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Hon. Kathleen Wynne
Minister of Education
Mowat Block, 900 Bay Street,
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Friday, October 09, 2009

RE: Encouraging Community Partnerships Policy

Dear Minister Wynne:

I am writing today on behalf of the Executive Committee of the Community Schools Alliance to present our views on the draft "Encouraging Community Partnerships Policy".

During our recent meeting with you at the Association of Municipalities Conference in Ottawa, we highlighted for you the negative impact that the flawed accommodation review process is having on the socio-economic fabric of our communities.

A "Smart Moratorium"

As the development of your new policy indicates, the current accommodation review process needs significant enhancements. To ensure that these enhancements positively impact the process currently being used to make decisions on student accommodation, we need to take the time to get the process right. We can not continue to enhance the policy around the edges. Instead, we must take the time to sit down together and design a system that is in the best interests of our students, parents and communities. It is for this reason that we have asked you and the members of the Community Schools Alliance to support a "smart moratorium" for disputed school closures.

The goal of the "smart moratorium" is to provide time for the Ministry, school boards and municipalities to work together to develop policies addressing issues such as planning for declining enrolments, a mutually agreed upon Accommodation Review Committee (ARC) process, the funding of rural and small community schools and establishing a working relationship between municipalities and school boards that provides transparency and accountability. I once again want to highlight for you that we are requesting a "smart moratorium" for disputed school closures only. There are a relatively small number of disputed school closures in Ontario and we do not want our "smart moratorium" to impact upon school closures that have community support.

In August you released your draft policy entitled “Encouraging Facility Partnerships”. The stated goal of the draft policy is to “encourage school boards to work with their community partner in order to maximize opportunities to share facilities”.

Community Use Policy

This draft policy is a positive and significant step forward. Specifically, the policy proposes a beneficial change by directing school boards “to remove the capacity of space occupied by community partners from their on-the-ground capacity”. For some time, municipalities and school boards have been requesting the removal of community use space from the vacant pupil places formula as the formula was discouraging municipalities and school boards from finding positive community uses for our valuable public infrastructure.

Encourage vs. Requiring

While we were pleased to see the changes to the vacant pupil places formula, we were very disappointed that the draft policy did not include a “smart moratorium”. The policy also fell short of “requiring” action by school boards. Instead, the policy simply “encourages”. In our view, this is a fundamental flaw that has already led a number of school board officials from across the province to suggest that the draft policy will not impact on the manner in which their Boards operate.

As a result, we are not confident that the policy will effectively institutionalize communication with the community and therefore, we are concerned that the existing adversarial relationship between municipalities and school boards will continue under the accommodation review process.

Appeal Process

One of the significant challenges associated with the current accommodation review process is the failure to provide the community with any appropriate appeal mechanism. While the process that was followed by the school board can be appealed, it is not currently possible to undertake an appeal of the decision itself. This has the effect of giving school boards absolute power in accommodation issues and is troubling to municipalities that have consistently witnessed public infrastructure decisions made without regard to the community impact, or the wishes of the parents and students. Therefore, the Community Schools Alliance believes that a third-party appeal mechanism is required for school closure decisions and that this mechanism should be included in your Encouraging Municipal Partnerships policy.

Green Space

For a number of months, the large urban municipalities of Ontario have expressed their concern with the accommodation review process and the impact that school board decisions are having on “green space” in their communities.

As you are aware, much existing public green space and active or passive parkland associated with surplus schools sites and owned by local school boards have been in use by the public for decades. In many cases this green space has become a significant element of the immediate and, in many cases, the broader community’s system of publicly accessible parkland, open space and trails. At the present time, local school boards are severely constrained in their consideration of innovative, community-oriented and future-focused opportunities for the disposal of surplus properties by Ontario Regulation 444/98 (Disposition of Surplus Real Property) and in particular the regulation’s requirement that an “*offer must be for sale, lease or other disposition of the property at fair market value*”.

Municipalities lack the capital resources to purchase surplus lands at “fair market value” in accordance with Regulation 444/98. Consequently valuable green space is lost to the community as school boards seek to meet the requirements of the regulation. However, through negotiation, creative planning and re-development strategies, municipalities are able to work with the local school boards and the community to develop mutually acceptable solutions to preserve green space for future generations to enjoy. Moreover, the Provincial Government’s Places to Grow Act encourages municipalities, conservation authorities, non-governmental organizations and other interested parties to develop a system of publicly accessible parkland, open space and trails within a planning framework that occurs in a rational and strategic way. It is clear therefore, that the sale of existing, public green space or active or passive parkland associated with surplus school sites by local school boards solely and fully for commercial redevelopment is fundamentally contrary to the intent, purpose and spirit of The Places to Grow Act.

It is unfortunate that your policy did not amend Reg. 444/98 to allow local school boards and municipalities to work together to seek innovative, community-oriented and future-focused opportunities for the disposal of surplus properties.

Past Decisions

In addition to encouraging community partnerships as we move forward, we believe that your policy should “take a look in the rear view mirror” at school closure decisions made but not yet in effect. A growing number of education officials are acknowledging that the current ARC process is flawed. During a recent presentation at the Middlesex County Council Chamber, TVDSB officials commented that “they were learning from their past mistakes made during the completed ARC processes”. Unfortunately, the damage is already done to the communities that have lost their education infrastructure where poor decisions were clearly made using the ARC process. Everything from failing to recognize the costs of transportation to not taking into account the Premier’s goal of avoiding the use of portables affected the outcome of the ARC decisions. Across Ontario, there are a numerous examples of where school boards used partial or flawed information to make school closure decisions.

If your policy is truly going to encourage partnerships, it is imperative that we collectively take the time to make sure that we get the accommodation review process right for both future and past decisions on student accommodation. It is for this reason that we have consistently suggested to you that a “smart moratorium” is the best option to provide a time-out while we develop policies that address the goals of your Ministry and the goals of communities, parents and students across the province.

Yours truly,

A handwritten signature in black ink, reading "Doug Reycraft". The signature is written in a cursive style with a large initial "D" and a stylized "R".

Doug Reycraft
Chair, Community Schools Alliance