

Ministry of Education

Office of the ADM

Capital and Business Support Division
900 Bay Street
20th Floor, Mowat Block
Toronto ON M7A 1L2

Ministère de l'Éducation

Bureau du sous-ministre adjoint

Division du soutien aux immobilisations et
aux affaires
900, rue Bay
20^e étage, Édifice Mowat
Toronto ON M7A 1L2



September 1, 2017

Eric DePoe

Box 145, Yarker, ON

K0K 2N0

ericdepoe@yahoo.ca

Dear Mr. DePoe,

**Re: Request for an Administrative Review of the Yarker Family School
Pupil Accommodation Review (PAR)**

This letter is in response to your request for an Administrative Review of the Yarker Family School PAR undertaken by the Limestone District School Board (“the board”), which included Yarker Family School and Odessa Public School

Due to the importance of accommodation decisions to students, families and communities, we share your desire that accommodation review processes follow the policies developed and approved by local school boards and that community members have the opportunity to form opinions and to have them presented and understood. However, based on the ministry’s review of your administrative review request package, the ministry has decided not to appoint a facilitator in this case.

When reviewing an administrative review request, the ministry gathers documentation to identify whether requirements of a board’s accommodation review policy were met during the board’s pupil accommodation review process. The ministry also assesses whether the documentation indicates that the steps taken by a board were sufficient and reasonable within the context of a public consultation.

In your petition, you state:

1. That the board violated *Section 1.1 Community Planning and Partnership Procedures* of the board’s PAR Policy through unilateral and uncooperative actions.
2. That the board violated *Section 1.2 Exploring Options* of the board’s PAR Policy by failing to share information and discuss options with community partners.

3. That the board violated *Section 1.3 Initial Senior Staff Report to the Board of Trustees* by failing to provide information in the Initial Staff Report (ISR) regarding actions taken by staff prior to the recommending a PAR and supporting rationale for any actions taken or not taken.
4. That the board further violated *Section 1.3* by failing to include any relevant information obtained from municipalities or other community partners prior to the commencement of the PAR in the ISR, as well as making no effort to find community partners.
5. The board further violated *Section 1.3* by providing misleading and inaccurate supporting rationales for the option presented in the ISR and FSR.
6. That the board violated *Section 2.2.3 Operation of the PARC* of the board's PAR Policy by responding to questions from the PARC in an incomplete, unresponsive and evasive manner.
7. That the board violated *Section 2.2.4 Meetings of the PARC* by failing to present Board Policy #15, PARC Terms of Reference & Mandate, School Information Profiles and the Initial Staff Report at Public Meeting #1, and failing to seek public feedback.

I will take this opportunity to address each of the points that you have raised.

Regarding the first item, you indicate that Section 1.1 of the board's PAR Policy envisions the board engaging in collaborative and cooperative partnerships with community partners. Your petition claims that the board's actions were unilateral and uncooperative.

The ministry recognizes that Section 1.1 of the board's PAR Policy is meant to address collaborative and cooperative partnerships for facility sharing, and is meant to speak to the joint use of facilities rather than establish standards for the PAR process. The part of this section that does relate to a direct step of the PAR process is the statement that board's Long-Term Accommodation Plan (LTAP) must outline "the condition and utilization of current facilities, and possible accommodation solutions designed to enhance student achievement". Your petition does not allege that the board did not meet this requirement.

The board's response provides evidence they attempted to engage in collaborative and cooperative behavior with community partners. The board highlights their invitation to community partners for the Community Planning and Partnerships (CPP) meeting on September 8th 2016, a second CPP meeting on January 23rd 2017, as well as several emails sent to the Township of Stone Mills inviting them to schedule additional meetings with board staff as evidence of their attempts to foster collaborative and cooperative partnerships. There was also evidence provided that representatives from the township would attend the CPP meetings.

Regarding the second item, you indicate that Section 1.2 of the board's PAR Policy requires that the board share information and discuss options with community partners prior to initiating an accommodation review. You state that the board did not share information or explore specific options with any community partner prior to the Community Planning and Partnerships (CPP) Annual Meeting on September 8th, 2016. You also state the board did not discuss the "options to be explored" that are included in Section 1.2, including: moving attendance boundaries and programs, offering to lease underutilized space within a school to coterminous school boards, finding community partners to lease underutilized space, and decommissioning or demolishing an unused section of a school to reduce operating costs.

Based on meeting minutes from the CPP Meeting on September 8th 2016, the ministry recognizes that the board did share information and explore options with the community partners in attendance. The meeting minutes from the CPP meeting show that the board presented its LTAP, the 12 proposed projects from the LTAP involving school consolidations, boundary changes and construction of new/replacement schools, with specific reference to the Ernsttown Family of Schools and the possible closure of Yarker FS, space available within the schools for partnerships, and properties that were for sale.

Additionally, the board answered questions regarding several of the items listed under the "options to be explored" list contained in Section 1.2. According to the September 8th CPP Meeting minutes, a community member asked if the board had looked into other accommodation options such as moving attendance boundaries, to which the board responded that all options would be considered, and that boundary changes had been reviewed in the LTAP. Another community member asked if the expansion of the Ontario Early Years Centres would help with a site's capacity, to which the board responded that on-the-ground capacity is based on the number of students in a building, not on partnerships. With the goal of finding uses for underutilized space, the board identified those schools which had space for available partnerships and advised community members to contact them for further information about the sites. The board stated that staff would meet with Township of Stone Mills representatives to further discuss options for viable partnerships.

Regarding the examples that you provide from the January 23rd 2017 CPP Meeting related to Section 1.2, the ministry notes that Section 1.2 concerns exploring options and providing information prior to initiating a PAR. Since the Yarker FS PAR was initiated on September 28th 2016, this group of concerns falls outside the scope of Section 1.2, and cannot be used as evidence that the board violated its PAR Policy in this regard.

The third item indicates that the board violated Section 1.3 of its PAR Policy by failing to include information and supporting rationales for actions taken or not taken by staff prior to recommending the PAR in the ISR.

The ministry has confirmed that the board included information regarding actions taken or not taken by staff prior to recommending the Yarker FS PAR in the ISR. Page 1 of

the ISR explains that the board hired Ameresco Asset Sustainability Group Inc. to complete the LTAP, explaining that “the LTAP helps in identifying planning areas and schools that face challenges due to enrollment and/or facility utilization and in developing plans that will “effectively right-size and manage excess capacity”. Page 1 also states that the recommendation of the LTAP was to “Establish a PAR in 2016/17 involving Yarker FS and Odessa PS, with a view to close Yarker FS and redirect pupils to Odessa PS”. The board’s explanation of the LTAP and its outcome show that the board provided information on actions taken prior to initiating the PAR, since the LTAP was received by the board in May 2016.

Regarding information on actions not taken by staff prior to the PAR, Page 2 of the ISR explores the possibility of changing the boundary between Harrowsmith PS and Yarker FS, as well as supporting rationale for why this action was not supported. Included in these rationales is the fact that the present catchment area for Yarker FS is 6 kilometers from Harrowsmith PS, and moving the boundary east to capture at least 25 junior kindergarten to grade 3 students would create a boundary that resides within 3 kilometers of Harrowsmith PS. Additionally, the board points out that if the boundary change impacted all elementary students, then all students in grade 4 to grade 8 would be bussed to Odessa PS instead of Harrowsmith PS, significantly increasing bussing time. The inclusion of a section on this boundary change option demonstrate that the board provided information and a supporting rationale for an action not taken in the ISR.

The fourth item also relates to a violation of Section 1.3, as your petition states that the board did not attempt to find community partners, so they did not include any information from community partners in the ISR.

The ministry recognizes that the board did include information obtained from community partners in the ISR and made attempts to engage with community partners to obtain information. Page 7 of the ISR includes a section which addresses Community and Municipal Partners, in which the board highlights feedback it received from community partners at the September 8th 2016 CPP Meeting. This section of the ISR includes questions asked by representatives of the Township of Stone Mills regarding the possibility of shared facility services with the board. The board maintains that other than questions asked by attendees at the CPP Meeting they did not receive any other information from community partners at the meeting, and point out that the petition does not provide specific examples of information that community partners provided to the board that were not included in the ISR.

Regarding the board not attempting to look for community partners, the ministry notes that the board sent an invitation to community partners, including the Township of Stone Mills, inviting them to attend the September 8th 2016 CPP Meeting. This invitation asked that “organizations interested in sharing facility partnership proposals should bring relevant planning information such as growth plans, community needs, land use and green space requirements”. This invitation demonstrates that the board reached out to community partners and invited them to bring relevant information to the meeting.

The fifth item in your petition also relates to Section 1.3 of the board's PAR policy and claims that the supporting rationale provided for the closure of Yarker FS was "misleading and inaccurate". Your petition explains that declining enrollment and underutilization are highlighted as rationales for closing Yarker FS in the ISR and FSR, but these are "not the real reason" the decision to close Yarker FS was made. Your petition provides quotations from the board's director, Debra Rantz, which you argue demonstrate that the rationales provided in the ISR and FSR are inaccurate.

The ministry notes that the rationale for closing Yarker FS included in the ISR contains more than just underutilization and declining enrollment. *Section 14 Value of the Preferred Option* on page 8 of the ISR lists the following rationales for the preferred option of closing Yarker FS:

- Maintaining or improving curricular, extra curricular, and social opportunities for students
- Maximizing the use of board and ministry resources
- Reducing the financial liability of the board and ministry
- Adding additional value to the community through the possible future sale of the Yarker FS building and property to the Township of Stone Mills

In addition, the board expands the quotation your petition provides from a statement Director Rantz made at the September 8th 2016 CPP Meeting. In this quote, the Director says that "the board's goal is to reach 100% capacity as much as possible". When taking into account the complete rationale provided in the ISR, as well as Director Rantz's entire statement, the ministry recognizes that Director Rantz was explaining that there are reasons beyond utilization and enrolment that factor into a school board's decision to close a school and that more students attending Yarker FS wouldn't change the staff recommendation. The ministry recognizes that Director Rantz' statements, when taken in their full context, are not misleading or in contradiction with the rationales provided in the ISR.

The sixth item in your petition indicates that the board violated Section 2.2.3 of its PAR Policy by responding to requests for additional information from PARC members with incomplete answers, evasiveness and unresponsiveness. Your petition provides emails from PARC members Jenny Munroe, Harris Ivens and Nancy Hoogenraad that you claim were never answered by the board.

The board's response states that they did respond to these email questions, and provides the email responses as proof. Jenny Munroe's email dated on February 5th 2017 was answered by the board on February 13th 2017. The response was sent to all PARC members, and the questions and answer are included in the FSR in Appendix C:1-1.2. Harris Ivens email sent on January 30th 2017 was answered by the board on February 1st 2017. The questions and answers are included in the FSR in Appendix C:1-1.2. Harris Ivens email sent on March 1st 2017 regarding a request from a

community member for information on renewal items was answered during the March 21st 2017 PARC Working Committee Meeting. During this meeting, an inquiry was made into why the renewal data that the community member requested had not been included in the ISR, to which the board responded that capital projects and renewal events are captured in the ministry database. Harris Ivens email sent on April 7th 2017 was answered by the board on April 9th 2017.

Regarding Nancy Hoogenraad's email sent on April 10th 2017, the board points out that they were unable to respond since the PARC Report was submitted a day later on April 11th 2017. The board explains that the PARC's work was done and there was no longer a need to answer the question. However, the information being sought in Nancy's email had already been provided in the response to Henry Ivens April 7th 2017 email.

The board's response points out that other than these emails, the petition does not point to any other questions that were inappropriately answered by the board. The board also explains that the PARC Final Report does not make any indication that the PARC was impaired in fulfilling its mandate due to a lack of information provided by the board. The ministry also recognizes that the board's effort to respond to reasonable requests for information is shown in the FSR, which contains 94 pages of questions from PARC members as well board responses. Additionally, 50 of these questions and their responses are posted on the board's website.

The final item indicates that the board violated Section 2.2.4 by failing to adhere to the agenda focus for Public Meeting #1 outlined in the chart contained within this section of the PAR Policy. Your petition claims that the board did not discuss its PAR Policy, PARC Terms of Reference & Mandate, School Information Profiles (SIPs) or the ISR at Public Meeting #1, as required by the chart contain in Section 2.2.4.

The ministry recognizes that the chart in Section 2.2.4 is "an example of a meeting schedule", as stated on page 23 of the Limestone District School Board Policy Handbook. As such, the "agenda focuses" provided in the chart are not mandatory. Mandatory minimum requirements for information that must be presented at the first public meeting are listed within the Ministry of Education Pupil Accommodation Review Guidelines:

1. An overview of the ARC orientation session
2. The ISR with recommended option(s)
3. A presentation of the SIPs

The board's response to your petition explains that the board attempted to comply with the minimum requirements listed above, but were faced with a series of interruptions at the first PARC Public Meeting on November 30, 2016 that prevented them from doing so. The ministry understands that members of the public in attendance interrupted the board's presentation by beginning a "town hall" format meeting with their own microphone and sound system. Members of the public then proceeded to ask questions and provide feedback regarding the Yarker FS PAR. As a result, the board was unable

to deliver the presentation in the fashion they had intended. The ministry also recognizes that at the end of the PARC Public Meeting, the board announced that the presentation it had prepared and intended to deliver at the meeting would be available on the board's website. The ministry notes that the contents of the board's presentation, as posted on the board's website, did include the aforementioned information required in the minimum requirements of the ministry's PAR guidelines. As such, the ministry believes that the board made every effort in good faith to fulfill the minimum requirements for PARC Public Meeting #1, given the interruptions it faced at the meeting.

I appreciate the level of engagement that members of the Yarker FS community have shown through this process. I encourage parents and guardians of students at Yarker FS to remain involved with the process as the Limestone DSB develops its plans for the transition of students and prepares for the coming school year. The continued involvement of parents and guardians will help to ensure that the needs of all the students involved in this review are met.

Should you have further questions, please contact Robert Saavedra, Policy and Issues Analyst, Capital Programs Branch, Ministry of Education at 416-325-3045.

Sincerely,

Original signed by:

Joshua Paul
Assistant Deputy Minister
Capital and Business Support Division

cc: Debra Rantz, Director of Education, Limestone District School Board
Denis Chartrand, Regional Manager, Ottawa Regional Office, Ministry of Education