

REPORT TO THE MINISTER ON THE ACCOMMODATION REVIEW PROCESS FOR NIAGARA DISTRICT SECONDARY SCHOOL, DISTRICT SCHOOL BOARD OF NIAGARA

February 13, 2009

The Honourable Kathleen Wynne,
Minister of Education,
900 Bay Street,
Toronto, M&A 1L2

Re: Facilitator's Report on NDSS, DSBN

Dear Minister,

The purpose of this letter is to provide you with my findings as the facilitator of the administrative review of the accommodation review process undertaken by the District School Board of Niagara regarding Niagara District Secondary School. I was appointed by your Ministry on October 23, 2008, to conduct this review.

Your Ministry received a request for an administrative review of the process that resulted in the passing of the following motion at the DSBN meeting on June 17, 2008:

“That Niagara District Secondary School remains open for the upcoming school year 2008-09. If the school's average daily enrolment does not reach 350 students as indicated by the October 31, 2009, Ministry Report, then Niagara District Secondary School will close for instructional purposes effective August 31, 2010.”

The request was filed by Ms. Joanne Hicks on July 14, 2008. The request was accompanied by signatures representing 33% of eligible families and therefore, meets the requirements for an administrative review. Board staff has also validated the list of petitioners in terms of each person's school affiliation, parent or student status, and record of participation in the accommodation review process.

I was present in the DSBN from November 17 to November 19, 2008. During that time, I met with the Director of Education, senior school board officials, the Board of Trustees, the members of the Area Review Committee (ARC), the Principal, some staff members and students of Niagara District Secondary School, the Principals of Parliament Oak Public School, Virgil Public School and Colonel

John Butler Public School and interested members of the elementary and secondary school communities. I also visited Laura Secord SS and A.N.Myer SS, and met the Principals and some staff and students of those schools.

I was ably assisted in my work by Rebecca Menzies of the London Regional Office of the Ministry of Education. The parents, trustees, board officials, students and community members with whom I met were all very generous with their time. Their perspective and our conversations were frank and productive. I appreciate their assistance.

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 released the new *Pupil Accommodation Review Guideline* on October 31, 2006. The 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 District School Board of Niagara 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.

DISTRICT SCHOOL BOARD OF NIAGARA PROFILE

The District School Board of Niagara (DSBN) serves the public school students across the Niagara Region. Niagara Region is located in southern Ontario, between Lake Ontario and Lake Erie. It covers 1896 sq. km (715 sq. miles) and consists of 12 municipalities (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland and West Lincoln).

The DSBN has 120 schools – 98 elementary, and 22 secondary, serving 24,600 elementary students and 14,850 secondary students. A staff consisting of 1,462 elementary teachers, 981 secondary teachers and 1,375 support staff, makes the DSBN one of the largest employers in the Niagara Region. The Board of Trustees is comprised of 11 trustees and 2 student trustees.

Declining enrolment and the high number of schools made it necessary for the DSBN to look at ways of reducing the number of pupil places. In 2008-09, the DSBN co-terminus Board, with an enrolment of **8,282** has **8 high schools**, compared to the DSBN enrolment of **14,390 with 22 high schools**. Please refer to Appendix A to see a comparison of enrolment and schools at neighbouring boards.

The capacities for St. Catharines' schools are: Laura Secord is at 81%; Governor Simcoe is at 105%; Eden is at 98% and; Lakeport SS is at 29%. For 2008-09, there is no grade 9 program at Lakeport and for the 2009-10 school year, there will be no grade 9 or 10 program offered at Lakeport. A. N. Myer SS in Niagara Falls is at 69%.

The 2008-09 estimates show the capacity for Niagara District SS at 22% and the Board projects that this percentage will decrease for the 2009-10 school year.

PROFILE OF SCHOOLS IN THE NIAGARA-ON-THE-LAKE ACCOMMODATION REVIEW

Niagara District Secondary School (Grades 9-12)

Niagara District Secondary School is located on the southeast corner of Niagara Stone Road and East-West Line, about two kilometres northeast of the Virgil business area. The school was officially opened in 1957 by the Niagara Town and Township High School Board on a 26.59 acre site. The NDSS boundary incorporates the entire town of Niagara-on-the-Lake jurisdiction, as well as a small rural section of St. Catharines located south of Lakeshore Road between Read Road and the Welland Ship canal. As of September 30, 2007, NDSS had an enrolment of 321 grade 9-12 students.

Colonel John Butler Public School (JK-8)

Col. John Butler P.S. is located one kilometre north of the urban area of Virgil. The school was constructed in 1956 by the Niagara Township School Board on a 4.94 acre site. Col. John Butler P.S. serves the rural families in the areas north and west of Virgil, as well as the small urban enclave which include the southern portion of the Garrison Village Subdivision and the “new urbanism” development called The Village. As of September 30, 2007, Col. John Butler P.S. had an enrolment of 159 students.

Parliament Oak Public School (JK-8)

Parliament Oak Public School is located at 325 King Street in the Old Town section of Niagara-on-the-Lake. The school was originally constructed in 1947 by the Niagara Public School Board and sits on a site comprised of 3.98 acres. Parliament Oak P.S. serves the families in the Old Town, as well as those families in the northern section of the Garrison Village Subdivision. As of September 30, 2007, Parliament Oak Public School had an enrolment of 182 students.

St. David’s (Grades 4-8) & Laura Secord Public School (JK-3)

The public elementary school students in the southern tier of Niagara-on-the-Lake are served by the joint facilities of Laura Secord P.S. (JK-Grade 3) and St. David’s P.S. (Grades 4-8). One principal oversees the administration of both buildings.

Laura Secord P.S., originally constructed in 1914 by the Niagara Township Board, is located in the Village of Queenston. The school had an enrolment of 101 JK-3 students during the 2006-07 school year in a building comprised of four classroom areas, a playroom and other ancillary spaces on a 2.73 acre site. Since original construction, Laura Secord has experienced building expansions in

1952 and 1959. As of September 30, 2007, Laura Secord P.S. had an enrolment of 106 students.

St. David's P.S. was built around 1912 by the Niagara Township Board on a 1.3 acre site located in St. David's. Over the years, the site was gradually expanded to its current 6.03 acre dimension and the school building was added to in 1951, 1959 and 1991. The most recent addition in 1991 included a gymnasium and ancillary facilities. As of September 30, 2007, St. David's P.S. had an enrolment of 131 students.

Virgil Public School (JK-8)

Virgil P.S. is located just north of the business district of the Virgil community on the east side of Creek Road. The school was originally constructed in 1872 by the Niagara Township School Board on a 3.75 acre site. Virgil draws the majority of its students from within the urbanized area of the Virgil community; however, the school also serves rural farm and rural non-farm families east to the Niagara River and west to Concession 7. As of September 30, 2007, Virgil P.S. had an enrolment of 304 students.

1999 DSBN ACCOMMODATION REVIEW

Deputants made frequent reference to the 1999 DSBN Accommodation Review. It is, therefore, helpful to provide an overview of the context of this earlier review.

When the former Lincoln County and Niagara South Boards of Education amalgamated, a review of the secondary school program delivery was conducted. A committee of secondary school Principals, Superintendents and the Director of Education established six program areas including North St. Catharines / Niagara-on-the-Lake. At that time, the District School Board of Niagara policy for enrolment/accommodation reviews established the following criteria for conducting a review:

“If the projected enrolment within a program area/municipality is less than 80% of the Ministry Rated Capacity or the projected enrolment of one or more schools within the program area/municipality has fallen below 50% of the Ministry Rated Capacity.”

The North St. Catharines/Niagara-on-the-Lake program area met both criteria with 64.7% utilization across the program area. There is a 36.7% utilization at Niagara District Secondary School and 46.2% utilization at Lakeport Secondary School. Therefore, a review was requested. This review incorporated a grouping of secondary schools including Governor Simcoe Secondary School, Lakeport Secondary School, Laura Secord Secondary School and Niagara District

Secondary School. Eden High School was not included in the review but was moved to Lakeport Secondary School as a recommendation from the review.

The 1999 ARC recommended that NDSS remain open under the certain conditions:

- That the school maintain the ability to offer guaranteed minimum programming as described in the DSBN Administrative Procedure 4-3 AND that if the guaranteed minimum program cannot be offered and/or the projected student enrolment is below 400, a supplementary accommodation review of NDSS within the framework of the DSBN Accommodation Review Policy be initiated.
- That under the direction of the Plant Department, 13 classrooms in the Virgil Wing and in consultation with the Principal, other classrooms not necessary for instructional purposes be mothballed beginning September 200 and that no major facility renewal projects be initiated for at least 3 years.
- That the Board initiate an examination of feasibility of the demolition of all or portions of the Virgil Wing and prior to any large expenditures of funds for major facility renewal projects, an analysis be done comparing the cost-benefits of such projects versus the cost-benefits of demolition of space not needed for instructional use.
- That if the board wishes to examine the possibility of moving Grade 7 and Grade 8 students to Niagara District Secondary School so as to better utilize the facility and thereby making the continued operation of the secondary school facility feasible under the provincial funding formula, they initiate a supplementary accommodation review of the elementary schools within the municipality of Niagara-on-the-Lake.
- That the DSBN ask the municipality of NOTL to work with it in partnership to encourage and support the establishment of lease agreements, investigate the possibility of reducing surplus acreage and other possible means of generating revenue with individual businesses and agencies that are appropriate and compatible with the policies and by-laws of the DSBN and the Town of NOTL.

SUMMARY OF THE 2007-08 ARC PROCESS REGARDING NDSS

The ARC process consisted of 15 meetings which took place between May 2007 and April 2008. Appendix B shows the dates of the meetings and the information provided to ARC members during the Accommodation Review process.

Additionally, opportunities were provided to ARC members to visit schools in other jurisdictions that offer different school organizations. Visits were made to school sites in Alexandria Bay in New York, Thunder Bay and Port Dover. School organization, structure, student population, as well as the benefits and challenges of each model were discussed by ARC members.

Throughout the ARC process, opportunities were available for all community members to post comments and questions on the Board website “Parking Lot”. Each question received a timely response and all relevant information was posted.

Every request for information made by members of the ARC was provided, either through reports by staff, surveys, or demographic/statistical information. At the end of the process, nine binders of information were filed in the Superintendent’s Office. Most of this information was also posted on the website.

PETITIONS

Three issues relevant to the mandate of my review were raised in this process. One was raised by the Hicks petition and that one, plus two others, were raised in the public meetings which I held during my review.

I will deal with these issues individually and comment first on the perspectives of the parents and community members. I will then outline the Board’s responses to the identified issues.

ISSUE #1: SELECTION OF PLANNING AREA #7 FOR REVIEW RATHER THAN OTHER SECONDARY SCHOOLS

Petitioners’ Perspective

The petitioners’ request to the Ministry seeking a review of the Accommodation Review Process used in this situation focussed principally on the view that the Board process did not include all the ‘essential elements’ outlined in the Ministry of Education’s *Pupil Accommodation Review Guideline*. Specifically, the petitioners claim that the Board did not heed the direction in the Ministry’s Guideline to:

“Recognize wherever possible, accommodation reviews should focus on a group of schools within a school board’s planning area rather than examine a single school. These schools should be reviewed together because they are located close enough to the other schools within a planning area to facilitate the development of viable and practical solutions for student accommodation.”

The petitioners assert that the intended 'group of schools' focus was not employed in the case of NDSS during the accommodation review process "resulting in this school appearing not viable due to a falling school enrolment. NDSS was reviewed as a single free-standing high school."

The petitioners believe that NDSS should have been reviewed in a grouping with other nearby high schools for the benefit of student learning as it previously has been for program planning purposes. The petitioners believe that this could have resulted in a redistribution of students from other local high schools to NDSS, although it is not clear how they expected that would transpire as there is no indication of softening of the student enrolment patterns in the other local high schools. Some community members expressed the expectation that creating magnet programs and designing marketing campaigns would draw students from other high schools, particularly if a renovation or rebuilding of the school was done.

The petitioners do not believe that grouping NDSS with elementary schools in the area provided an opportunity for the exploration of options to encourage students to transfer from other secondary schools to NDSS or to make NDSS their first choice upon secondary school entry.

Board Response:

The Board expressed its recognition of the need to reduce pupil spaces in the DSBN schools. According to the Board's data, secondary schools in the DSBN are at 69% capacity which translates into 6,291 empty secondary school pupil places. In addressing this issue, Board staff referred to the *Pupil Accommodation Review Guideline*, issued on October 31, 2006, where the Ministry of Education states:

"School Boards in Ontario are responsible for providing schools and facilities for their students and for operating and maintaining their schools as effectively and efficiently as possible to support student achievement."

The Board staff also referred to the October 31, 2006, Memorandum to Board Chairs, where the Ministry of Education states Board staff should:

"Revise current policies to be consistent with the new Pupil Accommodation Review Guidelines. Trustees will then approve the new policies. Once these policies are approved, the board can announce the start of accommodation reviews of specific schools. The minimum seven-month timeline to complete an accommodation review, not including holidays, would mean that

few schools would be approved for closure by the end of June 2007.”

At its Board Meeting on March 27, 2007, DSBN Trustees approved the following motion:

Revised Policy: Accommodation Review Guidelines F-2

“That the Education Program and Planning Committee recommend that the Board approve Accommodation Review Guidelines for the planning of school program and facilities, as amended”

At the May 8, 2007, Board meeting, DSBN Trustees approved the following motion:

“That the Education Program and Planning Committee recommend the Board initiate an Accommodation Review of the elementary and secondary schools in the Town of Niagara-on-the-Lake in accordance with the procedure in Board Policy F-2.”

The Board Policy F-2 does not stipulate that schools must be grouped in specific ways for the purposes of an accommodation review process. It states that a process can be initiated for “a school or group of schools.” The minutes do not reflect any trustee disagreement with this grouping of schools for the purpose of an accommodation review of the schools in Niagara-on-the-Lake.

According to Board staff, Niagara District Secondary School and its feeder schools in Niagara-on-the-Lake, Planning Area #7, were chosen as the Accommodation Review area for the following reasons:

1. The need to reduce pupil spaces in the DSBN schools is evident (please refer to the comparison statistics on page 3).
2. The grouping of schools in this review was identical to the schools which make up the Niagara-on-the-Lake Planning Area, which has been a designated Planning Area for many years in the Board’s “Long Term Accommodation Plan” filed with the Ministry. Niagara District Secondary School and its five feeder elementary schools constitute Planning Area #7. The review of Niagara-on-the-Lake did not consist of “one single free-standing high school,” rather it consisted of a review of a group of six schools, specifically one high school and five elementary schools. The District School Board of Niagara has other “Planning Areas” aside from Niagara-on-the-Lake where the “group of schools” consists of only one high school.

3. There is a difference between “Planning Area” and “Program Area.” Other secondary schools in the Program Area are not suffering from declining enrolment. As of October 31, 2008, the enrolments were:

Laura Secord Secondary School, St. Catharines	655 students
Governor Simcoe Secondary School, St. Catharines	838 students
Lakeport Secondary School/Eden High School, St. Catharines	128/729 = 857 students
A.N. Myer Secondary School, Niagara Falls	898 students

If these schools had been included in the review, it would not have been beneficial to Niagara District Secondary School which, in this current review, received support from the community and elementary feeder schools. NDSS would not have received support from the other secondary school communities as was evident in 1999 when NDSS was grouped with other secondary schools.

Additionally, it would not have been beneficial to those secondary school communities, staff and students to review schools that are currently at or above 70% capacity.

4. Reviewing both the secondary school and the elementary schools in the Planning Area allowed the Accommodation Review Committee to examine alternative school organizations such as a Grades 7 to 12 school or a campus school offering a Junior Kindergarten to Grade 12 model. If this review had only been secondary schools (as in 1999) then these alternative models would not have been examined.
5. The recommendations of the 1999 Accommodation Review report indicated that a supplementary review of Niagara District Secondary School be conducted should its enrolment fall below four hundred (400). Additionally, the 1999 review recommended that the elementary schools be included in the review if there was a possibility of moving Grade 7 and 8 students into the high school.
6. If the focus of an Accommodation Review is to reduce pupil spaces, then merely reshuffling students around to different schools will not increase the overall number of students attending the Board, nor will it reduce the overall number of pupil spaces required.

ISSUE #2: MEMBERSHIP ON THE ARC

Petitioners' Perspective:

While this issue was not raised in the formal request for the review, some community members did raise issues around the membership of the ARC at the public meeting which I held with the community. These issues were as follows:

1. There was a feeling among some that the NOTL community would have been better represented if a local trustee had been a member of the ARC in order to represent the views of the supporters of NDSS directly.
2. It was felt by some members of the community that too many members of the ARC were employees of the DSBN (i.e. one principal for each school in the review for a total of five principals and one Superintendent).
3. Some members of the community and the ARC felt that too few community business representatives served on the ARC. There were two community business/municipality representatives in total who were the President of NOTL Chamber of Commerce and the Director of Planning and Development from the Town of Niagara-on-the-Lake.

Board's Response:

The Ministry of Education required school boards to approve local school consolidation guidelines in line with Ministry's Guideline by March 31, 2007. In accordance with this requirement, DSBN officials brought draft consolidation guidelines to the March 6, 2007, meeting of the Program and Planning (P&P) Committee for review and discussion. At this meeting, trustees suggested a number of minor amendments and a revised document was brought back to the March 20, 2007 meeting of the P&P Committee for further discussion and ratification prior to being presented to the full board. At the March 27, 2007, Board meeting, the Board approved the local school consolidation guidelines (Policy F-2).

At both the March 6 and March 20 P&P meetings, trustees discussed in detail the advantages and disadvantages of trustee membership on an ARC. Trustee members of the Program and Planning Committee, and subsequently the full Board, approved guidelines that did **not** include trustee representation on an Accommodation Review Committee, for the following reasons:

1. The Ministry of Education's *Pupil Accommodation Review Guideline* states: "It is recommended that the committee include parents, educators, Board officials, and business and municipal leaders."

2. Trustee experiences with the Board's former ARC membership guidelines, which included two trustees was seen to have worked well, however, at that time, an Accommodation Review Committee operated exclusively 'in camera'. In contrast, the new guidelines prescribed that all ARC meetings be open to the public. As a result, trustees agreed not to participate at the ARC table but to be provided with all information to ultimately make a decision on the issue at the Board table.
3. The public nature of the new ARC allowed all trustees to attend, listen, observe, learn, and develop points of view, etc., without having to vote on their views until all information came forward to the Board for final decision. Under the new guidelines, there was a greater degree of trustee involvement in the accommodation review process than in the past with virtually every trustee attending at least one ARC meeting. Many trustees were in attendance at a number of ARC meetings, as well as various public and PIC meetings.
4. The trustees recognized that the ARC is an administrative committee of the Board, and as such, the trustees wanted it to be as community based and apolitical as possible. Inclusion of trustees would have brought a political dimension to the deliberations of the ARC and could have tipped the balance of voting toward Board people (i.e. Principals, Superintendent, and Trustees) as opposed to community people (i.e. Parents, Community Rep, Business Rep, Student Rep).
5. The Niagara-on-the-Lake ARC had **6** members who were educators employed by the Board and **9** members not employed by the Board who lived in the community.
6. Invitations were extended to the town to include more community representation but the invitation was not accepted.

ISSUE #3: VOTING PROCESS ON THE ARC

Petitioners' and Some Community Members' Perspectives:

Some members of the ARC and some community members who presented their viewpoints at the public meetings which I held expressed the view that the voting process used to prioritize various options developed by and brought to the ARC was flawed. A total of 14 accommodation review options were either developed by and/or brought forward to the ARC for consideration. It was the view of the ARC Chair (Superintendent) that a consensus approach to decision-making was not going to work with such a large number of options. Consequently, one meeting was set aside for the ARC members to prioritize the options and reduce the number of options from 14 to 3.

Pros and cons of each of the 14 options were developed and reviewed by the ARC members. One of the 14 options was called the “campus” option. It was proposed that an elementary school would be built on the site of the secondary school property and a JK – 12 “campus” would be created on the property. The individuals who object to the voting process believe that the voting was “skewed” in favour of the opinions of the large number of elementary principal and parent representatives on the ARC. It was pointed out that two members of the ARC were not in attendance when the vote was taken to reduce the number of options from 14 to 3. As a result of the prioritizing process conducted by the ARC, one option, the “campus” option, was ultimately eliminated. Some members of the ARC felt that the 14 options, including the “campus” option, were not fully discussed despite the list of pros and cons that were provided for each option. Some members of the ARC felt that too many options had been eliminated too early in the process.

Although elementary parent representatives on the ARC were initially in agreement with the “campus” option, they reversed their viewpoints regarding this option on the evening of the prioritizing session after surveying their respective parent communities, who indicated little or no interest in the campus option.

Board Response:

A total of 14 accommodation review options were either developed by and /or brought forward to the ARC for consideration .The pros and cons of each of the options were articulated and discussed by the members of the ARC Staff presented nine possible options, with estimated enrolment numbers, for NOTL schools for the ARC to review. Three additional options were added at the request of ARC members and the advantages and disadvantages of the new options were discussed .There was a review of all options and discussion on how to prioritize and eliminate options at the January 10 meeting of the ARC. The voting process was discussed to ensure anonymity .Following lengthy discussions, options were narrowed down to three. These three included a campus option (JK-12 or Grade 7-12)

At a subsequent meeting of the ARC on February 13, continued discussions narrowed the options down to two, including the consolidation of five elementary schools into three neighbourhood elementary schools and the construction a new high school.

Voting Process:

In order to ensure anonymity of the members of the Accommodation Review Committee and to capture the collective wisdom of the group, the following process was used to eliminate options:

- Coloured tabs were used to prioritize options;
- A chart was prepared and members were asked to indicate their first priority on the **pink** tab, second priority on **blue**, third priority on **yellow**, fourth priority on **green** and fifth on **orange**;
- ARC members were given two pink, two blue, two yellow, one green and one orange tab;
- Committee members were asked to indicate their priority on the appropriate tab;
- The tabs were collected and posted on the appropriate option;
- Options which received no coloured tabs were eliminated.

OBSERVATIONS ON DISCUSSIONS WITH THE ARC AND COMMUNITY MEMBERS

The elementary school parents involved in the process felt very strongly opposed to any alternative organization which would combine elementary and secondary students in one school at Niagara District Secondary School. While these parents supported the building of a new high school in Niagara-on-the-Lake, it was very clear that they would not support the new high school at the expense of the amalgamation of the elementary schools into three separate JK-8 sites. Rather, they supported the building of a new secondary school **and** the amalgamation of the five elementary schools into three JK-8 sites with one new elementary school being constructed on either the Virgil or Colonel John Butler site. These elementary school parents also clearly stated that they want to maintain the ability to choose the secondary school best suited to their children rather than committing to automatically sending their children to NDSS, either in its present state or in a new facility.

There is an obvious breakdown in communications between the two groups. It must be noted that the elementary parents were largely happy with the process and felt it had been conducted in a fair, responsive and open way by the Board. The secondary parents, on the other hand, felt that the process was flawed in significant ways as will be outlined in the following analysis.

Many of the issues raised in the meetings I had with the ARC and with community members at public meetings fell outside the scope of the mandate for this review of the process, which is to determine if the Board followed its own policy in the spirit of the Ministry's *Pupil Accommodation Review Guideline*.

Some deputants spent considerable time and effort expressing their very strongly held view that NDSS had been set up for failure because of lack of capital improvements since the 1999 review and the “courtesy” bussing of students out of the community to other secondary schools. (I understand that “courtesy bussing” in the DSBN was cancelled at the last meeting of the Board.) Several presenters spoke at length about the negative effect of the Board’s policy on NDSS, which allows students to attend whichever school they wish as long as they submit a program rationale to their home school principal and the receiving school principal indicates there is room. These presenters felt that the Board should enforce school boundaries more stringently. While these issues were raised in very compelling ways by very passionate presenters, they relate to the decision itself made by the Board rather than the process used to conduct the accommodation review. I made this point repeatedly during the public discussions but it was difficult to keep some people focussed on the process when they were so adamantly opposed to the decision itself. These parents and community members believed the process was “flawed” in several ways as has been described.

On the other hand, the elementary parents on the ARC, whose children attend the elementary schools included in this accommodation review, were satisfied with the process and made observations such as:

- Questions posed by ARC members throughout the process to the chair of the ARC were responded to either immediately, or a reference was provided indicating where the info could be located (such the Board website) or the question was researched and a response was brought to the next ARC committee;
- Phone calls were promptly responded to;
- Approximately 100 hours of meetings took place;
- A greater percentage of time during the meetings was spent on NDSS issues;
- A nine-page document on the valuation of the secondary school was provided to and reviewed by the ARC members;
- ARC process was “fair and just”;
- During the public consultation meetings, a time allotment for speakers was provided but all speakers were given as much time as needed to speak.

Clearly, the ARC process was viewed differently by different participants and community members and their perspectives are quite closely tied to the outcomes they were seeking.

FACILITATORS' OBSERVATIONS ON THE THREE ISSUES RAISED BY PETITIONERS:

ISSUE #1: SELECTION OF PLANNING AREA #7 FOR REVIEW RATHER THAN OTHER SECONDARY SCHOOLS

The *Revised Policy: Accommodation Review Guidelines F-2* does not specify the composition of the schools to be grouped for accommodation review purposes. The policy was revised to be in keeping with the Ministry's Guideline which refers to an expectation, wherever possible, to have accommodation reviews focus on a group of schools within a school board's planning area rather than examining a single school.

As the Board stated, this review **did** include a "group of schools" although it was not a group of secondary schools. Rather, it followed the recommendation from the 1999 Accommodation Review which stated:

"That if the board wishes to examine the possibility of moving Grade 7 and Grade 8 students to Niagara District Secondary Schools so as to better utilize the facility and thereby making the continued operation of the secondary school facility feasible under the provincial funding formula, that they initiate a supplementary accommodation review of the elementary schools within the municipality of Niagara-on-the-Lake."

The other secondary schools that might have been grouped with NDSS for the purpose of this review are operating with viable student enrolment. It is hard to envision how comparing NDSS's situation to theirs would have produced an outcome which would have resulted in the preservation of the current situation at NDSS. Given there was no Ministry capital funding available for the construction of a new secondary school, a fact that was communicated to the ARC at its February 13, 2008, meeting, I believe the Board was genuinely trying to explore other options. These options might have allowed for community partnerships to build a new secondary school with town funding and the inclusion of a community centre as well as possible JK to 12 or 7 to 12 models.

It is clear to me that this grouping of schools did not violate the Board's policy or the Ministry's Guideline. There are obviously differing opinions on what grouping would have been most beneficial to NDSS but those disparate perspectives, while powerfully argued, do not indicate a violation of Board policy.

ISSUE #2: MEMBERSHIP ON THE ARC

The Board Policy F-2 clearly outlines the required membership on the ARC as follows:

“The membership of an Accommodation Review Committee should include broad representation from the school community(s) and the community at large. The ARC should normally include the Principal, the Chair or designate of the School Council from each school in the review area, and the Superintendent of Schools for the review area. In addition, the local municipality(s) and the local business community should be invited to send a representative to sit on the ARC. In cases where a secondary school(s) is part of a review process, the ARC should normally include one student representative from the Student Council Executive(s).”

The Board approved *Revised Policy: Accommodation Review Guidelines F-2* does **not** stipulate trustee representation on an Accommodation Review Committee . Therefore, the ARC membership did not contravene Board policy in this regard.

All of the representatives outlined in the Board Policy were included on the ARC. There was also an effort to expand the representation from the business community but the invitation was not taken up. The required participation and representation from the municipality and the local business community were satisfied. The Board did not violate its policy regarding membership on the ARC.

As noted earlier, some community members felt the ARC had too many Board employee members. The Niagara-on-the-Lake ARC had **6** members who were educators employed by the Board and **9** members who were not employed by the Board who lived in the community. Given that the Board employees were the Principals of the schools under review, it seems reasonable that they should have been participants given the nature of the ARC’s deliberations and the consideration of the “campus option”. The options which the ARC developed and entertained were discussed with the benefit of the knowledge and expertise of the leaders who would be responsible for implementing any amalgamation or closure decisions.

ISSUE #3: VOTING PROCESS ON THE ARC

The voting process was designed to help the members of the ARC reduce the 14 options they were considering to three, and ultimately to two.

The priority setting method used during the ARC Review process was not a standard "voting" method as outlined in some resources such as "Roberts Rules of Order". Rather, the process used was a facilitative decision-making strategy designed to glean the collective thoughts of the committee as a whole, as opposed to the separate perspectives of individual members of the committee. This kind of strategy is commonly used when complex decisions are being made, such as those in an Accommodation Review process.

It was suggested by a few individuals that the voting process took place too early in the process before all the options, including "the campus option" had been thoroughly discussed. There is a clear indication from the minutes of the meetings that there was not only significant discussion of the options but also a detailed listing of the pros and cons of each before the elimination exercise commenced.

Some claimed that "the campus option" was eliminated in the first round of voting. In fact, at the January 10, 2008 meeting, following lengthy discussions, options were narrowed down to three. These three included a campus option (JK-12 or Grade 7-12). As mentioned earlier, elementary parents had originally been willing to contemplate "the campus option" until they surveyed their respective communities and found there was very little support for the concept. At a subsequent meeting of the ARC on February 13, continued discussions and a second round of voting narrowed the options down to two, including consolidating five elementary schools into three neighbourhood elementary schools and constructing a new high school.

As noted earlier, some members believed that the voting was weighted in favour of the elementary parents' perspectives. Given that the membership of the ARC complied with Board policy and each member of the ARC had equal voting rights, this cannot be interpreted as a flaw in the process.

Overall, the voting process appears to have followed lengthy discussion and the provision of relevant and requested information. I do not see that the voting process used to come to the conclusions included in the ARC report as a violation of the Board's *Revised Policy: Accommodation Review Guidelines F-2*.

SUGGESTIONS

In my discussions with trustees, community members, and board staff some suggestions for improving the general approach to accommodation review processes in school districts were explored and may have value as these processes are undertaken across the province. The main suggestion was to consider the development of a set of "guiding principles" to be made available to school boards to share with future members of Accommodation Review Committees (ARCs). These "guiding principles" could include the following:

1. Research-based data on optimum school learning environments
2. Research-based data on various productive group decision-making strategies, processes and models
3. Accommodation Review Committee Mandate Clarification:
 - i. What it is
 - ii. What it is not
 - iii. What it has the “power” to do
 - iv. What it does not have the “power” to do
 - v. A mandate template that boards can use to insert additional information pertaining to the specific mandate of a particular ARC (i.e., school specific data or concerns)
4. ARC Membership Clarification:
 - i. Recommended and or possible member representation and rationale for such representation
 - ii. Roles, rights and responsibilities of ARC:
 - Parent members
 - Principal Members
 - Superintendent members
 - Trustee members
 - Community business members
 - Chair and/or facilitator
 - iii. Roles, rights and responsibilities of parents, principals, superintendents, trustees, community business members throughout the ARC process but who are not members of the ARC
 - iv. Confidentiality clause (i.e., no postings on personal or group websites, blogs, – other than board website)
 - v. Communication plan – who will speak to the media
5. Final Decision Making Process Clarification
 - i. Role of Senior Administration as part of the ARC recommendation process
 - ii. Role of Trustees as part of the ARC approval or rejection process

CONCLUSION

Throughout the Accommodation Review process, the Board consulted extensively with the community. The ARC met on 10 occasions. In addition to five public consultation meetings where public input was invited, 49 delegations were heard at four different Board meetings, including two special Board meetings. The ARC reviewed 14 alternative options. All documentation and information was posted on the Accommodation Review section of the Board website and the Board responded expeditiously to 41 Freedom of Information requests. FOI requests were received after the Administration Report recommending that NDSS be closed. Please refer to Appendix C for further detail regarding these FOI requests.

Copies of all responses to the FOI requests were provided to Trustees so that Board members had knowledge of any information that could be relevant to the decisions to be made during the accommodation review.

The formal meetings of the ARC and the public meetings were supported by strategies such as:

- Visits were made to other schools and school boards to research various school configurations
- Tours of the ARC schools were made public
- All the ARC meetings were open to the public
- An expert researcher was brought to the ARC to speak about effective school configurations
- Communication strategies included:
 - An agenda for each meeting
 - In-depth minutes taken at each meeting and posted on board website
 - A publicly accessible parking lot on the board website for people to ask questions and receive responses
 - The ARC meeting dates, times and locations, as well as public consultation meetings were communicated to the parents and to the public via:
 - Four different newspapers
 - Postings at the local library
 - School newsletters
- The ARC completed its report, then went to the public with it before submitting it to senior administration and then on to the board of trustees

There is no doubt that there is substantial opposition to the Board's recommendation:

“That Niagara District Secondary School remains open for the upcoming school year 2008-09. If the school's

average daily enrolment does not reach 350 students as indicated by the October 31, 2009, Ministry Report, then Niagara District Secondary School will close for instructional purposes effective August 31, 2010.”

Some members of the Niagara-on-the-Lake community feel very strongly that their community high school is essential to the vitality of their town. They have invested considerable energy and commitment in the public process to ensure that their views were heard and understood. That said, there is no evidence that the DSBN failed to follow the requirements of its policy for Accommodation Review. I believe that the Board conducted an open and transparent process and provided extensive opportunity for public input into the final decision. I am satisfied that none of the issues raised during my review constituted a contravention of the *Revised Policy: Accommodation Review Guidelines F-2*.

In an effort to work with the school and the community to support reaching this target, the DSBN established the Niagara District Secondary School Liaison Committee in June 2008.

This school-based Committee began work with a meeting at the school with the Principal, Vice Principal, Student Council President, and Superintendent of Secondary Schools on June 25. Meetings were held throughout the summer and the committee membership grew as needs became identified. The committee now consists of the Principal, Vice Principal, a local Trustee, two Councillors from the Town of NOTL, School Council Chair, two student representatives and a teacher. It is chaired by the Superintendent of Secondary Schools. The full committee has met weekly since September 29 and various components of the committee have been active since June 25.

The NDSS Liaison Committee began deliberations on ways to achieve increased enrolment. The identified four areas were seen as priorities in supporting the school reach its enrolment target of 350 students: *Facilities, Elementary Transitions, Secondary School Program, and School Enhancements*.

The Liaison Committee has reviewed the feedback from the ARC review process and information collected by committee members to begin deliberations on ways to achieve this target. This feedback has helped guide decisions and actions. The Principal has gathered information on a number of programs that may lead to increased enrolment. He has consulted with teaching staff in order to determine the best possibilities. Some of the new programs investigated included: Co-op Expansion; e-Learning; use of technology; Specialist High Skills; Major in Arts and Agriculture; Social Justice; Golf Academy; Hockey Academy; IB program; Construction and Design Centre and; Strings Program. The Liaison Committee has agreed that the school must focus on being a "Triple A+ School - Academics, Arts, Athletics" as part of a concentrated effort to alter its image of being just an "Arts" or "Athletics" school.

The Superintendent meets each week with the Chief Administrative Officer of the Town of Niagara-on-the-Lake and an executive member of the Committee to update him on activities to support the school's target goal.

In the event that NDSS is unable to meet its target enrolment of 350 students, some initial planning has been undertaken regarding options for NDSS students. According to the Board's plans should the school close, NDSS students would become students at either Laura Secord SS in St Catharine's or A.N. Myer SS in Niagara Falls. The students in the Northern area of Niagara-on-the-Lake would cross the Welland Canal at the Lakeshore and Carlton Street crossings to Laura Secord Secondary School. Students in the Southern tier would become students at A.N. Myer Secondary School in Niagara Falls. Students would also still be able to apply to attend Eden High School or could choose Governor Simcoe Secondary School as an alternate, if they want to access the Robotics or Technology courses offered there. Enrolment projections indicate that there is room at both these schools to accommodate the Niagara-on-the-Lake students.

The Board has indicated that the principals of Laura Secord and A.N. Myer Secondary Schools would work with a transition team of parents, students and staff to welcome the NDSS students. Some NOTL students already attend these schools and they would be good ambassadors for those new students. The placement of NDSS staff is a key component of the transition process. They will have the option to travel with the NDSS students to the receiving schools. The principal of Niagara District Secondary School would be a key member of any transition team because of his involvement with both parents and students.

The process of welcoming the students and their parents would begin in the spring of 2010. At this time information sessions would be held for parents and students. Guidance counsellors from the two schools would visit Niagara District Secondary School to help students with intention sheets and the exploration of options.

The transition teams would offer suggestions on best ways of integrating the students, such as barbecues, get to know you events, and parent information sessions.

In conclusion Minister, I appreciated the opportunity to conduct this review and offer my advice. I was greatly aided in my task by the co-operation and frank commentary of the deeply committed community members who shared their views and perspectives with me. The Board officials, particularly the Superintendent who chaired the ARC, and trustees were open, professional and committed to creating optimal learning environments for students. I was impressed with their dedication to their duties and their efforts to engage the community in this process.

School accommodation reviews are always challenging and rarely result in decisions that satisfy everyone. While recognizing this, I have concluded that the District School Board of Niagara followed its own policy in the Accommodation Review process. I am confident that the Board will continue to work with the community to ensure that the needs of all the students of the District are met and that they experience rich learning environments.

Joan Green
Facilitator

APPENDIX A

Secondary Enrolment				
Board	2002-03	2008-09	# of Schools	Average Enrolment
DSB Niagara	15,171	14,390	22	654
Waterloo DSB	20,116	19,978	15	1,331
Hamilton Wentworth	18,420	17,566	19	924
Halton DSB	15,503	16,736	16	1046
Niagara Catholic	8,084	8,282	8	1035
Waterloo Catholic	6,706	7,457	5	1491
Elementary Enrolment				
Board	2002-03	2008-09	# of Schools	Average Enrolment
DSB Niagara	28,027	23,428	97	242
Waterloo DSB	36,876	36,240	99	366
Hamilton Wentworth	36,656	31,425	99	317
Halton DSB	28,159	32,326	78	414
Niagara Catholic	15,390	14,461	53	273
Waterloo Catholic	15,843	14,507	47	309

APPENDIX B
Agendas for ARC Meetings

May 30, 2007

- Welcome and Introduction of ARC Members – Linda Kartasinski, Superintendent of Schools and Facilitator of ARC process
- Brief History and Overview of steps leading up to Accommodation Review decision
- Review and explanation of Policy F-2 – DSBN Accommodation Review Guidelines for Planning of School Program and Facility Needs
- Review of School Valuation Framework – value to student, school and Board, school community and local economy
- Dates and locations of future meetings

September 13, 2007

- Sample Draft of Comprehensive Valuation Reports for 2 schools to ensure structure and format acceptable to ARC before reports for all NOTL schools were completed
- Presentations made by Plant Services Controller re Plant issues such as School Facilities, Site Features, Operating and Maintenance costs, Community Use of Schools, Accessibility Improvement Plan, Facility Renewal Needs Assessment Summary,
- Presentations made by Manager of Planning re issues such as Site and Situation, Location of Families with children in attendance, Accommodation and enrolment changes, projected demographics for communities, school boundaries, housing starts, population profile, transportation, bus ride times and distances between schools
- Request from ARC for a survey of NOTL families whose students attend schools outside the town to ask reasons for their choice of schools.

October 17, 2008

- First public consultation meeting – held at Niagara District Secondary School
- Approximately 60 members of the NOTL community attended, along with the ARC members, 3 trustees and members of the DSBN senior staff and resource support staff.
- An overview of the process was provided and members of public had the opportunity to receive answers to their questions.
- Any questions requiring detailed responses were either provided in the days following the meeting or the public was informed this information would be forthcoming as the process unfolded. Responses to all questions were posted on the Board website.

November 1, 2008

- School Valuation Reports: Each principal presented their School Valuation report to the ARC. Each School Valuation report included a comprehensive overview of Program, Planning and Facilities, including maintenance costs and facility renewal costs.
- Discussions took place about the NDSS Valuation Report with the principal and ARC student representative providing clarification on programs required to graduate, the number of electives available, timetabling issues, the additional staffing sections required and why students may be choosing to attend schools other than NDSS.
- Preparation for the Public Open Houses in November – plans for these public consultation meetings were discussed.

November 8 and November 15

- Public Information and Consultation (PIC) meetings were held at all 6 schools under review in Niagara on the Lake. These meetings, or 'open houses', were an invitation to the public to come to the school to view and discuss the contents of the Facilities, Program and Planning Valuation Reports. In each school, 20-30 display boards were displayed on easels around the gym and staff representatives from Planning, Plant and the School Administration were present at various stations around the gym to provide explanations about the displayed materials and to answer questions from the public. The public was able to drop in to the 'open house' meeting at any time during a prescribed two hour period in the evening.

These Facilities Reports contained pertinent details on each site, building operation and maintenance costs, completed facility renewal work, community use of Schools, Facility Accessibility information and a summary of Long Term Facility Renewal Needs Assessment. The Long Term Facility Renewal for NDSS indicated a cost of \$12.9 million to renovate.

- Members of the ARC, Trustees and community members attended these open house sessions.
- All information was posted on the Board website

December 6, 2007

- Staff presented nine (9) possible options, with estimated enrolment numbers, for NOTL schools for the ARC to review
- Discussions held on advantages and disadvantages of each option
- Results of survey on secondary school choices in NOTL shared

January 10, 2008

- The allocation of \$6.6 million in PTR funding from the Ministry was explained by Plant Services Controller.
- Three (3) additional options were added at the request of ARC members

- Advantages and disadvantages of the new options were discussed
- Review of all options and discussion on how to prioritize and eliminate options
- Voting practices discussed to ensure anonymity
- Following lengthy discussions, options were narrowed down to three (3). These three included a campus option (JK-12 or Grade 7-12)

January 24, 2008

- Report on NOTL Demographics by Manager of Planning
- Finance Report by Superintendent of Business
- Staffing Report by Superintendent of Human Resources – Explanation of additional sections required at NDSS
- Curriculum Report
- Review of schools visited by ARC members Joanne Hicks and Laura Hernder (Fort Erie Elementary and Fort Erie SS which share the same site, and Port Dover Composite School)
- Grade 7 & 8 Parent and Student Survey “What changes could be made to encourage you to attend NDSS”?
- Review of Remaining Options

January 31, 2008

- Discussions on assumptions related to options
- Estimate of NDSS Enrolment 2012/2017 (attached)
- Brainstorming ideas to attract students to NDSS
- Format for Public Meeting to be held on February 6, 2008.

February 6, 2008 – Public Consultation Meeting

- Overview of final options recommended by ARC Committee
- 43 community members presented views on the ARC recommendations
- All presentations were posted on the Board website

February 13, 2008

- Debrief by ARC of February 6, 2008 Public Consultation Meeting
- Two clear items emerged: the community wants to keep community schools; also wants to keep high school.
- Continued discussions narrowed the options down to two (2) including: consolidating five (5) elementary schools into three (3) neighbourhood elementary schools and; constructing a new high school for five hundred (500) students
- Funding for a new secondary school was discussed. It was made clear there would be no funding from the Ministry for a new secondary school.
- Topic of campus school was raised again – committee members were reminded that at the Feb 6th public consultation meeting, only 3 people favoured a campus style school, and the rest supported community schools.
- Preparation of Recommendations for Board of Trustees

February 28, 2008 - Public Consultation Meeting

- The final recommendations were presented to the community at large who requested the addition of "Junior Kindergarten to Grade 8" for the 3 community elementary schools;
- 37 members of the community, including business members and members of NOTL Town Council, presented their views;
- All presentations were posted on the Board website

March 5, 2008

- Completion of the final recommendations for presentation to the Board of Trustees

March 8, 2008

- Presented the ARC recommendations to the Board

April 8, 2008

- Staff recommendations were presented to the Board

APPENDIX C
Freedom of Information Requests Response

Between April 30 and June 3, 2008, prior to the Board's decision, forty-three (43) Freedom of Information requests pertaining to the Niagara-on-the-Lake Accommodation Review were received.

Of the 43 FOI requests received, all were responded to within the statutory 30 day time period, as follows:

- 9 of the requests had fee estimates issued within the legislated 30 day timeline to respond and were in abeyance pending receipt of a fee deposit (the requesters never submitted a fee deposit)
- 22 of the requests were processed and responses provided within the legislated 30 day timeline to respond, with full payment obtained
- 12 of the requests were officially withdrawn by the requesters