August 19, 2016

Tanya Wah Kan

Dear Ms. Wah Kan,

This letter is in response to your request for an Administrative Review of the East Credit Mississauga Pupil Accommodation Review undertaken by the Dufferin-Peel Catholic District School Board (CDSB). This review included St. Gertrude 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 feel that their concerns are 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 Board of Trustees’ decision to close St. Dunstan and St. Gertrude Elementary Schools does not support the board’s mandate of ensuring the academic achievement and well-being of students.

2. The board did not adhere to its long-term accommodation plan, which identified St. Gertrude Elementary School as part of the Hurontario service area.

3. The Board of Trustees voted in favor of a separate option that was not included in the Final Staff Report.

4. The Board of Trustees’ decision to close St. Gertrude and St. Dunstan Elementary Schools did not take into consideration the public input and feedback...
that were incorporated into the recommendations made in the Final Staff Report.

5. The board failed to post its Final Staff Report at least 10 business days before public delegations were held.

6. The board failed to hold public delegations at least 10 business days before the final decision was made by the Board of Trustees.

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

First, you indicate that the Trustees’ final decision to close St. Gertrude and St. Dunstan Elementary Schools does not support student well-being or academic achievement. You state that throughout the East Credit Mississauga Accommodation Review process the board did not consider academic criteria, such as Education Quality and Accountability Office (EQAO) scores, in its overall evaluation of options. You identify that both St. Gertrude and St. Dunstan Elementary Schools hold the highest EQAO scores in the area and that the decision to close these schools is not supportive of student achievement. In addition, you state the final Trustee decision disregarded student well-being and will result in the dispersion of students to various receiving schools and require some students to cross a major road twice a day. You further explain that the Trustee approved option will require a number of permanent portables at the receiving schools, ultimately putting student learning and health at risk.

The East Credit Mississauga Accommodation Review documents on the board’s website show that well-being, academic achievement and school board viability were discussed throughout this process. EQAO scores do not limit how school boards configure their programs and pupil accommodations. Similarly, there is no requirement on the part of school boards to ensure that students remain together following a school closure. Furthermore, school boards have the option to explore alternate solutions for accommodating pupils. In some cases, boards may determine that the use of portable classrooms is a viable solution for accommodating students as individual school enrolments continue to change over time.

Second, you indicate that the board did not adhere to its long-term accommodation plan. St. Gertrude was identified by the board as being part of the Hurontario service area. As such, your petition questions why St. Gertrude was part of a pupil accommodation process that was being undertaken for the East Credit service area. You state that St. Gertrude may have been selectively chosen by the board to be included in the East Credit Mississauga Pupil Accommodation Review due to its French Immersion program. In addition, you identify that the closure of St. Gertrude affects the capacity of the remaining schools in the Hurontario service area and removes the only Catholic school west of McLaughlin Road.

School boards are responsible for deciding the most appropriate pupil accommodation arrangements for the delivery of their elementary and secondary programs. As such, boards have the authority to determine which schools may be included in an accommodation review. In some instances, boards may decide that it is necessary to
include additional schools from other boundary or catchment areas as part of an accommodation review. Furthermore, it is important to note that the responsibility of boards to determine the accommodation of programming also includes optional programming such as French Immersion.

Your third and fourth items raise concerns with the Board of Trustees voting on an option that was not included in the Final Staff Report. You note that the recommendation to close St. Gertrude and St. Dunstan was not considered at any time by the Planning Staff or the members of the Accommodation Review Committee. You also note that the final Trustee decision did not take into consideration the public input that was heard from the community and ultimately incorporated into the Final Staff Report.

School board Trustees have the discretion to develop and approve options that are outside of the recommendations made in the Final Staff Report. Additionally, it is not the purpose of the Administrative Review process to consider the manner in which Trustees come to their final decision.

Fifth, you indicate that the board did not post its Final Staff Report at least 10 days before public delegations were held. You explain that the board posted an Interim Staff Report and not a Final Staff report on April 26, 2016. Since public delegations were held on May 9, 10 and 11, only eight business days elapsed between the last night of delegations and the Interim Staff Report being posted. You indicate that the Final Staff Report was not posted until May 24, 2016, which was the same day as the final Trustee 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.

In your final item, you indicate that the board did not allow for at least 10 business days between public delegations and the final decision of the Board of Trustees. You identify that public delegations took place on May 9, 10 and 11 and that the final decision was made by Trustees on May 24, 2016. Since Victoria Day was on May 23 this year, only eight business days elapsed between the last night of public delegation and the final Trustee decision.

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. Since the board received a high number of registrations for public delegations, 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 the decisions made by the board in this case were reasonable.

I appreciate the level of engagement that members of the St. Gertrude Elementary School community have shown through this process. I encourage parents and guardians of students at St. Gertrude Elementary School to remain involved with the process as the Dufferin-Peel CDSB 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
    Dr. Shawn Moynihan, Regional Manager, Toronto Regional Office, Ministry of Education