

PAR GUIDELINES: A PRIMER

WHAT ARE PAR GUIDELINES?

The Ministry of Education sets out minimum standards for school boards when considering school closures or, student or program relocation. The Ministry of Education sets out *minimum* standards for school board to follow to ensure procedural fairness in reaching conclusions; to ensure proper public consultation; and to consider economic impacts of proposed changes or closures. It is important to note that while the Ministry of Education sets out the minimum standards, school boards have the flexibility to develop policies that exceed the minimum provincial standards.

These minimum standards for school boards are outlined in the “Pupil Accommodation Review Guidelines.” These guidelines were last updated in 2018.¹ They were specifically developed to align with the Ministry of Education’s vision to focus on achieving excellence, ensuring equity, promoting well-being and enhancing public confidence.²

WHY HAVE THE GUIDELINES?

As the Preamble states, [Boards] “must respond to changing demographics and program needs **while being cognizant of the impacts of their decisions on student programming and well-being, school board resources and the local community.**”

The Ministry of Education expects school boards to work with their community partners when undertaking capital planning, including when a school board is beginning to develop options to address underutilized space in schools. The Ministry of Education’s *Community Planning and Partnerships Guideline* (CPPG) outlines requirements for school boards to reach out to their local municipalities and other community partners to share planning related information and to explore potential partnership opportunities. The *Pupil Accommodation Review Guideline* (the “*Guideline*”) builds upon the CPPG by providing requirements for school boards to share information with and seek feedback from their local municipalities and other community partners related to any pupil accommodation reviews a school board initiates.

A copy of the school board’s pupil accommodation review policy and the government’s *Pupil Accommodation Review Guideline* are to be made available to the public as determined in the school board’s policy, and posted on the school board’s website.

¹ https://efis.fma.csc.gov.on.ca/faab/Memos/B2018/B02_attach_EN.PDF

² Under the *Education Act* s. 8(1) para 26, the Minister of Education may issue guidelines with respect to school closure policies.

WHAT ARE THE GUIDELINES AND WHAT IS THE PROCESS?

The Pupil Accommodation Review Guidelines (“PARG”) require boards to take certain actions and preparation of reports before considering a school closure or student/program relocation. Some of these include:

An Initial Staff Report

- Prior to establishing a Pupil Accommodation Review (PAR), the initial staff report to the Board of Trustees must contain **at least three options** to address the accommodation issues: a recommended option; an alternative option; and a status quo option
- The report must also include information on actions taken before the PAR process and supporting rationale for actions taken or not taken
- There is a Ministry approved template that must be used for this information
- The options in the initial staff report **must address the following four impacts**:
 - Impact on student programming;
 - Impact on student well-being;
 - Impact on school board resources; and
 - Impact on the local community
- Options must also be considered in light of various factors including if changes to a facility are required; identification of programming changes; how student transportation is affected; if capital investment is required, and if so where the funding is coming from. A timeline for implementation must also be provided.
- This staff report is to be made public
- School Boards must ensure that individuals from impacted schools and the broader community are invited to participate in the PAR consultation [there are minimum requirements for the methods of public consultations].

The Accommodation Review Committee (ARC)

Role of ARC

- School boards must establish an ARC that represents the school(s) under review and acts as the official conduit for information shared between the school board and the school communities. The ARC may comment on the initial staff report and may, throughout the pupil accommodation review process, seek clarification of the initial staff report. The ARC may provide other accommodation options than those in the initial staff report; however, it must include supporting rationale for any such option.
- The school board’s staff resources assigned to the ARC are required to compile feedback from the ARC as well as the broader community in the Community Consultation section of the final staff report to be presented to the Board of Trustees.

Composition of ARC & Formation

- The membership of the ARC should include, at a minimum, parent/guardian representatives from each of the schools under review, chosen by their respective school communities.
- Where established by a school board's pupil accommodation review policy, there may also be the option to include students and representation from the broader community.
- The ARC should be formed following the Board of Trustees' consideration of the initial staff report but prior to the first public meeting.

School Information Profiles

- School board staff are required to develop School Information Profiles (SIPs) as orientation documents to help the ARC and the community understand the context surrounding the decision to include the specific school(s) in a pupil accommodation review.
- The SIP is expected to include data for each of the following four considerations about the school(s) under review:
 - Impact on student programming;
 - Impact on student well-being;
 - Impact on school board resources; and
 - Impact on the local community
- There is a numerous amount of school specific information that must be included that addresses the school, school boundaries, the logistics of the building, utilization factor, teaching spaces, play areas, portables, grade configurations, just as a few examples.

Consultation with Local Municipal Governments

Following the Board of Trustees' approval to undertake a pupil accommodation review, school boards must invite affected municipalities as well as other community partners that expressed an interest prior to the pupil accommodation review to discuss and comment on the options in the school board's initial staff report.

Beginning with the date of the Board of Trustees' approval to conduct a pupil accommodation review, there must be no fewer than 30 business days before the first public meeting is held.

Public Meetings

Once a school board has received an initial staff report and has approved the initiation of a pupil accommodation review, the school board must arrange to hold a minimum of three public meetings for broader community consultation on the initial staff report. School board staff are expected to facilitate the public meetings to solicit broader community feedback on the recommended and alternative option(s) contained in the initial staff report.

There must be a minimum period of 60 business days between the first and final public meetings. Other intervals are considered if there are further meetings.

Completing the Accommodation Review

Final Staff Report

- At the conclusion of the pupil accommodation review process, school board staff will submit a final staff report to the Board of Trustees which must be available to the public.
- The final staff report must include: A Community Consultation section that contains feedback from the ARC and all public consultations; and in some cases feedback from secondary school students.

Delegations to the Board of Trustees Meeting

- Once school board staff submits the final staff report to the Board of Trustees, the school board must allow an opportunity for members of the public to provide feedback on the final staff report through public delegations to the Board of Trustees.

Decision of the Board of Trustees

- The Board of Trustees will be provided with the final staff report, including the compiled feedback from the public delegations, when making its final decision regarding the pupil accommodation review.
- The Board of Trustees has the discretion to approve the recommendation(s) of the final staff report as presented, modify the recommendation(s) of the final staff report, or to approve a different outcome.

Transition Planning

- If a decision is made to consolidate or close a school, the Board is expected to establish a separate committee to address transition for students and staff.

PROCEDURAL PROTECTIONS FROM THE PAR PROCESS

If during the course of the PAR process an individual becomes concerned that the Board is not following its PAR policy, the ARC committee can be advised of any concerns. If at the end of the process, it is believed that the Board did not follow its own PAR policy, an Administrative Review can be requested from the Ministry of Education.

A petition for an administrative review must be submitted to the Ministry of Education not later than 30 days after the final decision from the trustees.³ A petition must include signatures from students or parents of the affected school⁴ equal to at least 30% of the affected school's population. E.g. if the school has 100 students, then at least 30 signatures would be required.

If the Ministry concludes the conditions for a review have been met, then the Ministry will undertake a review by appointing a facilitator to determine if the process complied with the PAR process.

WHEN ARE BOARDS EXEMPT FROM PAR GUIDELINES?

Various scenarios do not require a PAR process. Some of these include:

- When a replacement school is being built on the same site; when a lease for a school is terminated; when a school is temporarily located to conduct renovations; when a temporary holding school for an over capacity school is under repair; or where there are no students enrolled at the school in the year.

Notably, there is another exemption:

- when a school board is planning the relocation (in any school year or over a number of school years) of grades or programs, in which the enrolment constitutes less than 50% of the school's enrolment (this calculation is based on the enrolment at the time of the relocation, or the first phase of a relocation carried over a number of school years);

In the above circumstances, a school board is expected to inform school communities about proposed accommodation plans for students before a decision is made by the Board of Trustees. The school board will also provide written notice to each of the affected single and upper-tier municipalities through the Clerks Department (or equivalent), as well as other community partners that expressed an interest prior to the exemption, and their coterminous school boards in the areas of the affected school(s) through the Director of Education, and to the Ministry of Education through the Assistant Deputy Minister of the Capital and Business Support Division no fewer than 5 business days after the decision to proceed with an exemption.

³ A Template for the Form to send to the Ministry of Education can be found in Appendix A (p. 24) - https://efis.fma.csc.gov.on.ca/faab/Memos/B2018/B02_attach_EN.PDF

⁴ Signatures can also be from individuals who formally participated in the accommodation review process or were ARC members.

CAN A PAR ASSESSMENT BE CONDUCTED?

In 2017, then Minister of Education, Mr. Lecce, declared a moratorium on the PAR process.⁵ To date this ban has not been lifted. This means that any Board proposals that would trigger a PAR process cannot proceed. Logically speaking, this means that school boards are generally not able to close schools.

DOES THE OCDSB NEED TO COMPLY WITH PARG FOR THE EPR?

The OCDSB has asserted that they are not bound by the PAR process:⁶

5. Pupil Accommodation Review Guidelines (PARG) Compliance:
The Pupil Accommodation Review Guidelines (PARG) were issued by the Ministry of Education in 2018, imposing a moratorium on school closures and carefully dictating the manner in which pupil accommodation reviews (PAR) are to be conducted. The guidelines are only applicable to reviews within the parameters of a PAR as outlined in the guidelines. They do not apply to program reviews of the type currently underway in the OCDSB, even where such reviews include changes impacting on school attendance boundaries. However, even in the case of a PAR, the guidelines provide an exemption from the more onerous requirements if the review results in the movement of less than 50% of students enrolled in the school in the first year of implementation of the PAR changes. Although the EPR does not constitute a PAR under the guidelines, out of an abundance of caution, implementation of the proposed changes falls within the parameters for the exemption. This includes, where required, specific transitional provisions at some sites to meet the exemption criteria. [Page 5]

[...]

Transitional Provisions:

The proposed changes would, if approved, be implemented for September 2026. Transitional provisions, as described below, will be in place to support phasing out of existing programs and to meet the PARG exemption requirements. [Page 6]

[...]

PARG Exemption Requirement: As indicated above, the EPR does not meet the definition of a pupil accommodation review and therefore does not trigger the PARG requirements. Notwithstanding, the PARG provides

⁵ <https://www.cbc.ca/news/canada/toronto/ontario-school-closures-doug-ford-pc-government-1.6758142>

⁶ <chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://pub-ocdsb.escribemeetings.com/filestream.ashx?DocumentId=22900>

an exemption from the application of the PARG requirements provided a school maintains at least 50% of its current enrolment in the year that changes impacting attendance boundaries are implemented. The recommended changes being proposed, therefore, include transitional provisions to ensure that the 50% threshold is respected in all cases, by phasing in the implementation of some grade configurations beyond September 2026. [page 6]

WHAT SHOULD THE PUBLIC BE CONCERNED ABOUT BY NOT HAVING A PAR

The OSDSB is specifically designing their proposed EPR changes to actively thwart the PAR process. This is not in the spirit of the purpose and need for the guidelines to create an equitable and informed process for the public.

This means:

- **Less public consultation** and consultation over a shorter time frame. This in turn means shorter time for Trustees to receive public input before making a decision.
- **Artificially limiting the student populations expected to move** from a school to just under 50% [to evade a PAR requirement]:
 - This results in **illogically created school boundaries**;
 - The separation of siblings and some students are forced to remain a school while their siblings are going to another school. The original sibling is required to be grandfathered into the original school to maintain a less than 50% change to the student population. This is being implemented where one sibling is going to another school that has sufficient room for both siblings to attend.
- The **absence of an ARC** to properly represent the affect the impacted schools;
- The **absence of multiple options** to be presented to the Board of Trustees;
- The absence of a report that looks at each school individually with a SIP;
- The absence of the consideration of:
 - Impact on student programming;
 - Impact on student well-being;
 - Impact on school board resources; and
 - Impact on the local community
- The **absence of proper costing and funding** of retrofits, transportation and other capital costs associated with the plan
- The **absence of Ministerial Review** in the event guidelines are not adhered to