of school board resources. In some cases, to address changing student populations, this requires school boards to consider undertaking pupil accommodation reviews that may lead to school consolidations and closures.

Under paragraph 26, subsection 8 (1) of the *Education Act*, the Minister of Education may issue guidelines with respect to school boards' school closure policies.

## **III. GUIDING PRINCIPLES**

The *Guideline* has been established to align with the Ministry of Education's vision and as such, focuses on achieving excellence, ensuring equity, promoting well-being and enhancing public confidence.

All school board pupil accommodation review policies should be designed to align with these guiding principles.

#### **IV. SCHOOL BOARD ACCOMMODATION REVIEW POLICIES**

School boards are responsible for creating and implementing a policy to address pupil accommodation reviews to serve their local needs. School boards are required to consult with local communities prior to adopting or subsequently amending their pupil accommodation review policies.

All pupil accommodation review policies must be clear in stipulating that the final decision regarding the future of a school or group of schools rests solely with the Board of Trustees. If the Board of Trustees votes to close a school or schools in accordance with their policy, the school board must provide clear timelines regarding the closure(s) and ensure that a transition plan is communicated to all affected school communities within the school board.

It is important to note that this *Guideline* is intended as a **minimum** requirement for school boards in developing their policies. School boards are responsible for establishing and complying with their pupil accommodation review policies to serve their local needs.

A copy of the school board's pupil accommodation review policy and the government's *Pupil Accommodation Review Guideline* are to be made available to the public as determined in the school board's policy, and posted on the school board's website.

The *Guideline* recognizes that pupil accommodation reviews include a school or group of schools to facilitate the development of viable solutions for pupil accommodation that support the guiding principles.

School board pupil accommodation review policies will include statements that encourage the sharing of relevant information as well as providing the opportunity for the public and affected school communities to be heard.

The Ministry of Education recommends that, wherever possible, schools should only be subject to a pupil accommodation review once in a five-year period, unless there are circumstances determined by the school board, such as a significant change in enrolment.

#### **V. SCHOOL BOARD PLANNING PRIOR TO AN ACCOMMODATION REVIEW**

As described in the *Community Planning and Partnerships Guideline*, school boards must undertake long-term capital and accommodation planning, informed by any relevant information obtained from local municipal governments and other

community partners, which takes into consideration long-term enrolment projections and planning opportunities for the effective use of excess space in all area schools.

School boards must document their efforts to obtain information from local municipal governments as well as other community partners that expressed an interest prior to the pupil accommodation review; and provide any relevant information from municipalities and other community partners as part of the initial staff report (see Section VI).

## **VI. ESTABLISHING AN ACCOMMODATION REVIEW**

School boards may proceed to establish a pupil accommodation review only after undertaking the necessary assessment of long-term capital and accommodation planning options for the school(s).

### ***Initial Staff Report***

Prior to establishing a pupil accommodation review, the initial staff report to the Board of Trustees must contain a recommended scenario and at least two alternative scenarios, which could include the status quo, to address the accommodation issue(s). The initial staff report must also include information on actions taken by school board staff prior to establishing a pupil accommodation review process and supporting rationale as to any actions taken or not taken.

Boards must use the ministry-approved template to write their initial staff reports.

The recommended and alternative accommodation scenarios included in the initial staff report must address the following four impacts:

- Impact on student programming;
- Impact on student well-being;
- Impact on school board resources; and
- Impact on the local community.

In addition, if at least one school that is eligible to receive support from the Rural and Northern Education Fund (RNEF) is included in a pupil accommodation review at any time, the initial staff report must address the following impact:

- Impact on the local economy<sup>1</sup>.

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<sup>1</sup> Boards must use the ministry-approved economic impact assessment template.

Boards should refer to section 5.6 (1) of *Ontario Regulation 193/10 – Restricted Purpose Revenues* (O. Reg. 193/10) for a description of the location of the list of schools eligible for Rural and Northern Education Fund Allocation. The list of RNEF-eligible schools can be found here: <http://edu.gov.on.ca/eng/funding/>

If a school board has included a new school on the list through board motion, then the board should confirm that it has been included in the ministry's list of schools eligible for Rural and Northern Education Fund Allocation (as per O. Reg. 193/10) prior to the initial staff report to the Board of Trustees.

School boards will *have discretion* to undertake economic impact assessments in other communities, if needed, however this will only be *required* if at least one RNEF-eligible school is included in a pupil accommodation review at any time.

To support these impact analyses, the following factors should be included for each accommodation scenario:

- summary of accommodation issue(s) for the school(s) under review;
- where students would be accommodated;
- if proposed changes to existing facility or facilities are required as a result of the pupil accommodation review;
- identify any program changes as a result of the recommended and alternative scenarios;
- how student transportation would be affected if changes take place;
- if new capital investment is required as a result of the pupil accommodation review, how the school board intends to fund this, as well as a proposal on how students would be accommodated if funding does not become available; and
- any relevant information obtained from municipalities and other community partners prior to the commencement of the pupil accommodation review, including any confirmed interest in using the underutilized space.

Each recommended and alternative accommodation scenario must also include a timeline for implementation.

The initial staff report and School Information Profiles (SIPs) (see Section VIII) will be made available to the public, as determined in the school board's policy, and posted on the school board's website following the decision to proceed with a pupil accommodation review by the Board of Trustees.

School boards must ensure that individuals from the school(s) under review and the broader community are invited to participate in the pupil accommodation review consultation. At a minimum, the pupil accommodation review process must consist of the following methods of consultation:

- Accommodation Review Committee (ARC) (see Section VII);

- consultation with municipal governments local to the affected school(s) (see Section IX);
- public meetings (see Section X); and
- public delegations (see Section XI).

## **VII. THE ACCOMMODATION REVIEW COMMITTEE**

### **Role**

School boards must establish an ARC that represents the school(s) under review and acts as the official conduit for information shared between the school board and the school communities. The ARC may comment on the initial staff report and may, throughout the pupil accommodation review process, seek clarification of the initial staff report. The ARC may provide other accommodation scenarios than those in the initial staff report; however, it must include supporting rationale for any such scenario.

The ARC members do not need to achieve consensus regarding the information provided to the Board of Trustees.

The school board's staff resources assigned to the ARC are required to compile feedback from the ARC as well as the broader community in the Community Consultation section of the final staff report (see Section XI) to be presented to the Board of Trustees.

### **Membership**

The membership of the ARC should include, at a minimum, parent/guardian representatives from each of the schools under review, chosen by their respective school communities.

Where established by a school board's pupil accommodation review policy, there may also be the option to include students and representation from the broader community. For example, a school board's policy may include a requirement for specific representation from the First Nations, Metis, and Inuit communities. In addition, school board trustees may be ad hoc ARC members to monitor the ARC progress.

### **Formation**

The ARC should be formed following the Board of Trustees' consideration of the initial staff report but prior to the first public meeting. The school board will invite ARC members from the school(s) under review to an orientation session that will describe the mandate, roles and responsibilities, and procedures of the ARC.



### Terms of Reference

School boards will provide the ARC with Terms of Reference that describe the ARC's mandate. The mandate will refer to the school board's education and accommodation objectives in undertaking the pupil accommodation review and reflect the school board's strategy for supporting student achievement and well-being.

The Terms of Reference will also clearly outline the school board's expectations of the roles and responsibilities of the ARC; and describe the procedures of the ARC. At a minimum, the ARC will provide feedback on the initial staff report recommended and alternative scenarios.

The Terms of Reference will outline the minimum number of working meetings of the ARC.

### Meetings of the Accommodation Review Committee

The ARC will meet to review materials presented by school board staff. It is recommended that the ARC hold as many working meetings as is deemed necessary within the timelines established in their school board's pupil accommodation review policy.

## **VIII. SCHOOL INFORMATION PROFILE**

School board staff are required to develop School Information Profiles (SIPs) as orientation documents to help the ARC and the community understand the context surrounding the decision to include the specific school(s) in a pupil accommodation review. The SIP provides an understanding of and familiarity with the facilities under review.

The SIP is expected to include data for each of the following four considerations about the school(s) under review:

- Impact on student programming;
- Impact on student well-being;
- Impact on school board resources; and
- Impact on the local community.

A SIP will be completed by school board staff for each of the schools under review. The following are the minimum data requirements and factors that are to be included in the SIP:

- Facility Profile:
  - School name and address.

- Site plan and floor plan(s) (or space template) of the school with the date of school construction and any subsequent additions.
  - School attendance area (boundary) map.
  - Context map (or air photo) of the school indicating the existing land uses surrounding the school.
  - Planning map of the school with zoning, Official Plan or secondary plan land use designations.
  - Size of the school site (acres or hectares).
  - Building area (square feet or square metres).
  - Number of portable classrooms.
  - Number and type of instructional rooms as well as specialized classroom teaching spaces (e.g., science lab, tech shop, gymnasium, etc.).
  - Area of hard surfaced outdoor play area and/or green space, the number of play fields, and the presence of outdoor facilities (e.g., tracks, courts for basketball, tennis, etc.).
  - Ten-year history of major facility improvements (item and cost).
  - Projected five-year facility renewal needs of school (item and cost).
  - Current Facility Condition Index (FCI) with a definition of what the index represents.
  - A measure of proximity of the students to their existing school, and the average distance to the school for students.
  - Percentage of students that are and are not eligible for transportation under the school board policy, and the length of bus ride to the school (longest, shortest, and average length of bus ride times).
  - School utility costs (totals, per square foot, and per student).
  - Number of parking spaces on site at the school, an assessment of the adequacy of parking, and bus/car access and egress.
  - Measures that the school board has identified and/or addressed for accessibility of the school for students, staff, and the public with disabilities (i.e., barrier-free).
  - On-the-ground (OTG) capacity, and surplus/shortage of pupil places.
- Instructional Profile:
    - Describe the number and type of teaching staff, non-teaching staff, support staff, itinerant staff, and administrative staff at the school.
    - Describe the course and program offerings at the school.
    - Describe the specialized service offerings at the school (e.g., cooperative placements, guidance counseling, etc.).
    - Current grade configuration of the school (e.g., junior kindergarten to Grade 6, junior kindergarten to Grade 12, etc.).
    - Current grade organization of the school (e.g., number of combined grades, etc.).
    - Number of out of area students.
    - Utilization factor/classroom usage.
    - Summary of five previous years' enrolment and 10-year enrolment projection by grade and program.

- Current extracurricular activities.
- Other School Use Profile:
  - Current non-school programs or services resident at or co-located with the school as well as any revenue from these non-school programs or services and whether or not it is at full cost recovery.
  - Current facility partnerships as well as any revenue from the facility partnerships and whether or not it is at full cost recovery.
  - Community use of the school as well as any revenue from the community use of the school and whether or not it is at full cost recovery.
  - Availability of before and after school programs or services (e.g., child care) as well as any revenue from the before and after school programs and whether or not it is at full cost recovery.
  - Lease terms at the school as well as any revenue from the lease and whether or not it is at full cost recovery.
  - Description of the school's suitability for facility partnerships.

School boards may introduce additional items that could be used to reflect local circumstances and priorities which may help to further understand the school(s) under review.

Each school under review will have a SIP completed at the same point-in-time for comparison purposes. The Ministry of Education expects school boards to prepare SIPs that are complete and accurate, to the best of the school board's ability, prior to the commencement of a pupil accommodation review.

While the ARC may request clarification about information provided in the SIP, it is not the role of the ARC to approve the SIP.

## **IX. CONSULTATION WITH LOCAL MUNICIPAL GOVERNMENTS**

Following the Board of Trustees' approval to undertake a pupil accommodation review, school boards must invite affected single, lower and upper-tier municipalities as well as other community partners that expressed an interest prior to the pupil accommodation review to discuss and comment on the recommended and alternative scenarios in the school board's initial staff report.

Invitations for this meeting will be sent to the elected Mayor, Chair, Warden, Reeve or equivalent, and to the Chief Administrative Officer, City Manager or equivalent for the affected single, lower and upper-tier municipalities.

If the affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the pupil accommodation review, provide their response on the recommended and alternative accommodation scenarios in the school board's initial staff report before the final public meeting school boards must include this response in the final staff report. School boards will not be required to include responses received after the final

public meeting. School boards must provide them with advance notice of when the final public meeting is scheduled to take place.

School boards must document their efforts to meet with the affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the pupil accommodation review; and provide any relevant information from this meeting as part of the final staff report to the Board of Trustees (see Section XI).

## **X. PUBLIC MEETINGS**

Once a school board has received an initial staff report and has approved the initiation of a pupil accommodation review, the school board must arrange to hold a minimum of three public meetings for broader community consultation on the initial staff report. School boards are expected to provide facilitated public meetings to solicit broader community feedback on the recommended and alternative scenarios contained in the initial staff report. In addition to the required public meetings, school boards may use other methods to solicit community feedback.

The public meetings are to be announced and advertised publicly by the school board through an appropriate range of media as determined by the school board.

At a minimum, the first public meeting must include the following:

- an overview of the ARC orientation session;
- the initial staff report with recommended and alternative accommodation scenarios; and
- a presentation of the SIPs.

## **XI. COMPLETING THE ACCOMMODATION REVIEW**

### **Final Staff Report**

At the conclusion of the pupil accommodation review process, school board staff will submit a final staff report to the Board of Trustees which must be available to the public as determined in the school board's policy, and posted on the school board's website.

The final staff report must include:

- A Community Consultation section that contains feedback from the ARC and all public consultations as well as any relevant information obtained

- from municipalities and other community partners prior to and during the pupil accommodation review.<sup>1</sup>
- A section that summarizes secondary school student feedback for pupil accommodation reviews involving one or more secondary schools. School boards will determine how best to involve secondary school students in the pupil accommodation review process, to promote their voice and ensure their well-being. Potential options could include a dedicated meeting for students or an online tool for students to submit anonymous feedback. School boards could also determine whether to include feedback from elementary students in this section.

School board staff may choose to amend their recommended and alternative accommodation scenarios included in the initial staff report. However, if a new school closure<sup>2</sup> is introduced as part of any recommended or alternative scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.

School board staff will compile feedback from this additional public meeting, which will be presented to the Board of Trustees as part of the final staff report.

The recommended and alternative scenarios must also include a proposed accommodation plan, prepared for the decision of the Board of Trustees, which contains a timeline for implementation.

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<sup>1</sup> Community partners may use the ministry-approved template to engage boards with proposed alternatives to closures and proposals for community use of schools.

<sup>2</sup> Refer to Section XVI. EXEMPTIONS.

### Delegations to the Board of Trustees Meeting

Once school board staff submits the final staff report to the Board of Trustees, the school board must allow an opportunity for members of the public to provide feedback on the final staff report through public delegations to the Board of Trustees. Notice of the public delegation opportunities will be provided based on school board policy.

After the public delegations, school board staff will compile feedback from the public delegations which will be presented to the Board of Trustees with the final staff report.

### Decision of the Board of Trustees

The Board of Trustees will be provided with the final staff report, including the compiled feedback from the public delegations, when making its final decision regarding the pupil accommodation review.

The Board of Trustees has the discretion to approve the recommendation(s) of the final staff report as presented, modify the recommendation(s) of the final staff report, or to approve a different outcome.

The Ministry encourages school boards not to make final pupil accommodation review decisions during the summer holiday period (typically from July 1 to the day after Labour Day).

## **XII. TRANSITION PLANNING**

The transition of students should be carried out in consultation with parents/guardians and staff. Following the decision to consolidate and/or close a school, the school board is expected to establish a separate committee to address the transition for students and staff.

## **XIII. TIMELINES FOR THE ACCOMMODATION REVIEW PROCESS**

The pupil accommodation review process must comply with the following minimum timelines:

- Following the date of the Board of Trustees' approval to conduct a pupil accommodation review, the school board will provide written notice of the Board of Trustees' decision within 5 business days to each of the elected Mayors, Chairs, Wardens, Reeves or equivalent and to the Chief Administrative Officers, City Managers, or equivalent of the affected single, lower and upper-tier municipalities, other community partners that expressed an interest prior to the pupil accommodation review; and

include an invitation for a meeting to discuss and comment on the recommended and alternative accommodation scenarios in the school board's initial staff report. School boards must also notify the Director(s) of Education of their coterminous school boards and the Ministry of Education through the office of the Assistant Deputy Minister of the Capital and Business Support Division.

- The meeting between the school board, affected single, lower and upper-tier municipalities and other community partners that expressed an interest prior to the pupil accommodation review must be scheduled to take place before the first public meeting.
- The affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the pupil accommodation review, should provide their response on the recommended and alternative accommodation scenarios in the school board's initial staff report before the final public meeting, otherwise school boards will not be required to include this response in the final staff report.
- The Accommodation Review Committee (ARC) should be formed following the Board of Trustees' consideration of the initial staff report but prior to the first public meeting. An overview of the ARC orientation session must be included at the first public meeting.
- Beginning with the date of the Board of Trustees' approval to conduct a pupil accommodation review, there must be no fewer than 40 business days before the first public meeting is held.
- There must be a minimum period of 60 business days between the first and final public meetings.
- The final staff report must be publicly posted no fewer than 10 business days after the final public meeting.
- From the posting of the final staff report, there must be no fewer than 10 business days before the public delegations.
- If a new school closure<sup>1</sup> is introduced as part of any recommended or alternative accommodation scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.
- If there is an additional public meeting, there must be no fewer than 10 business days before the public delegations.
- There must be no fewer than 10 business days between public delegations and the final decision of the Board of Trustees.

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<sup>1</sup> Refer to Section XVI. EXEMPTIONS.

## **XIV. MODIFIED ACCOMMODATION REVIEW PROCESS**

In certain circumstances, where the potential pupil accommodation options available are deemed by the school board to be less complex and do not include one or more schools eligible to receive support from the ministry's Rural and Northern Education Fund (RNEF), school boards may find it appropriate to undertake a modified pupil accommodation review process. The *Guideline* permits a school board to include an optional modified pupil accommodation review process in its pupil accommodation review policy.

A school board's pupil accommodation review policy must clearly outline the conditions where a modified pupil accommodation review process could be initiated by explicitly defining the factors that would allow the school board the option to conduct a modified pupil accommodation review process. The conditions for conducting a modified pupil accommodation review process are satisfying condition one and two or more of conditions two to five:

1. exclusion of any RNEF-eligible school in the pupil accommodation review; and, either
2. distance to the nearest available accommodation; or
3. utilization rate of the facility; or
4. number of students enrolled at the school; or
5. when a school board is planning the relocation (in any school year or over a number of school years) of a program, in which the enrolment constitutes more than or equal to 50% 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).

School boards may consider additional factors that are defined in their pupil accommodation review policy to qualify for the modified pupil accommodation review process. Multiple factors may be developed by the school board to appropriately reflect varying conditions across the board (e.g., urban, rural, elementary panel, secondary panel, etc.). The Board of Trustees must approve these explicitly defined factors, after community consultation, in order to adopt a modified pupil accommodation review process as part of their school board's pupil accommodation review policy.

The guiding principles of this *Guideline* apply to the modified pupil accommodation review process.

Even when the criteria for a modified pupil accommodation review are met, a school board may choose to use the standard pupil accommodation review process.



### Implementing the Modified Accommodation Review Process

The initial staff report will explain the rationale for exempting the school(s) from the standard pupil accommodation review process, in accordance with the school board's pupil accommodation review policy.

The initial staff report and SIPs must be made available to the public, as determined in the school board's policy, and posted on the school board's website.

A public meeting will be announced and advertised through an appropriate range of media as determined by the school board.

Following the public meeting, school board staff will submit a final staff report to the Board of Trustees which must be available to the public as determined in the school board's policy, and posted on the school board's website. However, if a new school closure<sup>1</sup> is introduced as part of any recommended or alternative accommodation scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.

The final staff report must include:

- A Community Consultation section that contains feedback from all public consultations as well as any relevant information obtained from municipalities and other community partners prior to and during the modified pupil accommodation review.
- A section that summarizes secondary school student feedback for pupil accommodation reviews involving one or more secondary schools. School boards will determine how best to involve secondary school students in the pupil accommodation review process, to promote their voice and ensure their well-being. Options could include a dedicated meeting for students or an online tool for students to submit anonymous feedback. School boards could also determine whether to include feedback from elementary students in this section.

Once school board staff submit the final staff report to the Board of Trustees, the school board must allow an opportunity for members of the public to provide feedback through public delegations to the Board of Trustees. Notice of the public delegation opportunities will be provided based on school board policy.

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<sup>1</sup> Refer to Section XVI. EXEMPTIONS.

After the public delegations, school board staff will compile feedback from the public delegations which will be presented to the Board of Trustees with the final staff report.

The Board of Trustees has the discretion to approve the recommendation(s) of the final staff report as presented, modify the recommendation(s) of the final staff report, or to approve a different outcome.

The Ministry encourages school boards not to make final pupil accommodation review decisions during the summer holiday period (typically from July 1 to the day after Labour Day).

A transition plan will be put in place following the decision to consolidate and/or close a school.

### *Timelines for the Modified Accommodation Review Process*

The modified pupil accommodation review process must comply with the following minimum timelines:

- Following the date of the Board of Trustees' approval to conduct a modified pupil accommodation review, the school board will provide written notice of the Board of Trustees' decision within 5 business days to each of the elected Mayors, Chairs, Wardens, Reeves or equivalent and to the Chief Administrative Officers, City Managers, or equivalent of the affected single, lower and upper-tier municipalities, other community partners that expressed an interest prior to the modified pupil accommodation review; and include an invitation for a meeting to discuss and comment on the recommended and alternative scenarios in the school board's initial staff report. School boards must also notify the Director(s) of Education of their coterminous school boards and the Ministry of Education through the office of the Assistant Deputy Minister of the Capital and Business Support Division.
- The meeting between the school board, affected single, lower and upper-tier municipalities and other community partners that expressed an interest prior to the pupil accommodation review must be scheduled to take place before the first public meeting.
- The affected single, lower and upper-tier municipalities, as well as other community partners that expressed an interest prior to the modified pupil accommodation review, should provide their response on the recommended and alternative scenarios in the school board's initial staff report before the final public meeting, otherwise school boards will not be required to include this response in the final staff report.
- The school board must hold at least one public meeting. Beginning with the date of the Board of Trustees' approval to conduct a modified pupil

- accommodation review, there must be no fewer than 40 business days before this public meeting is held.
- The final staff report must be publicly posted no fewer than 10 business days after the final public meeting.
  - From the posting of the final staff report, there must be no fewer than 10 business days before the public delegations.
  - If a new school closure<sup>1</sup> is introduced as part of any recommended or alternative scenario in the final staff report, then an additional public meeting must be held no fewer than 20 business days from the posting of the final staff report.
  - If there is an additional public meeting, there must be no fewer than 10 business days before the public delegations.
  - There must be no fewer than 10 business days between public delegations and the final decision of the Board of Trustees.

## **XV. ADMINISTRATIVE REVIEW PROCESS**

### *What is an Administrative Review?*

The Ministry of Education encourages students, parents and community members to get involved in the accommodation review process.

If during the course of the pupil accommodation review process, an individual or individuals become concerned that the board is not following its pupil accommodation review policy, they may want to consult the board's policy and advise the Accommodation Review Committee (ARC) of their concerns.

A copy of the board's policy can be found on its website, or can be requested from the board.

If at the end of the process, an individual or individuals believe that the board did not follow its pupil accommodation review policy, then they can request an Administrative Review from the ministry.

### *Steps to Request an Administrative Review*

Once the trustees have made their final decision, there are 30 calendar days to submit a petition to the ministry. The ministry will notify the contact person when

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<sup>1</sup> Refer to Section XVI. EXEMPTIONS.

the petition has been received. Within 60 calendar days, the ministry will decide whether to appoint a facilitator to undertake an Administrative Review.

A review of a school board's accommodation review process may be sought if the following conditions are met.

An individual or individuals must:

### **Step 1**

- Review the board's policy governing pupil accommodation reviews and identify areas where they believe the board did not follow its policy. A copy of the board's pupil accommodation review policy must be submitted, highlighting how the pupil accommodation review process was not compliant with the school board's pupil accommodation review policy. Some examples could include:
  - The board policy may require that public meetings be held over a 90 day period, but the meetings were held over a 70 day period.
  - The board policy may require board staff to analyze a certain number of accommodation scenarios, and the board staff may not have done so.

### **Step 2**

- Collect signatures of people who also believe the board did not follow its policy and who support a request for an Administrative Review. 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 student headcount (e.g., if the headcount is 150, then 45 signatures would be required). An affected school is one that trustees agreed to close as part of their final decision on the pupil accommodation review. Parents/guardians of students attending the affected school and/or other individuals that formally participated in the accommodation review process are eligible to sign the petition.
- Eligible signatures are from:
  - parents or guardians of students who attend the affected school
  - other individuals who formally participated in the accommodation review process by attending a meeting, presenting a submission in person or in writing (including by email), or as ARC members.

- The petition<sup>1</sup> should clearly provide a space for individuals to print and sign their name or provide an e-signature<sup>2</sup>; address (street name and postal code); and to indicate whether they are a parent/guardian of a student attending the school subject to the accommodation review, or an individual who has formally participated in the review process.

### Step 3

- Write a letter or email to the Minister of Education to accompany the petition. Petitioners may want to follow the format provided in Appendix A. The letter or email must explain in detail how petitioners think the board did not follow its accommodation review policy.
- Submit the petition, letter, and justification to the school board and the Minister of Education within thirty (30) calendar days of the board's closure resolution. The letter or email must identify one person as the contact person. One copy of your letter or email is to be sent to the Ministry and another copy is to be sent to the board.

The school board is then 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 formally 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 and the petitioner within thirty (30) calendar days of receiving the petition.

If the conditions set out above have been met, the Ministry is then required to:

- Undertake a review 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) calendar days of receiving the school board's response and, if warranted, appoint a facilitator to undertake an Administrative Review.

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<sup>1</sup> Information contained in the petition is subject to the *Freedom of Information and Protection of Privacy Act, 1990*.

<sup>2</sup> Petitioners must follow ministry-approved guidelines regarding the use of e-signatures.

- If the ministry decides not to appoint a facilitator, the ministry will notify the petitioner and the school board to explain why a facilitator was not appointed. The school board may post this response on its website.
- If the ministry decides to appoint a facilitator the ministry will notify the petitioner and the school board. The school board may post this response on its website. The facilitator will consult with the community and the school board to gather information to write the report to the Minister. The facilitator will determine the timing and manner in which the consultations will be conducted. The facilitator will use the information collected to write a report that responds to the question of whether the school board followed its pupil accommodation review policy, and submit the report to the Minister. The Minister will post the report on the ministry's website.

## **XVI. EXEMPTIONS**

This *Guideline* applies to schools offering elementary or secondary programs. However, there are specific circumstances where school boards are not obligated to undertake a pupil accommodation review. These include:

- 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, as identified through the school board's policy;
- 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, as identified through the school board's policy;
- when a lease for the school is terminated;
- when a school 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 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 a school 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 the above circumstances, a school board is expected to inform school communities about proposed accommodation plans for students before a decision is made by the Board of Trustees. The school board will also provide written notice to each of the affected single, lower and upper-tier municipalities through the Clerks Department (or equivalent), as well as other community partners that expressed an interest prior to the exemption, and their coterminous school boards in the areas of the affected school(s) through the Director of Education, and to the Ministry of Education through the Assistant Deputy Minister of the Capital and Business Support Division no fewer than 5 business days after the decision to proceed with an exemption.

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.

## **XVII. DEFINITIONS**

**Accommodation review:** A process, as defined in a school board pupil accommodation review policy, undertaken by a school board to determine the future of a school or group of schools.

**Accommodation Review Committee (ARC):** A committee, established by a school board that represents the affected school(s) of a pupil accommodation review, which acts as the official conduit for information shared between the school board and the affected school communities.

**ARC working meeting:** A meeting of ARC members to discuss a pupil accommodation review, and includes a meeting held by the ARC to solicit feedback from the affected school communities of a pupil accommodation review.

**Business day:** A calendar day that is not a weekend or statutory holiday. It also does not include calendar days that fall within school boards' Christmas, spring, and summer break. For schools with a year-round calendar, any break that is five calendar days or longer is not a business day.

**Consultation:** The sharing of relevant information as well as providing the opportunity for municipalities and other community partners, the public and affected school communities to be heard.

**Facility Condition Index (FCI):** A building condition as determined by the Ministry of Education by calculating the ratio between the five-year renewal needs and the replacement value for each facility.

**On-the-ground (OTG) capacity:** The capacity of the school as determined by the Ministry of Education by loading all instructional spaces within the facility to current Ministry standards for class size requirements and room areas.

**Public delegation:** A regular meeting of the Board of Trustees where presentations by groups or individuals can have their concerns heard directly by the school board trustees.

**Public meeting:** An open meeting held by the school board to solicit broader community feedback on a pupil accommodation review.

**School Information Profile (SIP):** An orientation document with point-in-time data for each of the schools under a pupil accommodation review to help the ARC and the community understand the context surrounding the decision to include the specific school(s) in a pupil accommodation review.

**Space template:** A Ministry of Education template used by a school board to determine the number and type of instructional areas to be included within a new school, and the size of the required operational and circulation areas within that school.



## APPENDIX A – ADMINISTRATIVE REVIEW PETITION TEMPLATE

Dear Minister,

I am writing to request an Administrative Review of the accommodation review process undertaken by the  [name of the school board]  for the following school(s):  [school name] ,  [school name] ,  [school name] .

On  [date] , the Board of Trustees voted to  [describe board resolution to close school/s, move students, keep school/s open and/or build new school/s] .

Attached please find our petition. The petitioners believe that the board did not follow its accommodation review policy in the following ways:

1) The board's policy states:  [describe relevant section of the board's policy]

Instead, the board  [describe how actual events differed]

2) The board's policy states:  [describe relevant section of the board's policy]

Instead, the board  [describe how actual events differed]

3) The board's policy states:  [describe relevant section of the board's policy]

Instead, the board  [describe how actual events differed]

[other examples as appropriate]

We believe the board did not follow its accommodation review policy, we hope that you will appoint an independent facilitator to review the board's accommodation review process.

Sincerely,

[Contact person for the petitioners]

Contact information