Request for Administrative Review of Pupil Accommodation Review (PAR) Process for East Credit Catchment

Submission to Ministry of Education

By Parents and Community Members of St. Dunstan Catholic Elementary School

Introduction:
The Dufferin-Peel Catholic District School Board (DPCDSB) accommodation review policy consists of 2 separate documents, The DPCDSB Pupil Accommodation Review policy 6.51 and the DPCDSB Pupil Accommodation Review General Administrative Procedure (GAP) 718.00. Herein these documents will be collectively referred to as the “DPCDSB PAR Policy”. As per the guidelines for the Ministry of Educations’ administrative review; a copy of the DPCDSB PAR Policy is enclosed as Appendix 1. This submission for an administrative review will detail how the accommodation review process was not compliant with the DPCDSB PAR Policy. It will also detail how the DPCDSB PAR Policy itself was not compliant with Ministry’s PAR Guidelines and how the overall process was manipulated towards a perceived predetermined outcome. Given that this PAR review was the first full review under a new revised PAR system; this submission will also detail inherent flaws to the new PAR process and provide recommendations for improving it in future reviews.

As per the guidelines for the Ministry of Educations’ administrative review; we have demonstrated support from the community by enclosing a petition (Appendix 2) signed by 200 supporters; exceeding the minimum requirement of 30% (94 signatures) of the total current enrollment of 312 students.

This request for an administrative review has been submitted to the ministry within 30 days of May 25, 2016; the date of the board’s closure resolution.

Executive Summary:
This submission for an administrative review is based on the following observations:

1. The school board did not adhere to the DPCDSB PAR Policy
2. The DPCDSB PAR Policy was not compliant with the Ministry’s PAR Guidelines (Appendix 3)
3. The DPCDSB PAR Policy and its implementation was not transparent and evidence-based

PART 1: Non-compliance with the DPCDSB PAR Policy

This Section will detail five examples of how the school board did not adhere to the DPCDSB PAR Policy. For simplicity these examples are labeled A through E.

A. PAR Policy 6.51, Page 1, Paragraph 5 “...the Board will communicate relevant information with all stakeholders”.
   i. A correspondence from Father Marc-Andre Campbell (Appendix 4) was received on April 2nd but was not disclosed to the Accommodation Review Committee (ARC) committee prior to their final meeting on April 6th. This is significant for several reasons. First, the letter provides insight into the board’s revised option of moving St. Dunstan in its entirety to St. Bernadette prior before the Final Report was made public. This indicates that the board had already begun making decisions in regards to their Final Report (i.e. Predetermining the outcome) prior to the completion of the ARC process. Second, by delaying communication...
of this information, the ARC could not adequately respond to the merits or shortfalls of this new option. Further, the letter lobbies for the inclusion of parish boundaries as a key rationale in the PAR process; a consideration that to date had not been tabled and one that ultimately had a large influence on the Trustees’ final decision.

ii. Throughout the entire PAR process, the Trustees (considered PAR stakeholders) were kept apprised of the ARC discussions through updates from the school board staff. This is problematic because there are several instances where both verbal and written updates from staff were inaccurate, incomplete or perceived to be biased towards a predetermined outcome. For example, during the presentation of the boards interim report on April 26, 2016, board staff made a statement (not captured in the minutes) that the ARC process was “democratic”. Yet at no time did staff, verbally or in writing, indicate which ARC option was supported by the majority of schools; which coincidentally happened to be ARC option 1 in which St. Dunstan was not recommended for closure. At the same board meeting, board staff were asked by a Trustee about any “downsides” to the modified staff options, to which the response was focused only on the potential closure of a newer school: St. Valentine. There was no mention of putting St. Bernadette immediately at over capacity, no mention of the need for portables, no mention of closing an air conditioned school and moving students to non-air conditioned school, no mention of closing a top performing school with good utilization and the fastest growing enrollment in the area. This question and response was also not captured in the meeting minutes. And then there is the summary chart from Appendix 1 of the Final Report (Appendix 5). This was used as the primary reference document by the Trustees and contained numerous examples of misinformation related to the closure of St. Dunstan. For example, it states that air conditioned buildings will be maintained; yet St. Dunstan classrooms are air conditioned but St. Bernadette’s are not. It states “Yes” to the parameter of minimizing the need for portables when other options that require no portables were not even considered. And modified staff option B claims 26% space for future growth yet they would be putting St. Bernadette at overcapacity immediately. The capacity of the schools could have easily been reported separately but the board chose to obscure these facts by strategically grouping schools together; supporting the perception of a predetermined outcome; a perception that the board’s actions reinforced throughout the entire PAR process.1

B. PAR Policy 6.51, Page 3, Last Paragraph “This policy is in alignment with the requirements as outlined in the Pupil Accommodation Review Guideline (2015)”. PART 2 of this submission will deal exclusively with this item but is cross-referenced herein as a point of non-compliance with the DPCDSB PAR Policy.

C. PAR Policy 6.51, Page 3, Last Paragraph “Dufferin-Peel Catholic District School Board remains committed to an informed and consultative process with communities.” PART 3 of this submission will include details of this item but is cross-referenced herein as a point of non-compliance with the DPCDSB PAR Policy. It should also be noted that community members’ rights to a transparent process that provides an opportunity for meaningful input is the basis for a judicial review.

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1 An example of this is the wording of the Survey #1 which asked participants to indicate their “preferred option” or select “no preference”. When St. Dunstan parents indicated that this was biased against them as St. Dunstan appeared in all options and “no preference” implied indifference, the board refused to change the wording.
D. GAP 718.00, Page 9, Paragraph 4 “The Final Staff Report, which will include an addendum of compiled feedback from the public delegations to the Board of Trustees and any staff response to such feedback, will be submitted to the Board of Trustees no fewer than ten (10) business days from the public delegations.” The final public delegation night was held on May 11, 2016. The Final Staff Report was presented to the Trustees on May 24, 2016. Given that May 23rd was a national holiday, this means that the report was presented only 8 business days after the public delegation and was therefore not in compliance with the board policy detailed above.

E. GAP 718.00, Pages 14-15 “Regular Pupil Accommodation Review Timeline and Checklist”. The chart below is based on the Regular Pupil Accommodation Review Timeline and Checklist. The first three columns were taken directly from the GAP 718.00 document. The final two columns indicate actual implementation and where board staff deviated from the DPCDSB PAR Policy (in red).

<table>
<thead>
<tr>
<th>Item</th>
<th>Additional Information</th>
<th>Timeline²</th>
<th>Actual Timeline</th>
<th>Deviation from DPCDSB PAR Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Staff Review and SIPs presented to Trustees</td>
<td>PAR approved</td>
<td>0</td>
<td>Nov. 24, 2015</td>
<td></td>
</tr>
<tr>
<td>Written notice to municipality through Clerks’ Departments (or equivalent) and to community partners who expressed an interest prior to the PAR</td>
<td>Include invitation to meeting to discuss and comment on options in Initial Staff Report</td>
<td>Within 5 business days of PAR approval</td>
<td>Correspondence not readily available to public</td>
<td>NA</td>
</tr>
<tr>
<td>Written notice to Director of Education of co-terminous school boards</td>
<td></td>
<td>Within 5 business days of PAR approval</td>
<td>Correspondence not readily available to public</td>
<td>NA</td>
</tr>
<tr>
<td>Written notice to Ministry of Education</td>
<td>Send to the office of the Assistant Deputy Minister of the Financial Policy and Business Decision</td>
<td>Within 5 business days of PAR approval</td>
<td>Correspondence not readily available to public</td>
<td>NA</td>
</tr>
<tr>
<td>Form ARC</td>
<td></td>
<td></td>
<td>Jan. 6, 2016</td>
<td></td>
</tr>
<tr>
<td>Arrange meeting with municipalities and with community partner(s)</td>
<td>Log attempts to meet</td>
<td>Before First Public Meeting</td>
<td>Dec. 10, 2015</td>
<td></td>
</tr>
<tr>
<td>Announce and advertise First Public Meeting through range of media</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Public Meeting</td>
<td></td>
<td>At least 30 business days after PAR approval</td>
<td>Jan. 20, 2016</td>
<td></td>
</tr>
<tr>
<td>Provide notice to municipalities and community partners of Final Public Meeting</td>
<td></td>
<td></td>
<td>Mar. 11, 2016</td>
<td></td>
</tr>
<tr>
<td>Announce and advertise Final Public Meeting through range of media</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

² Time is measured in business days from the date the PAR is approved. “Business day” is defined as a calendar day that is not a weekend or statutory holiday. It also does not include calendar days that fall within school boards’ Christmas, spring, and summer break. For schools with a year-round calendar, any break that is five calendar days or longer is not a business day.
Receive response from municipalities and community partners | Mar. 30, 2016 | April 2, 2016 | Correspondence received after Final Public Meeting and withheld until after final ARC meeting.

Final Public Meeting | At least 40 business days after First Public Meeting | Mar. 30, 2016 |

Final Staff Report to the Trustees | Must be accessible to the public | At least 10 business days after Final Public Meeting | April 26, 2016 Interim Report | There is no mention of an “interim” report in the process. The Final Report should have been delivered at this time.

Provide notice of date of public delegations | After Final Staff Report is available to the public, and at least 10 business days before the public delegations | April 22, 2016 Update Bulletin #4 | NOTE: Submissions due May 2, 2016 |

Public delegations to Trustees | May 9-11, 2016 |

Compile feedback from public delegations |

Present Final Staff Report with public delegation addendum to Trustees | May 24, 2016 | This report contains more than an addendum to the Apr. 26th interim report, constituting a deviation from the PAR Policy |

Trustees to make final decision | Not to occur in the summer | At least 10 business days after public delegations | May 24, 2016 | May 23rd holiday means only 8 days after final public delegation |

Constitute Transition Planning committee to address staff and student transitions |

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PART 2: Non-compliance with the Ministry of Education PAR Guidelines

The Ministry of Education’s March 2015 PAR Guideline (Appendix 3) states that all school board PAR policies should be designed to align with Ministry’s Vision (Appendix 6); namely the three guiding principles of:

i) student well-being;

ii) academic achievement; and

iii) school board financial viability/sustainability

Throughout the entire East Credit PAR process, the school board has failed to explain to the community how their process adheres to these guidelines. In particular, the board failed to define their rationale for considering school closures in a way that aligns with these guiding principles.

During the first meeting of the ARC, the school board presented their rationale for determining school closures; these were:

- Reduce overall capacity by 1400-1600 pupil places
- Increase and maximize overall utilization by 20% or higher
- Retain schools that are central to the catchment area
- Maintain Catholic presence within the East Credit Review Area
- Retain newer schools that have lower maintenance costs
- Increase utilization minimizing need for portables or an addition at receiving school
- Keeping school communities together when possible
- Taking into consideration major roads as boundary lines

Not a single one of these factors takes into consideration academic achievement. When challenged by the ARC on this point, the board staff informed the ARC that use of EQAO scores was “offensive” and would not be considered by the board. The chair of the committee even went on to imply that St. Dunstan parents could be perceived as “elitist” for doing so (once again not captured in the meeting minutes). This is in stark contrast to the Ministry of Education Vision document which cites EQAO scores as a critical tool in assessing student well-being and academic achievement. The question is simple: “If EQAO scores do not assess academic achievement then what rational criteria does?” To date, the board has not adequately addressed this question.

There are dozens of correspondence from parents questioning the board policy on this topic; one representative example and the response from the board is included as Appendix 7. This sample email questions the board on the misalignment of the rationale with ministry guidelines and also cites case studies from past PAR processes as well as academic research studies into factors that contribute to successful schools. The boards’ response clearly did not adequately address any of these issues and in fact highlighted that, by their own admission, did not do any research into PAR best practices or educational research; thus further supporting the perception within the community of a predetermined, non-evidence based outcome.

Student well-being was the primary concern of the over 1,500 community stakeholders (78% of which are concerned parents) who participated in the second public survey. The top consideration for closing schools was voted by the community to be keeping the school community together. For receiving schools, the top two considerations were to maintain classroom space for future growth and to minimize the need for portables. There are only three of the eight schools considered in this PAR process that can fit in their entirety into a receiving school; St. Dunstan is not among them. Two of these schools have the lowest utilization and poorest academic achievement and the third is the oldest school with the highest operating cost and Facility Condition Index (FCI); yet none of these schools were selected for closure by the Trustees (and only one appeared in the boards’ modified options after the community survey was conducted). It is apparent that the rationale of student well-being expressed by the community was not shared by the board; or it was ignored. With the closure of St. Dunstan and St. Gertrude as voted by the Trustees, 37% (987 students) of the total East Credit community will be displaced and in doing so, the board also chose to split students from their peers at both schools.

The final factor is fiscal viability and sustainability. Since the beginning of the PAR process the school board has pointed the finger at the Province for cutting $1.5M annually in their budget; thus necessitating the closure of schools. While the East Credit community recognizes the need for difficult choices when managing budgets funded by tax payers; we also need to ensure that these decisions are in the best long-term interest of the community and our children in particular. The decision taken by the Trustees does not address the long-term sustainability of the East Credit schools but is rather a short-term “Band-Aid fix” to declining enrollment at poorly performing schools. It is equivalent to
treated the symptoms of a patient rather than curing their disease. To close two high-performing, well-utilized and growing schools is at best short-sighted and at worst is irresponsible. This is particularly disturbing when the fiscal savings of closing both of these schools combined could have been nearly entirely met by the closure of the single oldest, highest cost school in the catchment with the least disruption to the community (see item 4 in Part 3 below).

PART 3: Non-compliance with a Transparent and Evidence-Based Process

“Enhancing Public Confidence” is one of the key pillars detailed in the Ministry of Education’s Vision (Appendix 6); to be assessed by “Working with boards to measure public perception through regular surveys and focus groups”. It is clear from this statement that the Ministry values public perception; community trust and credibility as public leaders entrusted with the education of our future generations. However, the East Credit PAR process has failed at all levels to provide a transparent, fair and evidence-based approach; thus resulting in a loss of credibility and the loss of trust of the community. Aside from the numerous examples detailed throughout this submission of the board’s actions that supported a public perception of a predetermined outcome, the resulting decision itself by the Trustees is the antithesis of the rationale provided by the Ministry Guidelines (Appendix 3). To any impartial external reviewer, there is no justification for the ultimate conclusion that has resulted from this process. This complete disconnect with the PAR policy, combined with the Trustee’s decision to not even consider either the staff or ARC options during the final vote, is what frustrates the East Credit community most and is the primary reason for pursuing this review - to ensure accountability and rigor to this public process going forward. To illustrate the disconnect between the final decision and the PAR rationale; we present the following information as it relates to St. Dunstan:

1. The PAR process was initiated due to low and declining enrollment in the East Credit schools. But this is not true of all schools in the East Credit area. St. Dunstan is the fastest growing school; projected to have the second highest utilization by next year and to maintain this position through 2025. Neither of the two lowest utilized schools were considered in the school boards’ modified options. Board staff have gone out of their way to speak to the collective East Credit enrollment to avoid identifying the problem schools.

![Utilization Graph](Source: Initial Staff Report)
2. In terms of **academic achievement** St. Dunstan is by all measures the top (or near top) performing school in the East Credit area. The following charts indicate the combined grade 3 and grade 6 EQAO scores for reading, writing and math for all schools in the East Credit Area. It should be noted that neither of the bottom two performing schools were included in the board’s modified options for closure. St. Dunstan also has a 2013/14 (most recent) Fraser Institute rating of 8.5; by far the highest in the East Credit area.

<table>
<thead>
<tr>
<th>School</th>
<th>1st in Reading</th>
<th>2nd in Writing</th>
<th>1st in Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Dunstan</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>St. Gregory</td>
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<td></td>
<td></td>
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<tr>
<td>St. Gertrude</td>
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<td>St. Raymond</td>
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<td>OLGV</td>
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<tr>
<td>Board Avg</td>
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<tr>
<td>St. Valentine</td>
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<tr>
<td>St. Bernadette</td>
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<td></td>
<td></td>
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<tr>
<td>St. Herbert</td>
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<td></td>
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</tbody>
</table>

3. Although **student well-being** is difficult to define (and was not defined by the board), it is clear from the ARC process and the Community Survey #2 that the primary concerns of parents were to keep school communities together (so as to not disrupt kids’ supporting peer groups) and to
ensure that receiving schools maintained room for growth while minimizing the need for portables. The chart below summarizes the current enrollment and capacity of all East Credit Schools. There are only three schools with a current enrollment small enough to fit entirely into a receiving school; St. Dunstan is not among them. Further, only one of these schools appeared in the board’s modified options.

4. **Fiscal Sustainability** is a primary concern for the school board and must be managed in a responsible way that serves the best interest of the community. However, when comparing operating costs (including school utility and snowplowing, school renewal needs and transportation), two schools are more expensive to operate than St. Dunstan. In fact, St. Dunstan has the lowest annual utility costs among all eight schools. Transportation costs are higher than other schools but this cost would only be transferred with students. Further, board staff have indicated that transportation costs are funded separately and are not a factor in the PAR decision and are only included here for completeness and full transparency.
The school board staff and the board of Trustees have failed to address the concerns of the community regarding the lack of transparency, fairness and clear rationale of this PAR process. Further, their collective actions have only exasperated these concerns within the community. An example of this is the failure of some of the Trustees to attend the final delegations of the community. In fact, the Trustee that tabled the very motion that was eventually passed was not present during the first night of delegations in which the majority of ARC members presented. Another Trustee that voted in favor of the motion did not bother to attend any of the delegations at all. Even if the presentations were provided to the absent Trustees, there is no way that the complete statements of the delegates were captured and conveyed in a meaningful manner. Following the decision, a letter to a St. Dunstan parent from the Trustees (Appendix 8) described how the Trustees were engaged throughout the process. It is indicated therein that two “in-service sessions” were held, one on Jan. 26th and one on Apr. 12th, where the Trustees were “updated” by staff on the PAR process. By not making these meetings public, the board is in violation of section 4.3 of their own bylaws (Appendix 9). These “backroom” meetings had no documented minutes and only serve to further the concerns of the community regarding the lack of transparency in this process.

The most disturbing evidence of the blatant manipulation of the PAR process towards a predetermined outcome is the series of events that transpired between the school board staff and Trustees between Jan. 11th and Jan. 26th regarding the ARC mandate. On Jan. 11th, the Board of Trustees voted in favor of a motion to “OCSTA petition the Ministry of Education to amend the Pupil Accommodation Review (PAR) Guidelines (March 2015) to include, as part of the ARC mandate, that the committee develop or identify a preferred accommodation option as part of the final ARC report to board.” (Appendix 10 – Pg. 85). Following that decision, the Trustees met with staff in a non-public “in-service session” on Jan. 26th. That same day, the Trustees decided to withdraw the motion; which if implemented would have resulted in ARC option #1 (see Appendix 5) being tabled as the preferred option. This begs the question as to what was discussed between board staff and Trustees during this “backroom” session to motivate the full reversal of the Trustees original motion that would have empowered the community to have meaningful input into the PAR process? Coincidentally (or not?), the board staff had received the first ARC proposal on Jan. 22nd which was to be presented at the Jan. 27th ARC meeting, the day following the Trustee’s sudden decision to overturn this motion.

Finally, to underscore the Trustees’ disregard for proper governance and process, the board of Trustees again broke their own by-laws (see 10.19 in Appendix 9) during the final vote by not permitting a request from a member to split the vote. It should also be noted that this request was once again not captured in the meeting minutes.
Conclusion

In summary, the enclosed submission has provided substantial and factual evidence that:

1. The school board did not adhere to the DPCDSB PAR Policy
2. The DPCDSB PAR Policy was not compliant with the Ministry’s PAR Guidelines
3. The DPCDSB PAR Policy and its implementation was not transparent and evidence-based

The failure of the elected Trustees to recognize the shortcomings of the East Credit PAR process and instead opt to ignore the process completely, in favor of their own proposed options for closures, has left the community with no alternative than to seek an administrative review by the Ministry of Education. Our community recognizes that the Ministry must work closely with local boards to manage public budgets while balancing the well-being of our children and the quality of their education. We also recognize the need for local boards to have a certain degree of autonomy in how they manage their budgets. However, since the East Credit PAR review is the first full PAR process under new revised Ministry guidelines, it is vital that the Ministry closely examine the implementation of this policy so as to ensure local boards are implementing the policies in the manner in which they were intended. In this regard, we submit that the East Credit PAR has failed at all levels.

In terms of next steps, we submit the following recommendations for consideration:

1. Restart the East Credit PAR process using the Modified Review approach that focuses on no more than 3 schools for consideration. These schools should be chosen on a factual basis following the guiding principles of the Ministry; the rationale developed and voted on by the community and should be readily evident from the data provided in this submission.
2. Going forward, set a clearly defined list of rationale for considering school closures. Clearly identify which are quantitative versus qualitative and how these factors are weighted in the context of the decision.
3. Going forward, engage trustees as part of the ARC meetings; at a minimum as observers of the process. It was clear from the questions that were asked during board meetings, including those after the final decision, that most trustees either did not read the ARC materials or did not fully understand them. This is not surprising as the ARC worked for several months and developed a huge amount of data for consideration. Without attending the ARC meetings, it is unreasonable to expect Trustees to clearly identify what aspects are priority for community stakeholders and how the school board staff respond to their questions. Having Trustees participate in the ARC would also eliminate the perception of miscommunication (or misinformation) from board staff to Trustees as was the case in the East Credit PAR. After the Trustees decision, there have been debates and discussions at Board of Trustee meetings that should have been tabled prior to the final decision instead of retrospectively.
4. Going forward, ensure that schools are not irreparably damaged by the PAR process, regardless of whether they are closed. As St. Dunstan was targeted in all staff options, the school has lost approximately a third of its current teachers for the upcoming school year. Thus causing irreparable damage to the overall high performing learning environment that was fostered at St. Dunstan.
5. Going forward, Trustee’s should adhere to an order of consideration when voting on the final decision. For example, the school boards’ modified options followed by ARC options followed by initial staff options followed by Trustee proposed options. This will at least ensure that the options developed through the PAR and ARC processes are considered appropriately and with respect to the months of extensive community consultation and engagement.

Since the final vote by Trustees, the school board has responded to questions from the community by citing the specifics of the PAR process including the number of meetings held and the number of surveys taken. The PAR process is itself not a rationale for closing schools. Rather, it should be the process by which the community is engaged in a meaningful way to assist the board in implementing the rationale set out by the Ministry Guidelines. This did not happen in the East Credit PAR process.

We believe the board did not follow its accommodation review policy, we hope that you will appoint an independent facilitator to review the board’s accommodation review process. Thank-you for your careful consideration of this submission and please contact us should you have any questions or require clarification on anything contained herein.

Sincerely,

Jason Field, PhD

List of Appendices:

1. DPCDSB PAR Policy: a) PAR Policy 6.51 b) GAP71800
2. Signed Petition from 200 St. Dunstan Parents
3. PAR Guidelines
4. Father Marc Andre Correspondence
5. Final Staff Report on East Credit PAR
6. Ministry of Education Vision
7. Sample email from parent during PAR process and board response
8. Email from DPCDSB to St. Dunstan Parent following final decision
9. Board of Trustees By-Laws
10. Agenda from Jan. 26th Trustee board meeting, including minutes and motions from Jan. 11, 2016