

November 8, 2013

The Honourable Liz Sandals
Minister of Education
900 Bay Street
22nd Floor
Toronto, M7A - 1L2

Re: Independent Facilitator's Report on the North Bay Accommodation Review,
Near North District School Board.

Dear Minister:

On September 3, 2013, your Ministry appointed me as the independent facilitator to conduct an Administrative Review of the Accommodation Review process undertaken in North Bay.

My appointment was in response to a petition, received by the Minister on July 2, 2013, regarding King George Public School. The petition requests an Administrative Review of the North Bay Accommodation Review conducted by the Near North District School Board between October 24, 2012 and May 28, 2013. The latter is the date on which the Board voted to close the three schools which had been under review.

The North Bay Review covered three elementary schools, King George Public School, J.W. Trusler Public School and Dr. MacDougall Public School. The Board had provided the ARC with a preferred option for consolidating the population of the three schools in a "new build" or substantial re-build on the site of a closed school, Pinewood Public School.

The focus of the King George petition is on the process which led to the Board decision to close the three schools and consolidate at the Pinewood site.

I was present in North Bay from September 30 to October 3, 2013. I received excellent support from Carmen Turcot, Education Officer of the Sudbury-North Bay Office of the Ministry of Education. Fernand Crepeau, the Education Officer who liaises with the Near North Board, provided very helpful background information. I must also thank Paul Menard, Regional Manager of the Sudbury-North Bay Regional Office for his help with some of the initial organization. I appreciated the co-operation in the process of Trustees, Board Officials, members of the North Bay ARC, parents and members of the community. All were generous with their time, very frank in expressing their opinions and genuinely dedicated to providing the best possible education for the community's children.

TERMS OF REFERENCE

NEAR NORTH DISTRICT SCHOOL BOARD

North Bay Accommodation Review

The following terms of reference were established by your Ministry to guide my work as the Facilitator conducting this Administrative Review:

The facilitator will be responsible for Administrative Review of the Pupil Accommodation Review undertaken by the Near North District School board for the following schools:

- King George Public School
- J.W. Trusler Public School
- Dr. MacDougall Public School

PRINCIPLES

- School boards, parents, communities and the government recognize that school boards have the legal right to close schools after following a board-approved pupil accommodation review process.
- The Ministry of Education's *Pupil Accommodation Review Guideline* provides direction to school boards regarding pupil accommodation reviews undertaken to determine the future of a school or a group of schools.
- School boards are responsible for establishing and following their own accommodation review policies. School boards' accommodation review policies are to reflect the requirements of the ministry's *Pupil Accommodation Review Guideline*.
- Under the *Pupil Accommodation Review Guideline* schools are required to make school valuation the centre of board and community decision-making. School valuation requires school boards to consider the value of a school or schools, based on community consultation.

SCOPE OF THE REVIEW

The independent facilitator shall be responsible for:

- Determining whether the Near North District School board followed its board approved pupil accommodation review process in conducting the accommodation review.
- Reviewing formal documentation, interviewing relevant participants including ARC Committee members, petitioners and board staff.

- Submitting a written report to the Minister of Education upon completions 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 for making the facilitator's findings available to the board and the public in a timely fashion.

BOARD PROFILE AND DESCRIPTION OF SCHOOLS

The Near North District School Board is, as the name suggests, located at the southernmost point of "Northern" Ontario. The Board's head office is in the City of North Bay. The Board is responsible for public, English language education in an area formerly served by three boards, Nipissing, and East and West Parry Sound. The Board also provides culturally appropriate education for First Nations students. The Board has 34 elementary schools, 7 secondary schools and one alternative secondary school serving a geographic area of 17,020 square kilometres of the Canadian Shield. Of the 42 schools which are in use today, 6 were built, at least in part, prior to World War 2, with the oldest having reached 100 last year. Another 14 schools were built between 1949 and 1960. In the south end of the Board, the schools serve the villages and small towns which are scattered along the highways which lead north from Southern Ontario. A few very small schools serve isolated hamlets and rural areas. In 1997-98 there were 16,000 pupils in the Board's schools. In 2012-13 that number fell to just over 10,000. The current projection is that enrollment will fall to 6,000 pupils over the next ten years. Tourism is a major industry in this very rugged and scenic part of Ontario. To the South West, the Board borders on Georgian Bay. Travelling East towards Burk's Falls, one finds forests, lakes and rivers in profusion. North Bay itself is located on Lake Nipissing as is Sturgeon Falls, west of North Bay. At the easternmost reach of the Board is Mattawa, on the Ottawa River and the Ontario-Quebec border.

This review is about North Bay schools, therefore I will focus on the city situation. North Bay's economic fortunes seem always to have been tied to one major industry, although the nature of the industry has changed over the years. North Bay was incorporated as a town in 1891. In its early days, it was a railway town of some significance. The "first spike" of the westward bound Canadian Pacific Railway was driven at Bonfield, just outside the city. Two railways serving the north and its lumber and mining industries had their terminus in North Bay. Today, one cannot get a train from north or south to the town and the railway jobs are gone. The city is at the eastern junction of Highway 11, from the south,

and Highway 17, which goes east-west. Both are part of the Trans-Canada Highway. In 1951 the Royal Canadian Air Force established an air base. For over 40 years the base was the largest industry in the community. In 1963 the North American Air Defence Command, (NORAD) opened its Canadian operations centre at the base. That remains as a joint Canadian-American operation. Beginning in the 1990's a series of massive cuts by the federal government and the sale of all of the airfield assets such as hangers and control tower had a negative effect on all aspects of the local economy. The number of military and civilian personnel dropped from 22,200 at its height to around 750 in 2013. The North Bay economy is currently driven by the university and college population and the North Bay Regional Health Centre. Tourism and a provincial government service centre also contribute to the economy. The city has a lively arts scene and has become a hub for arts and culture in the region. At present, the population of the town is reasonably stable but the number of school age children continues to decline.

The three schools which were the subject of the ARC are in older, established neighbourhoods in the city. King George is the closest to "downtown". Dr. MacDougall is to the south. Both are well west of Highways 11/17 which take a common route through the city. Trussler is to the North, quite close to Highway 11 which, at this point, follows its own route north. It is separated from the Pinewood site by westward bound Highway 17.

Although my appointment responds to a petition from King George P.S., the ARC process and consequent decision of the Board involved three schools. I visited King George P.S., Dr. MacDougall P.S. and J.W.Trusler P.S. Since the Board decision involved the Pinewood site, and there remains the possibility of that building being substantially renovated, with the co-operation of Board staff I visited not only the Pinewood location, but the interior of the closed school.

King George Public School

King George Public School celebrated its 100th anniversary in 2012. From the outside it does not look particularly old because original architectural features such as a grand portico over the front door, apparent in a photo in the foyer, were removed and a brick and metal skin was wrapped around the exterior walls. This probably occurred in 1953, when a new wing, including a gymnasium, was added to the building. The entire site is .5 of an acre. The new wing occupies a large part of what was already a small, sand and tarmac playground. There has been some recent effort to plant trees in the grounds. The only parking is on the adjacent streets. School busses must also use the streets. On entering the school one is immediately impressed by the wood paneling and high, tin ceilings in the foyer. The school was built when public buildings were meant to be grand. In the original, three-story building the classrooms are large with high windows which complement the high ceilings, again in the original embossed and painted tin. Each classroom has its own attached cloakroom with ample storage space. No wet boots in these very wide halls. The new wing is a conventional 1950's

add-on with much smaller classrooms, low ceilings and narrower halls with lockers in the walls.

King George P.S. provides a JK to grade 6 program to students from downtown North Bay, the Pinewood area and Nipissing First Nations. It has 12 classrooms, a library, a computer lab, a very small gym, with stage and the usual offices and storage space. Seven of the classrooms are equipped with Smart Boards and all classrooms have several older computers. In the old wing, there are only two electrical outlets in each classroom. The school does not meet the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*. The main door is up a number of steps and there are additional stairs inside before one reaches the main floor and the principal's office. The school is on five different levels, the original three in the old building and two others, in the new wing. There are no elevators. In addition, all of the student washrooms are in the basement floor of the old building. The school has a full time principal, secretary and custodian. There is no teacher librarian, but a library technician comes to the school for one day per week.

King George P. S. has student capacity of 297. The enrollment in October of 2012 was 193 and is projected to drop to 128 by 2023-24. Three of the classes are double grades. There is a core French program with a dedicated room, a part-time Teaching and Learning coach and a part-time early Literacy Intervention teacher. There are no before and after school programs. The school offers a wide variety of extra-curricular activities including sports, music and drama. There is an active and engaged School Council which assists in organizing events for the school community. There is a nutrition program with bowls of food and fruit easily accessible in every classroom.

When I visited the school, I was impressed with the care which had been taken in its maintenance. The interior was spotless, dusted and polished right down to the somewhat squeaky old oak floors in the 1912 wing. Care had also been taken in preserving the old interiors while painting them in lighter, more modern colours. But the building is not problem free. I was told that all of the windows, in both wings, need to be replaced, and electrical wiring is an issue. Further, there would be huge challenges, well beyond elevators, in making a school built with five different levels, accessible to the standard required by legislation. Last, but not least, the ongoing decline in enrollment will result in more split grades and problems in maintaining program.

Dr. MacDougall Public School

Dr. MacDougall Public School was built in 1924. It is a handsome, two story, red brick building which sits in beautiful grounds with expansive play space. There are lawns, trees, tables, benches and several play structures. There is space for a sports field and basketball nets and a separate fenced area for the JK/SK children. While the Parent Council has funded the purchase and installation of some playground structures, much of the equipment came from schools which were closed previously and those structures are beginning to show their age. One end of the yard has what is almost a signature symbol of this part of Ontario, a very large granite rock rising above the grass. The brickwork of the school was re-pointed recently and the fence which surrounds the play areas is new. I was told that all of the windows need replacement

The school has its own parking lot but bus pick up is done on the adjacent street. The school building is set back from the street on a slight rise. The front entrance is accessible, but not to Code. The foyer opens out to wide halls and good-sized classrooms.

Dr. MacDougall P.S. provides a JK to grade 6 program. Over 60% of the students are transported by school bus or van. There are seven classrooms, a library and a separate literacy and numeracy library, a computer lab, a small gym, with stage and offices and storage space. Six of the classrooms have Smart Boards and all classrooms have a few older computers. The school does not meet the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*. The second floor is not accessible and all of the student washrooms are on the first floor. The school has a full time principal, secretary and custodian. There is teacher librarian. A library technician comes to the school one day a week. There is a former teacher librarian on staff, but she now teaches full time.

Dr. MacDougall P.S. has a student capacity of 204. The enrollment in October 2012 was 168 and projected to drop to 92 by 2023-24. About 10% of the students are First Nations. There are some double grades, but no triple grades. There is a core French program with a dedicated classroom. There is also a Differentiated Learning Resource teacher and a full time Early Literacy Intervention teacher, both with dedicated space. In fact, all rooms in the school are used. Many of the students use assistive technology in the classroom. The school has a breakfast program serving around 45 children daily. This program also provides snacks and/or lunch to some and manages the nutrition bowls in classrooms. The YMCA provides before and after school programs from 7:30-8:30 AM and 2:50-6PM. The YMCA also runs a full day summer program at the school. Extra curricular activities include soccer, cross-country running, volleyball, baseball and track and field. There is a small but dedicated School Advisory Council which has raised funds not only for the playground but to help students to go on field trips.

When I visited the school I was impressed with the general state of the building. As with King George, it was spotless and very well maintained despite its age. I was told that it can be very warm on the 2nd floor in Spring and Fall. With substantial dollars, the building could be made accessible and space could be found for 2nd floor washrooms and other necessary retro-fits, but the projected decline in student population would make it very difficult to provide the range of programs which students need and deserve.

JW Trusler Public School

JW Trusler Public School was built in 1956. It is a one storey building, with undistinguished architecture and the low slung fifties look which came with ranch style houses in expanding suburbs. It is set in large grounds with ample play space. Parking and bus turn space is at the front of the building. It is adjacent to the Highway 11 runaway vehicle ramp, but that is in front of the school and the playground is at the back. The foyer leads almost immediately to the main office and the long corridors typical of this style of building. One distinguishing feature of the interior, which raises the building above the ordinary, is the architect's homage to the clerestory windows of ancient cathedrals. Windows at the top of classroom walls on one side spill natural light down into the halls with a very pleasant effect which makes the space seem larger than it really is. The classrooms are 1950's standard, with large windows, and in this school, a sink at the back of every room. Lockers for students are in the hallways.

JW Trusler provides a JK to grade 6 program to students in the north east of the area covered by the North Bay ARC. It has 8 classrooms, a library and computer lab combined, a small gym, with stage, offices and storage space. There are Smart Boards in each of the two Communication Classes and one mobile Smart Board. In addition, every classroom has a computer, an iPad and Apple TV connections. The school is accessible, but does not meet the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*. The front door is accessible, but not to Code. There are no steps. There is only one accessible washroom and that is in the Communications Class area. The school has a full time principal, a secretary and a custodian. A library technician provides service one day per week.

JW Trusler P.S. has a student capacity of 262. The enrollment in October of 2012 was 137. It was projected that enrollment would drop to 133 by 2023-24. Four of the six regular classes were double grades, including an SK/grade 1 split. There is a core French program in a dedicated classroom. The two Communications Classes serve special students with multiple needs. These rooms are fully equipped with assistive devices and appropriate washroom facilities. Educational assistants help with the integration of these students into some school activities. There is a breakfast program and fruit and healthy snacks are available all day in bowls in the classrooms. The playground has a separate area for the JK/K children. There is a baseball diamond which is maintained by the local Softball Association. The YMCA runs a before and after school program

starting at 7 AM and ending at 6 PM. The school has a small but dedicated School Advisory Council.

When I visited the school, it was obviously very well maintained. The floors were shining and the paintwork was pristine. The custodian was busily cleaning as we went around. The school could be retro-fitted to meet the accessibility Code but, in the past, the school was declared Prohibitive to Repair and current, necessary repair costs throughout the building are estimated to be very high.

The Pinewood site

Pinewood Public School was built in 1958 and closed in 2011. Most of the Pinewood students moved to King George P.S. When I visited the school there was clear evidence of neglect in the weedy landscaping and cracked front steps. The building is on a 4 acre site. The architects who designed the school chose a method of construction in which the steel beams which support the walls and roof are exposed on the outside of the walls. They have rusted badly over the years. The school has 2 floors. Level 1 of the building is semi-basement with the bottoms of the classroom windows at grade level. Should an attempt be made to resurrect this building rather than build a new school, there are three areas in which accessibility will have to be dealt with: the front entrance will require a very long ramp, an elevator will be required between levels 1 and 2 and the kindergarten area, which has its own exit to the playground, will required a separate elevator. The 12 classrooms were very large and could be pleasant places to learn. There is a Gym, with stage and a combined Library/Computer Lab space.

SUMMARY OF THE BOARD PROCESS LEADING TO DECISIONS

The Near North District School Board has been attempting to deal with over capacity in the system for a number of years. In 2009, following a 2008-09 ARC process, the Board proposed to close King George P.S. The parents challenged the decision, and the Board, having received legal advice that they had not followed the required process, left King George open. Centennial P.S. was closed and its students assigned to King George P.S. and Dr. MacDougall P.S. By early 2012, it was clear that the Board would have to deal with the financial consequences of 35% of the classroom space being unoccupied and therefore unfunded. The Board hired a consultant to assist them in developing an ARC process which would meet the requirements of *Board Policy EL-11-Student Accommodation*. This Policy was first approved in 2007 and revised in September 2009. In early March, 2012, the consultant led a workshop, which involved both the trustees and senior administration, The workshop focused on policy, process and management of an ARC. One of the recommendations of the consultant was that the Board should establish an ad hoc Accommodation Committee.

On March 26, 2012, the Accommodation Committee met. It is clear in the Minutes that the Committee is composed of all of the Trustees. The Minutes record that the agenda includes "Discussion Items". The Minutes record the entire content of a *Student Accommodation Discussion Paper*. This is followed by two recommendations in the form of motions. One is on West Ferris area schools consolidation. The second reads as follows:

That the Board strike an ARC to consider the relocation of King George, Dr. MacDougall and J.W. Trusler students to the Pinewood School site.

While the word "CARRIED" is printed beneath the text, there is no evidence of a mover and seconder for either Motion.

On March 27, 2012, the Board met in Public Session. The following motion was moved: *That the Board consolidate King George School, J. W. Trusler School and Dr. MacDougall School into a new build or substantive renovation on the Pinewood School site.* The Minutes also contain two statements: "The Board will set up an Ad-Hoc Committee to form the process. Trustees Beatty, Beam and Hewitt will be the Board representatives, with 3 staff members to be assigned." and "It was recommended that an external person manage the ARC's due to the size of the workload involved."

An Accommodation Steering Committee met on May 11, 2012. The "Notes of Meeting" indicate that two Trustees, including the Chair of the Board, the Director, an administrative assistant and two consultants were present. One of the consultants was the person who had run the Workshop on Accommodation Reviews. The Agenda contained a Discussion Item: Establishing the ARC Process. The "Notes" provide enough detail to suggest that the participants probably received some print material on part of the "Item". The "Notes" state that the purpose of the meeting was "to set up a fair and transparent accommodation review process." Trustees were not to have an active role in the ARC process until "the final decision is made at the Board." The consultant was to be called a "facilitator". He would guide the Board through the process. The second consultant would assist in managing the process.

West Ferris would be the first ARC process, starting in June 2012. The second ARC, involving Dr. MacDougall P.S., King George P.S. J.W. Trusler P.S. and the Pinewood P.S. site would take place in the Fall.

The process described in the "Notes" would start, in each case, with a meeting of the principals of the schools under review to discuss the role of the principal, the ARC process, and ARC membership. Two secondary school student representatives, two parents from each school, a community representative as well as a principal from outside of the area would be voting members of the ARC. Non-voting members included the principals of schools affected by the Review, a superintendent of schools and a local trustee. It was noted that all written

submissions received by the ARC would be attached to the ARC Report and would be presented to the Board.

The Board's first Media Release, focused on West Ferris, went out on May 16, 2012. It gave details on the public consultation which was about to occur. It also notified the public about the ARC scheduled for the Fall in North Bay. The first North Bay Media Release went out on September 24, 2012, a full month before the first public meeting of the ARC. The Release provided the date, time and location of the four meetings of the ARC. Media Releases went out prior to all subsequent meetings.

The first public meeting of the North Bay ARC was held October 24, 2012 at J.W. Trusler P.S. The membership is as described in the Accommodation Steering Committee Notes but with one exception, the principal from outside the area has been replaced by a First Nations Representative. The facilitator chaired the meeting and started with the introduction of members of the ARC. There was a presentation on "Generating Capital from Redevelopment" and information on the launch of the two ARC's. This was followed by an overview of the ARC Terms of Reference and a presentation on Meeting Norms and Consensus. All of the above was presented, with Power Point, by the facilitator. The principals of each of the schools then presented School Information Profile Data (SIPs) In the next steps section of the meeting, which was a discussion of the agenda for the next meeting, ARC members asked for information on 9 items. For instance, they wanted the cost of capital repairs as identified by the Ministry, costs of both renovations and new build at Pinewood, 2025 accessibility costs, and walking distance scatter grams. Examples of requests from community members present included the Board's Capital Plan, net savings from the last ARC process and an explanation of why the Board was in enrollment decline.

The second public meeting of the North Bay ARC was held on November 28, 2012 at King George P.S. For the benefit of members of the public who had not attended the first meeting, the facilitator introduced the committee members and outlined the ARC mandate and procedures. The next agenda item was a Review of Information Requests from the ARC. The ARC was told that the Board's Strategic Plan was currently under review and that the Capital Priorities were currently reported online to the Ministry. The Committee was given considerable detail, by Power Point presentation, on enrollment trends and projections for the entire Board. The financial situation was also explained, including how Ministry funding was dependent on the number of pupils in the schools. Taken as a whole, the presentations provided, in plain language, all of the information an ARC might need on the Board's capital planning. There was very detailed information on capital repair costs and new build/substantive repair costs. The transportation information set out the rules for the "right to be bussed". The group was told that most of the Dr. MacDougall and J.W. Trusler students would have to be bussed to Pinewood, but no cost was attached to that. Maps which explained walking distances for all three schools were presented. The Committee was told that the Board had identified, to the Ministry of Education, a new build

on the Pinewood site as its capital priority. It was noted that the Board does not track cost savings from previous ARC processes. It is clear from the Minutes of the second meeting that Board staff made a serious effort to provide detailed information on the requests made at meeting one.

The meeting ended with two presentations from the public, one on closing J.W. Trusler and King George and renovating Dr. MacDougall to house the students. The second was on the value of downtown schools to North Bay. It recommended renovating all three schools which were under review. The first presenter was promised a cost estimate of the alternative proposal.

The ARC members requested that the next meeting focus more on program and opportunities for students.;

The third meeting of the ARC was held on December 12, 2012. As requested at the previous meeting, there was a presentation, followed by discussion, on optimal school size relative to program delivery. School staff who had been through a previous consolidation discussed their experience of transition planning for students. The number of aboriginal students in the three schools was reported. There were also reports on: the prospects of partnerships which might fill space in the schools under review; the list of capital repairs from the 2006 valuation of Pinewood; and the 2004 real estate appraisals of the three schools under review. The real estate valuation for Pinewood was requested. The alternative option presented at the second ARC meeting, that is renovating Dr. MacDougall and consolidating there was also discussed.

The third meeting of the ARC heard five deputations from the community. Four of the deputations were focused on keeping some or all of the three schools open and renovating/retro-fitting them appropriately. All four emphasized the value of the schools to the local community. The additional deputation presented a paper on the nature of the consensus approach to problem solving. The ARC was given copies of the print materials presented.

I was told that at the end of the December 12th. meeting, members of the ARC requested an additional meeting. This is not recorded in the Notes of Meeting. They also requested that they be allowed to “caucus”, that is meet in private session. The additional ARC Meeting took place on December 20, 2012 at Dr. MacDougall P.S.

In the private session on December 20th., the ARC discussed the advantages of bringing aboriginal students under one roof for cultural and program opportunities. They also agreed that aboriginal staff and enhanced learning opportunities be incorporated into transition planning. The ARC then had an extended discussion of five possible options which incorporated suggestions received from deputations as well as members of the ARC. The discussion was supported by detailed analysis of each option, including: funding implications,

transportation issues, pupil accommodation (capital) implications, program implications and sustainability.

The Board's preferred option, of closing the three schools and consolidating in a new build on the Pinewood site and the option to close J.W. Trusler and move the students to Dr. MacDougall and King George were the two options which the Committee agreed to discuss further.

The ARC moved into public session. The 2004 Pinewood P.S. real estate valuation was reported. There was a presentation by a Toronto principal who had recently been through a school consolidation and rebuild. The ARC then moved two motions which brought the two options agreed to in the private session to the table. There was some discussion of the content of the final Report to the Board. The ARC agreed that at their next meeting, which would be the final meeting, they would work on fleshing out the two options.

Meeting four of the ARC was scheduled for January 30, 2013, but Ontario winter weather intervened. The meeting was rescheduled for February 20, 2013 at J.W. Trusler P.S. One voting member of the ARC was unable to attend.

The facilitator, in a review of the ARC mandate, meeting norms and guiding principles, noted that consensus required 8 out of 12 votes. The superintendent who acted as support to the ARC reviewed how each option would affect the programming available to students. The committee requested that facilities for infant-school age day care be recommended in each option.

The facilitator asked each voting member to identify their preferred option as well as their rationale for supporting it. Consolidation at Pinewood had become Option 1 and transfer of Trusler students to King George and Dr. MacDougall, Option 2. There were 5 voting members in favour of Option 1 and 6 in favour of Option 2. It was noted that the absent member had indicated, in previous meetings, a preference for Option 1. Lacking consensus, the ARC agreed to put both options to the Board for consideration. The facilitator agreed to revise the recommendations for both options and submit them to the committee for comment. The revised options would go forward in a Report to Senior Administration and then to the Board of Trustees at their regular meeting in March 2013. The facilitator noted that all written deputations which were received by the ARC would be appended to the Report.

The facilitator outlined the process following the March Board meeting. The Board must wait 60 days before making a decision. Within that period, the Board would hold one public meeting to receive deputations from the community, that is the public or ARC members. The ARC was thanked for its services.

The ARC Report was forwarded to Senior Administration and the Board. On April 17, at Chippewa Secondary School, the Board held a Special Meeting to receive delegations wishing to speak to the North Bay ARC Report. At a meeting of the

Accommodation Committee on May 8, 2013, the Director presented a Review of Options from North Bay ARC. There was a discussion of the paper. The following motion was moved, seconded and carried: *“That the Accommodation Committee recommend the board consolidate King George School, J.W. Trusler School and Dr. MacDougall School into a new build or substantive renovation at the Pinewood School site.”*

On May 28, 2013, the Board voted, unanimously, in favour of the following motion: *“That the Board consolidate King George, J. W. Trusler and Dr. MacDougall into a new build or substantive renovation at the Pinewood site.”*

THE KING GEORGE P.S. PETITION

The letter to the Minister, from Jennifer Walters on behalf of the King George petitioners, claims several breaches of Board Policy.

1. The Board did not provide the Capital Plan to the ARC or to the school communities.
2. The Board did not provide Prohibitive to Repair classifications to the school communities. When a community member asked for this information he was told to file a Freedom of Information request.
3. The School Information Profiles were inadequate in that they did not provide any data on the school’s value to the students, the board, the community or the local economy.
4. The Report to the Board contains an incomplete account of reactions to the proposed changes in that it includes only written public presentations and no record of verbal presentations or debate among ARC members.
5. The Board Administration did not assist the ARC in proposing an official and documented alternate plan should funding not become available.
6. The administration’s detailed analysis of the ARC Report and both of its recommendations is supposed to be presented to the Board. When a member of the public requested a copy he was told to make a Freedom of Information request.
7. The public had less than 24 hours notice of the December 20, additional meeting of the ARC.

The specific complaints are supported by comments on the issues and copies of e-mailed requests for information and the response to these requests.

When I met with the petitioners, on October 2nd, it was clear that they believed that the ARC did not have enough information to make an informed decision. As a consequence, neither did the Board.

Six petitioners made presentations during the meeting. The memory of the 2008-09 ARC and the fight at that time to save King George P.S. from closure coloured several of the presentations. The lead petitioner referred to the 2008 Capital Plan

produced by Watson Associates. It was 25 pages with 44 pages of appendices. Now, she said, there was no long- term plan. There was no Prohibitive to Repair information. She referred again to the 2008-09 ARC and the detail in the SIPs used in that process. She notes that in 2008 “when the school profiles were done more properly, the ARC voted to keep both King George and Dr. MacDougall open.”

Another speaker said that while the Ministry Guideline promotes the full involvement of an informed local community in the ARC process, he believes that the Board’s purpose was to make a decision without the community. He believes that the threat of closure in 2009 has “dampened” the enrollment at King George. He cited the Freedom of Information issue which effectively blocked parents from getting information.

A petitioner stated that he was disturbed by the Director’s description of the petition as frivolous and vexatious. He had tried to get information on the Capital Plan and Prohibitive to Repair data and was told to make a Freedom of Information request. He understands the dollar issue and the extent of the Board’s debt. But he disagrees with the decision of the Board.

A member of the ARC stated that she saw her role as a problem solver with the problem being declining enrollment and over capacity. She had serious concerns about the cost of bussing and did not get answers. She had presented a rationale for Option 2, which was not included in the Report of the ARC. There was a lot of missing information. There was not a single presentation in favour of a new-build. At the final Board Meeting at which Trustees voted, by Board rules there was supposed to be a 10 minute question period, but the chair said “There will be no questions tonight.” “No one really wanted to hear what we had to say.”

Further speakers addressed the design of the process and whether or not that was suitable if the ambition was consensus. They also returned to the absent Capital Plan, research on school size in relation to student achievement and access to information which should be in the public domain. The Board’s decision was described as “gutting downtown North Bay”. The Board’s refusal to send home notices of the facilitator’s meeting with the petitioners was typical of the whole process. There was no sincere effort to listen to the community.

The Petitioners meeting was attended by 47 people, 25 of whom were petitioners. Five Board members attended as observers.

The Board’s Response:

1. The Board states that it no longer produces a Capital Plan in the format which was used in 2006. The new format is a submission to the Ministry of Education. A parent asked for the Board’s current Capital Plan at the first meeting of the ARC. She was told, by e-mail, in a phone conversation and in subsequent replies to repeat e-mails, that the capital information which went to the Ministry would be provided in an information package which

- would go to all ARC members and would be available to the public at the 2nd ARC meeting. The Board sent the package to the ARC on November 21, 2012. The Information Package was presented and the ARC discussed it at Meeting 2, November 28, 2012. The package was available to the public.
2. The Board states that while it did not provide Prohibitive to Repair classifications, the unfunded capital and maintenance costs were provided to the ARC. The Manager of Construction Projects explained, in depth, facilities classifications as related to funding both capital and ongoing maintenance at both the 2nd. and 3rd. public meetings of the ARC.
 3. The Board disagrees with the statement that the School Information Profiles were inadequate. The ARC received information beyond what was in print at the first ARC meeting because the principal of each school made a presentation. The ARC did ask for further information and this was provided, as is evident in the notes of each subsequent ARC meeting. The Profiles were developed co-operatively. Board central administration provided the template and all data and the school principals provided the text summaries.
 4. The Board agrees that not all reactions to the proposed changes were captured in the Report. The ARC agreed at its first meeting that the “Notes of Meetings” would be brief summaries of decisions and requests for data. In addition, all submissions from the public would be attached to the final Report. The process for public input was distributed at the first ARC and posted on the Board website. All deputations were requested in writing so that the presentations of speakers could be captured verbatim and given to the Trustees. The Board notes that the draft materials for the ARC Report were discussed in detail at the fourth ARC meeting and that draft recommendations were circulated to all members on February 21. The final report, inclusive of ARC members suggestions, was distributed on February 26.
 5. As to the lack of an alternative plan, the Board states that this is not true. The Chair of the Board addressed the Committee at the Pre-ARC meeting and the facilitator clarified at meeting four that all schools will remain status quo if funding is not available. Administrative staff attended every ARC meeting and all alternative proposals were analyzed and assessed and appended to the Report to the Board.
 6. The Board states that a detailed analysis of both Options presented by the ARC, prepared by Board Administration, was presented to the Accommodation Committee on May 8, 2013. The Board also states that the staffing and program advantages of consolidating the students was discussed, with information handouts, at ARC meetings 2,3 and 4. Notes of the meetings record this. As to transportation, the requested cost analysis required significant staff time according to Nipissing Parry Sound Student Transportation Services. This was explained at the second ARC meeting. Staff stated that the additional costs would be small because a

significant number of students was currently transported and the distances were not long.

7. The Board did give less than 24 hours notice of the December 20, 2012 meeting. But the three petitioners who were ARC members, specifically requested a special caucus meeting. The rest of the committee agreed. The request of the ARC was for a caucus meeting without the public present, but the Board decided, late, to have a session open to the public. It was difficult to find a date on which everyone could be present. December 20th was the only one available.

When I met with the Trustees I sensed their collective frustration with trying to deal with too many very old schools and insufficient money for repairs. They said that some of the schools cannot be brought up to an acceptable standard. In addition, the cost of meeting the legislated, minimum accessibility standards is “horrific”. These problems are compounded by the steep enrollment decline the Board has experienced over the past 12 years. The Board also has to look at the different contexts of its rural and urban schools. One Trustee stated “Although we have amalgamated, we still face territorial issues and have had difficulty coming together as a Board.”

The Trustees adopted the Carver model of policy governance about 12 years ago. They stated that over the past 4 years the Governance Manual has not really been used and that they now have 2 committees working on re –thinking governance.

The Chair pointed out that the Board had been unsuccessful in a previous ARC. They were told that they had not followed “the rules”. They therefore hired a consultant for the current ARCs. He worked with them on developing a process which would be fair and transparent and follow the rules. He now facilitates the ARCs. The Trustees said that they created an internal Ad Hoc Accommodation Committee to allow for informal discussion of the ARCs. The Committee includes all Trustees and it reports to the Board.

A Trustee spoke to the needs of rural schools. Some of the very small schools can’t be closed because they are in remote locations. Funding is inadequate for this reality. On the other hand, the Ministry should make the school closing policy more practical. For instance, a school with less than 50% occupancy might be closed without an ARC.

The Chair noted the hard work which had gone into the North Bay ARC and her frustration with the Ministry decision to conduct an Administrative Review of the process. She holds the strong opinion that most of the parents and the community support the decision of the Board to consolidate the three schools at the Pinewood site.

OBSERVATIONS OF THE ARC

Many of the issues raised by the petitioners were raised again at my meeting with the ARC on October 1, 2013. This was not surprising since three of the petitioners were members of the ARC. They re-iterated their concerns. The School Information Profiles were inadequate in terms of both the content and the format of the documents. They did not follow Board Policy which requires that they be constructed around Values: to the student, community, school board and the local economy. The Board's Capital Plan was not available nor were the Prohibitive to Repair calculations. There remain strong feelings about parents being told to make Freedom of Information requests for items such as the Report of Senior Administration to the Board on the options put forward by this ARC.

One ARC member felt that the sense of a common purpose was muddled by their knowledge of a preferred option, the new school. Other members countered that a number of different options were discussed in considerable detail. The tensions which had existed within the ARC surfaced. One member felt strongly that "The King George parents asphyxiated us with paper work and inundated staff with requests for more information." From that member's perspective, all requests for information were met, questions were answered and issues addressed.

An ARC member stated that the presentation of the SIPs was done by the principals of the three school and that they went well beyond what was in print. The ARC had extended discussions of value to students at every meeting and had one meeting where program was a major topic. Other members stated that they had detailed information on the Board's financial situation, enrollment pressures, the backlog of school repairs, the cost of retrofitting schools, and the need to look at consolidation throughout the Board. They knew that the Board had submitted to the Ministry, as its Capital Priority, a new school on the Pinewood site.

The ARC member who represented First Nations commented that she wasn't clinging to any one school since First Nations children are in all three. Her immediate concern was for the high needs children but the school presentations, and in particular the one on a previous school consolidation satisfied her. The schools were impressive and the programs amazing. She said, "I pulled back. I had to look at what was best for everyone. I went with the new school....the best option for our children. It is what goes on inside a school that matters to the children." Another ARC member supported this position. "We were to listen and discuss what was best for the children of North Bay."

ARC members were very complimentary about the facilitators and the running of the meetings. They also praised the work of the administrative assistant and the superintendent who managed the information flow. Presentations from other board staff had provided ample information. There were no road blocks. Most of them accepted the fact that they had been unable to reach consensus. Some

said that the additional meeting was very helpful. There was consensus on the value of the caucus meeting in which they could talk frankly about the issues. Several members thought that more caucus meetings would improve the process.

Nine out of the 12 voting members of the ARC attended the meeting. Neither of the students was present. One principal could not attend. All other non-voting members plus a staff member who had been a resource person to the Committee were present. Three Trustees attended as observers.

MY OBSERVATIONS

My responsibility was to examine the petition and determine whether the issues raised constitute violations of the Board approved *Student Accommodation Policy, EL 11*. I have reviewed the petition, met with the petitioners, board administration, the trustees and the ARC. I have also read all of the minutes, notes of meetings, appendices and reports pertinent to the North Bay ARC process.

The North Bay ARC was first publicized via a May 16, 2012 Media Release which focused on the West Ferris ARC. The Release noted that the North Bay ARC would start in the Fall. A September 24, 2012 Media Release announced the purpose of the ARC, “review for consolidation” of the three North Bay schools and provided a schedule of public meetings. The public was told to go to the Board’s web site for further and ongoing information. Parents and Guardians received an information letter on October 19, 2012. They too were told to go to the Board web site for information on the deputation process and further news of the ARC. Media releases went out prior to each of the ARC meetings.

The enrollment data for the North Bay Public Schools which were involved in this review process support consolidation of the student population in order to provide a strong education program. There are numerous split grades, and this will only increase as student numbers shrink further. The Board has already made some money saving decisions which may have been necessary, but do little to support program excellence. For instance, school library services are minimal in each school.

The Near North District School Board’s *Policy EL-11 – Student Accommodation* is mostly consistent with the Ministry’s *Pupil Accommodation Review Guideline (Revised June 2009)*. It is comprehensive and in plain English, although the use of the negative mode, e.g. “the Director of Education shall not...contravene...fail” etc. rather than the positive is both odd and off-putting. The guiding principle is that the Board is “committed to providing a comprehensive range of educational opportunities equitably distributed across a broad and diverse geographical area through sustainable community schools.” The Policy expects long term enrollment and capital planning to provide the context for ARC processes and

decisions. The Policy requires that the School Information Profiles include data about the school's value to the students, the board, the community and the local economy. The community is to be consulted during the ARC process. The Policy also states that the ARC Report is to be presented to the Board and that Administration's analysis and recommendations on the Report are to be presented to the Board. The respective roles of the ARC, the Senior Administration and the Trustees are clearly set out. The decision making power is vested in the Trustees.

Observations: King George Public School

King George is one of three schools to be closed as a result of the North Bay ARC. Neither of the other schools is the subject of a petition.

The petition claims that the Board did not provide the Capital Plan to the ARC or to the school communities. While it is true that the Board did not produce the highly technical style of Capital Plan which was used in the 2008-09 ARC, the staff did produce copious print information on enrolment trends and the consequent capital planning required. What was produced was consistent with Ministry advice that technical information be presented in plain language. Copies of the presentations were available at Meeting 2 of the ARC. The Board was compliant with its Policy.

The Petition claims that the Board did not provide Prohibitive to Repair classifications to the school communities. When a community member asked for this information he was told to file a Freedom of Information request. Again, the petitioner is looking back to the previous ARC when this information was presented in great technical detail. The expectation seemed to be that information would be provided in the same format and detail as in 2008-09. I do not find this expectation of identical format to be reasonable. What is important is that the total cost of repair for all Board schools was presented at Meeting 2. It was titled Capital Project Summary Sheet. In addition, the "Event Listing By Descending Event Priority" sheets for each of the three schools in this ARC was drawn from updated, Prohibitive to Repair data. The ARC had this information. It was available to those members of the public attending the Meeting. Ideally, it should have been on the Board web site as information given to the ARC. The Board was compliant with its Policy in terms of the ARC's information base, but did not fully comply with section 5, bullet 2 of the Policy which commits to providing the information to the school community.

The petitioners state that the School Information Profiles were inadequate in that they did not provide any data on the school's value to the students, the board, the community or the local economy. This is accurate. The Board had decided that the previous practice of attempting to attach numeric values to each item in each category had been quite dysfunctional. The format which was chosen as a substitute looked more akin to a school web site than a charting of data on each

school. The “value” categories were not used in any organized way despite them being specified in the Board Policy. Having said that, most ARC members agreed that value to the student was at the centre of all of their discussions. They also stated that they toured each school and were well aware of the physical facilities. I was also given documentation on the additional information on split grades, program delivery etc. which was given to the ARC. I am confident that the ARC had a good understanding of the issues which are intended to be exposed in the Profiles. Nevertheless, the information was scattered over several meetings. This made organized consultation with the community more difficult than it should have been. The Board was not compliant with its Policy.

The Petitioners state that the Report to the Board contains an incomplete account of the reactions to the proposed changes in that it includes only written public presentations and no record of verbal presentations or debate among ARC members. The ARC agreed at its initial meeting that all deputations would be required in writing and that they would be attached to the Report. The assumption seemed to be that presenters would stick to their text. I see this as reasonable. As to debate among ARC members, recording that would have required a court reporter, and in any case would surely have stifled debate. The Report to the Board did have appended all of the written presentations. I find that a satisfactory way to proceed. The Report complied with Board Policy.

The petitioners state that Board Administration did not assist the ARC in proposing an official and documented alternate plan should funding not become available. The Board has replied that the ARC was told that, lacking funding, the alternate plan was status quo. The Board was compliant with its Policy.

The petitioners state that the administration’s analysis of the ARC Report and both of its recommendations is supposed to be presented to the Board. When a member of the public requested a copy he was told to make a Freedom of Information Request. The Board Policy is clear in requiring that the analysis be presented to the Board. Instead, it went to the Board’s Accommodation Committee. It did not go in the form of a Report, that is with clear headings regarding the body it was directed to, the author(s), the topic addressed and the date forwarded. Normally, such a Report would appear by title in the Agenda of a meeting, would be an item, by title, in the Minutes with any motions consequent to the Report and be filed separately from the Minutes of the meeting at which it was presented. In this case, the analysis appears as text in the Committee Minutes. The Committee did not forward the analysis to the public meeting of the Board, nor did the Director present it, as a Report, at the public meeting at which the consolidation decision was made. As a consequence of these procedural lapses, it seemed to cease to exist in retrievable Board records. The e-mail records I have been given confirm that a member of the public was told that to get a copy of that Report he would have to make a Freedom of Information request. But Board Policy, in stating that the analysis will be presented to the Board, places the information in the public domain. The Board did not comply with its policy.

The petitioners state that the public had less than 24 hours notice of the December 20 additional meeting of the ARC. There was some uncertainty about the additional meeting.. The Board had concerns about the request to meet in private and delayed a response. The final decision to agree to the caucus meeting was tied to a public meeting to follow. Board staff did their best to inform the public on short notice. The Board was compliant with its policy.

FINDINGS AND SUGGESTIONS

Any Accommodation Review is a time consuming and complex undertaking. In this case, a complicating factor was that emotional ties to buildings which are part of North Bay's history are real. Some of the complaints about parts of the process are valid. They may be divided into two categories: the process of the ARC itself and Board procedures both in setting up the ARC and in moving from receipt of the ARC Report to a final decision of the Board.

The ARC Process

I suggest that some improvements might be made by the Board to future ARC processes. This is not to suggest that the process caused the split recommendations of this ARC. All of the evidence points to that being inevitable when one considers the repeated return to the 2008-09 ARC in both the petition and in my meeting with ARC members. However, while I am confident that the ARC had all of the information required by the Policy by the end of its meetings, some of it might be better organized for both the ARC and community members.

I would not recommend a return to the highly technical, Watson style Capital Planning Report to which the petitioners referred. I do suggest that if documents such as the Student Accommodation Discussion Paper, presented to the Accommodation Committee on March 26, 2012, the Moving Towards a Sustainable Future presentation made to the ARC, and data on funding and repair costs were combined there would be the beginning of a Capital Planning document which the public would understand. It would also be suitable for posting on the Board web site.

I suggest that the School Information Profiles should return to Values as the basic organizational mode. This would be consistent with Board Policy and the Ministry Guideline. They need not be excessively long in each category, should provide brief descriptions of items and certainly should not attach, as was the case in 2008-09, numeric values to items. Numbers used in this sort of exercise are just as likely to be subjective as objective.

I suggest that the Board discuss with the transportation consortium an efficient means of obtaining estimates of cost increases when consolidation decisions require increased bussing of students.

I suggest that the rules for additional meetings of an ARC be set out clearly in the Terms of Reference. I also suggest that working meetings, or caucuses be encouraged. They should report out at a public meeting, but this need not be immediately following the caucus. It might be at the next scheduled public meeting.

The Board Procedures

The intention of the Board to create a fair and transparent accommodation review process is laudable. The meetings of the ARC were exemplary in this respect.

The Trustees told me that they were in the process of re-thinking their somewhat convoluted governance manual. This will assist in future, but the need to bring some basic procedures in line with current policy and by-laws is urgent. At present, the Board itself is less than transparent in carrying out its functions in the Accommodation Review process. For instance, the North Bay ARC was approved by a committee of the Board, but not by the Board. Further, the Freedom of Information complaint was caused by failure to process the administration's analytical report properly, in terms of the format of the report, its formal receipt by the Board and its proper filing as a public document. Clear and publicly available rules of procedure and rules of order provide the basic framework for transparency in democratic governance. Procedural rules should govern such things as the development of Reports, their movement through various committees and the Board and the management of records, Rules of order should relate directly to the management of meetings.

I suggest that the Board develop immediately a compact set of written, basic rules and procedures to govern its role in Accommodation Reviews. In doing so they should be guided, where relevant, by *Robert's Rules of Order*, which their governance manual already recognizes as their reference point for Parliamentary procedure. The basics might include rules which ensure that:

- there is a clear delineation of the respective roles of committees, whether Ad Hoc or Standing, and the Board as a public body.
- the establishment of an ARC, and its membership, is approved by motion of the Board;
- errors and omissions in the minutes of meetings are corrected, by electronic means if required by timelines, prior to the approval of those minutes;
- decisions on the hiring of outside help be made by motion of the Board;
- any Ad Hoc Committees are created by motion of the Board;
- Ad Hoc Committees have clear terms of reference and procedures for reporting to the Board;

- recommendations of Ad Hoc committees, for instance the Accommodation Committee, are reported intact to the Board for action. Any amendments should be moved at the Board meeting;
- reports, discussion papers, analytical papers etc., which are prepared for committees or for the Board, are presented as formal reports so that they may be properly received by motion, acted upon, and filed as reports separate from the Board Minutes. They should then be available to the public, either on-line or with a reasonable processing charge if the request is for print copy;
- all significant reports and documents which are part of the ARC process are made public on the Board web site.

CONCLUSIONS:

School closure decisions are best made at the local level because school boards have knowledge of the local communities and the needs of the local students. School boards are directly accountable for their students and to the local electorate. I appreciate the advice and candour of the petitioners. They are obviously dedicated to their children and care deeply about the fine, old building in which they are presently educated. I also thank the ARC, and the Board, both administration and trustees for their assistance.

The depth of the school community's attachment to their small, local school has been well demonstrated over several years. Nevertheless, I believe the Board was well intentioned in its decision to resolve the over-capacity problem in North Bay by deciding to consolidate the student population of the three schools.

Based on my review and consultations, I conclude that, while there were violations of Board Policy, they had no material effect on the deliberations of the ARC. While the Board did not process documents and information properly, the fact that all of the Trustees were members of the Ad Hoc Accommodation Committee meant that they had all of the information, including the administration's "analysis" paper, which they needed to make their final decision. That final decision was made properly, at a public Board Meeting. The ARC process, as demonstrated in the records of the meetings and confirmed by many ARC members, allowed for in-depth discussion and understanding of the issues and alternatives. The Trustees and Senior Administration had copies of all of the deputations which were made to the ARC and held a special Board Meeting which heard further deputations from the community.

The lack of public transparency in the Board's processing of decisions and documents is a very serious issue, but its negative effect is on the Board's relationship with the public it serves. It did not materially affect the final decision of the Trustees. Given the findings noted above, I expect the Board to move quickly to change how they manage not only future ARC processes, but the ARCs which are presently underway in the Near North DSB.

Respectfully submitted,

Margaret Wilson