August 19, 2016

Jason Field

Dear Mr. Field,

This letter is in response to your request for an Administrative Review of the East Credit Pupil accommodation review undertaken by the Dufferin-Peel Catholic District School Board (DSB). This review included St. Dunstan Elementary 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.

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 the 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 the school board were sufficient and reasonable within the context of a public consultation.

To organize the response of the ministry, first I would like to itemize the points raised in your petition. In your petition, you state that:

1. The Dufferin-Peel Catholic DSB failed to adhere to their policy by not communicating with committee and community members during the accommodation review process.

2. That the board failed to hold public delegations within the required timelines.

3. That the board failed to present the final staff report within the required timelines.

4. That the board’s process and decision did not address the principles of student well-being, academic achievement and school board viability.

5. That the outcome of this accommodation review was predetermined, because
the trustees’ final decision was completely disconnected from the work of the accommodation review committee and the final staff report.

6. That the outcome of this accommodation review was predetermined, because early in the process the board of trustees put forward a motion to increase the role of the accommodation review committee, but this motion was withdrawn after a meeting with staff.

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

First, you indicate that the board failed to adhere to their policy to communicate with the accommodation review committee and with the public. Specifically, you indicate that an item of correspondence (from Father Marc Andre Campbell) was not shared publicly. You also state that the regular staff updates to the board of trustees were biased and did not accurately present the preferences of the community.

A review of the board’s website and posted documents pertaining to the East Credit accommodation review indicate that an appropriate effort was made to share the relevant data and information with the accommodation review committee and with the public. This material was also made available to the board of trustees.

The board has noted that the correspondence from Father Marc Andre Campbell was submitted to the board in response to the invitation to municipalities and community organizations provide feedback on the initial staff report. Submissions from municipalities and community organizations are not required to be provided to the accommodation review committee for analysis. The board did share this piece of correspondence with the public, in the interim staff report, as required. These steps are reasonable.

Second, you indicate that public delegations took place on May 9, 10 and 11, 2016, and that the final trustee decision was made eight business days later (May 24, 2016). These actions failed to comply with the board’s policy, which requires this vote to be held at least 10 business days after public delegations.

The board had originally scheduled public delegations to take place on a single evening (May 9, 2016), thereby fulfilling the requirement to hold the final trustee vote at least 10 business days later. As the board received a high number of registrations for public delegations (67 registrations), the board decided to schedule two additional evenings for delegations (May 10 and 11, 2016), so that every registrant would have the opportunity to present their comments.

As the date of the final decision had been publicized since January 2016, and to avoid causing confusion, the board decided not to move the date of the final board decision due to the additional delegation evenings. The actions of the board were to support a thorough public consultation by ensuring that all registrants had the opportunity to present to the board of trustees. The board was not required to offer these additional delegation sessions. Thus their decision was reasonable.
Third, you explain that one month prior to the trustees’ final decision, the staff of the board presented an interim report. However, on the evening of the final decision (May 24, 2016), board staff presented a significantly different final report. You state that the board failed to follow the requirement of their policy to publicly release the final staff report in advance of the trustees’ final decision.

The board staff has indicated that the intent was for the interim and final reports to be the same, apart from the appended public delegation session notes (to be added to the interim report). However, as a result of comments presented regarding the clarity of the interim report over the course of the public delegations, board staff decided to restructure and improve the document for the benefit of all participants. While it appears that the final report is different from the interim report, the recommendations and content of the final document fully reflect those presented in the interim report. The final report does not include new recommendations. This decision to improve the clarity of the report, in response to comments made by the community, is reasonable.

Fourth, you indicate that the board’s accommodation review process and final decision did not address well-being, academic achievement and school board viability. You state that the board failed to explain their rationale or how their process meets the guiding principles in the Pupil Accommodation Review Guideline (PARG). For example, the schools’ Education Quality and Accountability Office (EQAO) scores were not addressed through this accommodation review. You indicate that St. Dunstan has the highest EQAO scores in the region, and you question why it is one of the schools that is identified to close. You also question how the well-being of students can be supported while failing to keep the students of St. Dunstan together.

The East Credit accommodation review documents on the board’s website show that well-being, academic achievement and school board viability were discussed through this process. Boards of trustees have the authority to make pupil accommodation decisions, and all involved acknowledge that some of these decisions can be very difficult. I also note that EQAO scores do not limit how school boards configure their programs and pupil accommodations. Similarly, keeping students of one school together is not a requirement of the PARG or of the ministry, and does not limit school boards in their pupil accommodation decisions. The board’s process was reasonable.

Fifth, you state that the outcome of this accommodation review was pre-determined and that the board was not transparent during the process. You explain that the trustees’ final decision was completely disconnected from the work of the accommodation review committee and the final staff report, and that the decision failed to address the concerns of the community.

A review of the board’s documents indicate diligence in posting all relevant meeting minutes, documents and reports on their website. These documents indicate significant community participation and that community input was systematically gathered and shared. The work of the board was reasonable.
Regarding the final decision, trustees have the authority to make the decision that they prefer, including decisions that are different from the final recommendation of staff. The decision of the board of trustees is outside of the scope of this administrative review.

Finally, you indicate that on January 11, 2016, trustees proposed a motion to have the Catholic trustees’ association petition the Ministry of Education to ensure that the accommodation committee members would be required to present a preferred option to trustees in addition to board staff’s recommended option. You explain that this motion was withdrawn on January 26, 2016, after a meeting with staff and that if this motion had not been withdrawn, the final accommodation recommendation to trustees would have different.

The East Credit accommodation review process provided committee and community members with the opportunity to present their opinions and feedback to the board of trustees, as required. The discussions of trustees are outside of the scope of either the accommodation review process or the administrative review process.

I appreciate the level of engagement that members of the St. Dunstan community have shown through this process. I encourage parents and guardians of students at St. Dunstan Elementary School to remain involved with the process as the Dufferin-Peel Catholic 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 Sabina Bredin, Senior Policy Analyst, Capital Policy and Programs Branch, Ministry of Education at 416-325-2024.

Sincerely,

Original signed by:

Gabriel F. Sékaly
Assistant Deputy Minister
Financial Policy and Business Division

cc: Marianne Mazzorato, Director of Education, Dufferin-Peel Catholic DSB
    Shawn Moynihan, Regional Manager, Toronto and Area Regional Office, Ministry of Education.