July 20, 2016

Hon. Mitzie Hunter
Minister of Education
22nd Floor, Mowat Block 900 Bay Street
Toronto, Ontario
M7A 1L2

Dear Minister,

RE: Request for an Administrative Review of the Dufferin-Peel Catholic District School Board (DPCDSB) Pupil Accommodation Review (PAR) process of the East Credit Pupil PAR Area

We are writing in response to the request received on June 20, 2016, for an administrative review of the East Credit PAR process undertaken by DPCDSB which resulted in the Board approved closures of St. Dunstan and St. Gertrude elementary schools. DPCDSB staff were able to verify that 155 of 191 supporters who signed the petition are parents of students from the St. Dunstan school community or participated in the accommodation review process. This represents approximately 50% of the October 31, 2015 headcount (312).

The East Credit PAR consisted of the following eight (8) schools: Our Lady of Good Voyage, St. Bernadette, St. Dunstan, St. Gertrude, St. Gregory, St. Herbert, St. Raymond and St. Valentine. The accommodation review was initiated on November 24, 2015 when the Initial Staff Report was presented to the Board of Trustees at a regular Board meeting. On May 24, 2016 Trustees approved a motion regarding the East Credit Pupil Accommodation Review which included the closure of St. Dunstan and St. Gertrude elementary schools, effective June 30, 2017.

While the petitioners believe that DPCDSB did not follow the Pupil Accommodation Review Policy, it is our opinion that the policy was followed throughout the East Credit PAR process. Please find our response to the petitioners below. The response is titled and ordered in alignment with the request for an administrative review.

We understand that an administrative review is an important part of the democratic process and we welcome the opportunity to further clarify any of the information contained in the enclosed response.

Sincerely,

Marianne Mazzorato
Director of Education
Dufferin-Peel Catholic District School Board
St. Dunstan Request for an Administrative Review

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 2\textsuperscript{nd} but was not disclosed to the Accommodation Review Committee (ARC) committee prior to their final meeting on April 6\textsuperscript{th} ...”

BOARD RESPONSE:

As outlined in the Board’s General Administrative Procedure (GAP) related to the Pupil Accommodation Review Policy, staff consulted with “Local Municipal Governments/ Community Partners” including Father Marc-Andre Campbell from St. Joseph Parish. Father Campbell attended a meeting on December 10, 2015, held for municipal and community partners as per Board GAP 718 (p.5). Subsequently, Father Campbell submitted his comments, as a “community partner” and as per Board GAP 718 (p. 5), those comments were included in the April 26\textsuperscript{th} Interim Staff Report (along with comments received by the Region of Peel) and made publicly available well in advance of both the May 9\textsuperscript{th} Delegation Night and the May 24\textsuperscript{th} Board Meeting at which Trustees made their final decision.

The topic of parish boundaries was originally brought to the attention of the ARC members through PARInfo correspondence (WG8-217) which was addressed by ARC members on March 9\textsuperscript{th}. As per the minutes of Working Group Meeting #7, staff indicated that parish boundaries were not considered when developing staff options. No further discussion by the ARC ensued and the topic was not raised again by ARC members. Furthermore, parish boundaries were not identified by the ARC or the community as a consideration when developing their rationale by which they recommend that the Trustees assess all options.

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. throughout the entire PAR process...”

BOARD RESPONSE:

The PAR process was a democratic process in that it was a process that favoured social equality and related to the broad masses of people. Board staff were clear from the start of the process (ARC Working Group Meeting #1) that ARC members would not be voting on options. In the previous PAR process, ARC members were required to vote, however this is no longer the process.

As part of the Interim Staff Report the Board of Trustees were provided with a summary table of all options developed by staff and the ARC members. The table included the potential impact of each option affecting the review area as a whole, in relation to capacity, utilization, operational savings, and renewal needs in addition to each of the top five (5) ARC/community developed rationale and important physical characteristics of a receiving school.
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.

**BOARD RESPONSE:**

Item to be addressed in Part 2 of this submission.

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.

**BOARD RESPONSE:**

Item to be addressed in Part 3 of this submission.

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.

**BOARD RESPONSE:**

Since the initiation of the East Credit PAR Process, May 9th was always identified and advertised as Delegation Night. In addition to the board website, the delegation night date was shared with the ARC members and the community on the following dates:

- **Initial Staff Report** – November 24, 2015 Board Meeting
- **ARC Orientation Session** – January 6, 2016
- **ARC Working Group Meeting #3** – February 3, 2016
- **ARC Working Group Meeting #5** – February 24, 2016
- **ARC Working Group Meeting #6** – March 2, 2016
- **Bulletin #3** – March 21, 2016 Distribution
- **Public Open House #2** – March 30, 2016
- **ARC Working Group Meeting #8** – April 6, 2016
- **Bulletin #4** – April 22, 2016 Distribution
- **Interim Staff Report** – April 26, 2016 Board Meeting

As per the board’s Procedural By-Law regarding public delegations (#1-01/Article 6), all delegations requests were received by May 2nd (@1pm), five (5) business days prior to the scheduled May 9th East Credit PAR Delegation Night, as advertised, which was eleven (11) business days prior to the May 24th Board Meeting.
A total of sixty-seven (67) delegations were registered by the May 2nd deadline, which was five (5) business days prior to the May 9th Delegation Night. In order to accommodate all registered delegations, and being conscious of the time commitment required of the community if all were to be scheduled on one evening, the board decided to receive delegations over the course of three (3) nights. While receiving all delegations in one evening or “capping” the number of delegates for the May 9th date were always options, the board decided to provide two (2) “overflow” evenings (May 10th and 11th) for delegations as a courtesy to the delegates and to the community in attendance, many of whom were students. The addition of the two (2) “overflow” evenings were approved only after the total number of delegations were finalized on May 2nd, five (5) business days prior to the formal May 9th Delegation Night. As the deadline for registering to be a delegate (including all supplemental information, e.g., PowerPoint presentations) were required by May 2nd, all the information from the sixty-seven (67) registered delegates were received at the same time and shared with Trustees in advance of May 9th. Furthermore, as per board policy and Ministry guidelines, a summary of the themes presented by delegates was included in the final report to the Board. As noted above, there were eleven (11) business days between the pre-scheduled May 9th Delegation Night and the May 24th Board Meeting at which the Board of Trustees made their final decision.

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>Receive response from municipalities and community partners</td>
<td></td>
<td>Mar. 30, 2016</td>
<td>Apr. 2, 2016</td>
<td>Correspondence received after Final Public Meeting and withheld until after final ARC meeting.</td>
</tr>
</tbody>
</table>

BOARD RESPONSE:

The two (2) community partners which provided responses to the East Credit PAR include Father Marc-Andre Campbell (St. Joseph Parish) and the Region of Peel. The correspondence was received on April 2nd and April 13th respectively and included in the Interim Staff Report released on April 22nd. Both partners were in attendance at the consultation meeting held on December 10, 2015.

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

BOARD RESPONSE:

As identified in the board’s Pupil Accommodation Review Policy (No.: 6.51, p. 2, Section 1) the Regular Accommodation Review Process will include an Initial Staff Report, Interim Staff Report and a Final Staff Report. A description and associated timeline for the Initial Staff Report, Interim Staff Report and Final Staff Report is also included in the General Administrative Procedure (GAP 718.00). The Interim Staff Report was released on April 22nd, eleven (11) days prior to the May 9th Delegation Night. On April 6th at
ARC Working Group Meeting #8, staff outlined next steps with respect to the Interim Staff Report, delegation night and the Final Staff Report.

The requirements of the Interim Staff Report, as outlined in Policy 6.51, are reflective of and in keeping with the intent of the Ministry of Education Review Guideline 2015 to have a report presented to Trustees and available to the public prior to public delegations. The guideline refers to a final staff report and the requirements of such, to be available prior to public delegations which the Board has adhered to by making available in the titled Interim Staff Report on April 22\textsuperscript{nd}. The guideline also states that the Board of Trustees will be provided with a final staff report with compiled feedback from public delegations which the Board staff adhered to by making available the Final Staff Report to be addressed on May 24\textsuperscript{th}. The Board has maintained the intent of the two final reports however changed the nomenclature to reflect the fact that the Interim Staff Report is not the same as the Final Staff Report.

<table>
<thead>
<tr>
<th>Item</th>
<th>Additional Information</th>
<th>Timeline\textsuperscript{2}</th>
<th>Actual Timeline</th>
<th>Deviation from DPCDSB PAR Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide notice of date of public delegations</td>
<td>After Final Staff Report is available to the public, and at least 10 business days before the public delegations</td>
<td>Apr. 22, 2016 Update Bulletin #4 NOTE: Submissions due May 2, 2016</td>
<td>This notice was dated prior to the Final Report. The deadline to submit a delegation was only 6 business days after notification</td>
<td></td>
</tr>
</tbody>
</table>

**BOARD RESPONSE:**

The April 22\textsuperscript{nd} Update Bulletin #4 provided notice that the Interim Staff Report was available to the public on April 22\textsuperscript{nd} which was eleven (11) business days before the May 9\textsuperscript{th} public delegation night. There is no requirement for the Interim Staff Report to be released within a certain timeframe of the submission deadline for delegations.

<table>
<thead>
<tr>
<th>Item</th>
<th>Additional Information</th>
<th>Timeline\textsuperscript{2}</th>
<th>Actual Timeline</th>
<th>Deviation from DPCDSB PAR Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Final Staff Report with public delegation addendum to Trustees</td>
<td></td>
<td>May 24, 2016</td>
<td>This report contains more than an addendum to the Apr. 26\textsuperscript{th} interim report, constituting a deviation from the PAR Policy</td>
<td></td>
</tr>
</tbody>
</table>

**BOARD RESPONSE:**

The Final Staff Report contains information outlined as required under GAP 718.00. Any supplemental information provided in the report was to ensure that all information was provided to ensure an informed decision.
<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>Trustees to make final decision</td>
<td>Not to occur in the summer</td>
<td>At least 10 business days after public delegations</td>
<td>May 24, 2016</td>
<td>May 23rd holiday means only 8 days after final public delegation</td>
</tr>
</tbody>
</table>

**BOARD RESPONSE:**

Since the initiation of the East Credit PAR Process, May 9th was always identified and advertised as Delegation Night. In addition to the board website, the delegation night date was shared with the ARC members and the community on the following dates:

- **Initial Staff Report** – November 24, 2015 Board Meeting
- **ARC Orientation Session** – January 6, 2016
- **ARC Working Group Meeting #3** – February 3, 2016
- **ARC Working Group Meeting #5** – February 24, 2016
- **ARC Working Group Meeting #6** – March 2, 2016
- **Bulletin #3** – March 21, 2016 Distribution
- **Public Open House #2** – March 30, 2016
- **ARC Working Group Meeting #8** – April 6, 2016
- **Bulletin #4** – April 22, 2016 Distribution
- **Interim Staff Report** – April 26, 2016 Board Meeting

As per the board’s Procedural By-Law regarding public delegations (#1-01/Article 6), all delegations requests were received by May 2nd (no later than 1pm), five (5) business days prior to the scheduled May 9th East Credit PAR Delegation Night, as advertised, eleven (11) business days prior to the May 24th Board Meeting.

A total of sixty-seven (67) delegations were registered by the May 2nd deadline, which was five (5) business days from to the May 9th Delegation Night. In order to accommodate all registered delegations, and being conscious of the time commitment required of the community if all were to be scheduled on one evening, the board decided to receive delegations over the course of three nights. While receiving all delegations in one evening or “capping” the number of delegates for the May 9th date were considered, the board decided to provide two (2) “overflow” evenings (May 10th and 11th) for delegations as a courtesy to the delegates and to the community in attendance, many of whom were students. The addition of the two (2) “overflow” evenings were approved only after the total number of delegations were finalized on May 2nd, five (5) business days prior to the formal May 9th Delegation Night. As the deadline for registering to be a delegate (including all supplemental information, e.g. PowerPoint presentations) were required by May 2nd, all the information from the sixty-seven (67) registered delegates were received at the same time and shared with Trustees in advance of May 9th. Furthermore, as per board policy and Ministry guidelines, a summary of the themes presented by delegates was included in the final report to Board. As noted above, there were eleven (11) business days between the pre-scheduled May 9th Delegation Night and the May 24th Board Meeting at which the Board of Trustees made their final decision.
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:

1. student well-being;
2. academic achievement; and
3. 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."

BOARD RESPONSE:

Student well-being, academic achievement, and school board financial viability/ sustainability were considered throughout the East Credit Pupil Accommodation Review (PAR) process. The elimination of surplus pupil places, and thereby maximizing Ministry funding, allows the board to allocate more funding and resources directly into the learning environments (e.g. classrooms) of all students throughout the system thus positively impacting student well-being, academic achievement, and financial viability/ sustainability. The rationale adopted by staff in the development of accommodation options, as part of the Initial Staff report, assist in maximizing Ministry funding and providing the opportunity for the board to reinvest those funds to further enhance the learning environments of students throughout the system. This is consistent with the Ministry of Education’s School Board Efficiency and Modernization Strategy. As stated throughout the East Credit PAR process, staff clearly maintained that EQAO results were not part of the staff rationale when developing proposed accommodation options and that student well-being, academic achievement, and school board financial viability/sustainability could best be achieved, for all students throughout the system, by the elimination of surplus pupil places and the investment of funds directly into the learning environments of students.

Throughout the process, board staff heard and considered the importance of "keeping students together" as the most important criteria to the community when putting forward a final recommendation. Survey results, from Public Meeting #2, indicate the top five (5) most important rationale to the community as well as the top five (5) most important physical characteristics of a receiving school. This information was shared with the ARC members and included in the Interim Staff Report and reiterated in the Final Staff Report to the Board of Trustees. While minimizing the need for portables was also identified as one of the key rationale in the survey, some solutions require portables as part of the accommodation solution; portables are a reality for all school boards.

The public was informed and was aware throughout the process that, as per the Policy 6.51 Pupil Accommodation Review “The Board of Trustees will make the final decision regarding any outcome of a pupil accommodation review which could include school closure”. This may include approving an option developed by board staff, ARC members or one developed by Trustees themselves.

- Public Open House #1 – January 20, 2016
- Public Open House #2 – March 30, 2016
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 “Work[ing] with boards to measure public perception through regular surveys and focus groups”… “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...”

BOARD RESPONSE:

The board has always maintained throughout the process that the East Credit PAR was initiated, due to the overall underutilization of this grouping of eight (8) schools. The eight (8) schools involved in this PAR represented a total On-The-Ground (OTG) capacity of 4,394 pupil places with a total enrolment of 2,776 students, resulting in 1,618 excess pupil places or approximately 60% utilization. All schools involved as part of the PAR, regardless of current or projected enrolment, would be under review as part of a potential solution to address the accommodation issues in East Credit.

2. “In terms of academic achievement St. Dunstan is by all measures the top (or near top) performing school in the East Credit area...”

BOARD RESPONSE:

Student well-being, academic achievement, and school board financial viability/ sustainability were considered through the East Credit Pupil Accommodation Review (PAR) process. The elimination of surplus pupil places, and thereby maximizing Ministry funding, allows the board to allocate more funding and resources directly into the learning environments (e.g. classrooms) of all students throughout the system thus positively impacting student well-being, academic achievement, and financial viability/ sustainability. The rationale adopted by staff in the development of accommodation options, as part of the Initial Staff report, was to assist in maximizing Ministry funding and providing the opportunity for the board to reinvest those funds to further enhance the learning environments of students throughout the system. This is consistent with the Ministry of Education’s School Board Efficiency and Modernization Strategy. As stated throughout the East Credit PAR process, staff clearly maintained that EQAO results/ Fraser Institute ratings were not part of the staff rationale when developing proposed accommodation options and that student well-being, academic achievement, and school board financial viability/ sustainability could best be achieved, for all students throughout the system, by the elimination of surplus pupil places and the investment of funds directly into the learning environments of students.

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...”

BOARD RESPONSE:

Throughout the process, board staff heard and considered the importance of "keeping students together" as the most important criteria to the community when putting forward a final recommendation. Survey results, from Public Meeting #2, indicate the top five (5) most important rationale to the community as well as the top five (5) most important physical characteristics of a receiving school. This information was
shared with the ARC members and included in the Interim Staff Report to the Board of Trustees. While minimizing the need for portables was also identified as one of the key rationales in the survey, some solutions require portables as part of the accommodation solution; portables are a reality for all school boards.

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...”

BOARD RESPONSE:

Board staff has always maintained that “fiscal responsibility” is achieved when a school board operates within the annual budget provided by the Ministry of Education. School boards are funded on a per pupil basis and therefore maximize the amount of funding, provided by the Ministry of Education, by operating as close to 100% utilization as possible. The elimination of surplus pupil places, throughout the system, is one way in which the board can work towards sustaining fiscal responsibility. The Board’s decision to close St. Dunstan and St. Gertrude eliminates 1236 surplus pupil places and as a result redirects funds that would have otherwise been used to heat, light and maintain empty seats, back into the learning environments of students throughout the system.

“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...”

BOARD RESPONSE:

PLEASE NOTE: While the board believes that the following portion of Part 3 of this Request for an Administrative Review is outside of the scope of the review, the following is provided in response to this section.

The East Credit PAR process was an approximately six-month long, open and transparent process in which the board of Trustees received information from all affected stakeholders and provided a meaningful opportunity for all affected members of the community to participate in the process and to make their views known. The board of Trustees received informational updates at various points throughout the process and the information received was reviewed and considered by the board of Trustees through various points of access, including the Board’s website, Board staff updates at in-service sessions, Board and Administration and Finance and Committee meetings, Trustee Portal and public delegations.

The board of Trustees were invited to general informational in-service sessions held by Board staff to keep Trustees apprised of the PAR process. The sessions did not discuss options and did not involve decision-making relating to the PAR process or recommendations on next steps, but rather provided a further opportunity for trustees to receive information. Trustee attendance at in-service sessions is not mandatory, and as such attendance is not taken. Further, in-service sessions are not a meeting of a Committee of the board or of the whole board, thus no meeting minutes are taken and the Board’s Procedural bylaws do not apply.

The public delegations, occurring over three (3) days due to sixty-seven (67) delegates, was a further opportunity for receipt of information within the six-month long PAR process. The feedback from delegations was also incorporated into the final Report to the board of Trustees for review and consideration.
On January 11, 2016, a number of OCSTA resolutions were approved by the board of Trustees for submission, including a resolution that "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." This resolution would have required the board of Trustees to bring forward this submission to a provincial trustees association, OCSTA, to petition the Ministry of Education on suggested future changes to the PAR Guideline (March 2015), which would not have had an impact on the current PAR process. The PAR Guideline (March 2015) was recently revised by the Ministry of Education, following a lengthy review period and consultation with various associations, including OCSTA. Notwithstanding that the motion was withdrawn on January 26, 2016, the impact of such a motion, and any subsequent changes to the PAR Guideline (March 2015) that may have resulted from such petition, if any, would not have been implemented within the current PAR process and in no way effected the board of Trustees decision-making with respect to the East Credit PAR process.

The process followed throughout the East Credit PAR was in accordance with the Board's Pupil Accommodation Review policy and the Ministry's Pupil Accommodation Review Guideline, 2015. All relevant information was provided, community stakeholders were consulted and the public had multiple opportunities to voice their position on the PAR process. The board of Trustees had the discretion to approve the recommendation of the final staff report as presented, modify the recommendation(s) of the final staff report, or to approve a different motion.