
Pupil Accommodation Review Policy

Date Approved: December 2009
Projected Review Date: December 2013

1. Purpose

- 1.1 School Boards in Ontario are responsible for providing schools and facilities for their students and for operating and maintaining their schools as effectively and efficiently as possible to support student achievement.
- 1.2 The purpose of the Pupil Accommodation Review Policy is to provide direction regarding public accommodation reviews undertaken to determine the future of a school or group of schools.
- 1.3 The policy ensures that where a decision is taken regarding the future of a school, that decision is made with the full involvement of an informed local community and is based on a broad range of criteria regarding the quality of the learning experience for students. The policy also ensures that the decision making process is in accordance with the revised guidelines established by the Ministry of Education. A copy of those guidelines is provided in Appendix A.

2. Initiation of a Pupil Accommodation Review:

- 2.1 The Hamilton-Wentworth District School Board ("the Board") is committed to provide viable learning programs in quality facilities in a fiscally responsible manner. Various factors may result in the need to consolidate, close or relocate one or more schools in order to align pupil accommodation with resident enrolment. These factors include changes in demographics and student enrolment; mobility rates and migration patterns; government policies and initiatives; curriculum and program demands; operating costs; and the physical limitations of buildings.
- 2.2 Periodically the Associate Director shall ensure that a report is prepared to update the Board's Long-term Capital Plan. The capital update report is part of the ongoing capital planning process and is intended to provide for a review of capital needs and the determination of priorities. The report will also serve to identify the need to consider closure of a school or schools¹. Additionally, recommendations to consider school closures will also factor in the potential for partnerships. Generally, such a need would result from one or more of the following factors:
 - (a) Program Issues, i.e.
 - the number of students in a school and/or study area has declined or is projected to decline to a point where program delivery is negatively impacted;
 - the specialized facilities required to meet current curriculum requirements are not available in a school and the cost to upgrade the school to address this deficiency is prohibitive;
 - (b) Occupancy Issues, i.e.
 - the potential exists within a review area to accommodate current and/or projected enrolment in fewer educational facilities than currently exist;
 - enrolment levels at one or more existing schools will be negatively impacted as a result of the construction of new schools to accommodate enrolment from recent or newly proposed residential developments within the area;

¹ Following a decision by the Board to close a school, the Board will determine if the school/ property will be deemed surplus to its needs. Should the Board deem a school/property surplus to its needs, the process for disposition will be in accordance with the approved "Property Disposition Protocol" (Appendix C)

- the operating costs (i.e. the costs of school administration and the costs for heating, lighting and cleaning) of one or more schools in the area negatively affect the Board's ability to operate all of its schools within the grants provided for these purposes;
- (c) School Condition Issues; i.e.
- the cost to address existing and/or expected facility renewal needs in one or more schools in the area (e.g. mechanical condition; code compliance) is prohibitive.
- (d) Parental Requests; i.e.
- a high percentage of the parents in a particular school has requested that it be closed in the interests of current or future students
- 2.3 Except as noted below², if the Board believes that it may be necessary to close one or more schools offering elementary or secondary regular day-school programs in an area it will establish an Accommodation Review Committee (ARC) to undertake a public review of the facilities and learning opportunities for students.
- 2.4 Whenever possible, accommodation reviews will focus on a group of schools rather than examine a single school to facilitate the development of viable and practical solutions for student accommodation. In normal circumstances, it is expected that it will not be necessary to undertake an accommodation review for schools within an area more than once every five years.

3. Accommodation Review Committee Terms of Reference:

- 3.1 The Accommodation Review is lead by an ARC appointed by the Board. The ARC assumes an advisory role and will provide recommendations that will inform the final decision made by the Board of Trustees.
- 3.2 The membership of the ARC is defined under Section 4 of this Policy.
- 3.3 The Board will provide the ARC with a Terms of Reference that includes the following components:
- (a) Mandate – refers to the Board's educational and accommodation objectives in undertaking the ARC and reflects the Board's strategy for supporting student achievement.
 - (b) Reference Criteria – frames the parameters of the ARC discussion and includes the educational and accommodation criteria for examining schools under review and accommodation options, i.e. grade configuration, school utilization, and program offerings.
 - (c) ARC Membership and the role of voting and non-voting members, including Board and School administration.

² Consistent with Ministry guidelines, an accommodation review is not required when:

- a replacement school is to be rebuilt by the board on the existing site or located within the existing school attendance boundary as identified through the board's existing policies; (e.g. replacement school of a rural school within its existing rural community);
- a lease is terminated;
- a board is considering the relocation of a grade or grades, or a program in any school year or over a number of school years, where the enrolment in the grade or grades, or program, constitutes less than 50% of the enrolment of the school; 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.
- a board is repairing or renovating a school, and the school community must be temporarily relocated to ensure the safety of students during the renovations;
- a facility has been serving as a holding school for a school community whose permanent school is under construction or repair.

In such circumstances, although a full accommodation review is not required, the board will provide appropriate notice of decisions that would affect the accommodation situation of students.

- (d) Operating Procedures – includes meetings, materials, support and analysis to be provided by Board administration and the material to be produced by the ARC.

4. Composition of the Accommodation Review Committee:

- 4.1 Each ARC will include membership drawn from the education community and the broader community. Consequently it will include educators, Board officials, students, parents, community and municipal leaders. The Associate Director (i.e. the Senior Official responsible for accommodation, planning and facilities) will be responsible to facilitate the work of the ARC.
- 4.2 The committee will include individuals that are not directly associated with any of the schools in the Review Area to provide an objective perspective, as well as individuals directly associated with the schools in the Review Area to provide the community perspective.
- 4.3 The ARC is expected to work towards consensus among all committee members on recommendations and the overall direction of the report to the Board of Trustees. Where consensus cannot be achieved, the Chair will rely on the “Voting” members of the committee to provide direction.
- 4.4 A vote is to be called only when a quorum of the voting members is present. When a vote is called only the voting members present will cast their vote. Should there be a tie vote the motion/recommendation is defeated. Quorum shall be defined as fifty percent (50%) plus one of the number of voting members on the committee. The definition of consensus and the determination of voting procedures (e.g. by ballot or show of hands) is to be established by the committee at its first meeting.
- 4.5 ARC Committee Representation: The membership of the ARC will be defined by the Board in the ARC Terms of Reference. The following individuals will be invited to be a member of the ARC:
- (a) **Chair - One Member of Executive Council** *(to be appointed by the Office of the Director who will not have any “Voting” status);*
- (b) **Voting Members:**
- **One Principal** that is not directly associated with any of the schools in the Review Area *(to be chosen by the respective Principal's Association);*
 - **One Teacher** that is not directly associated with any of the schools in the Review Area *(to be chosen by the respective Teacher Union Executive)*
 - **Two Student Leaders** from outside the review area (to be chosen by Executive Council in the case of an Elementary ARC and Student Senate in the case of a Secondary ARC);
 - **Two “Public School Supporter” Community Leaders** *(Community Leaders must not be directly associated with any of the schools in the Review Area. Community Leaders are to be appointed by the Parent Involvement Committee);*
 - **Two Parent Representatives** from each of the schools directly affected by the accommodation review *(to be appointed by School Council)*
- (c) **Non-voting Members:**
- **Any Superintendent of Education** whose direct responsibilities include a school in the Review Area;
 - **The Trustee(s)** whose ward includes a school in the Review Area;
 - **The Ward Councilor(s)** whose ward includes a school in the Review Area;
 - **One Principal** from each of the schools directly affected by the accommodation review;

- **One Teacher** from each of the schools directly affected by the accommodation review *(to be chosen by teaching peers)*;
 - **One Non-Teaching Staff Representative** from each of the schools directly affected by the accommodation review (to be chosen by non-teaching staff members at each of the schools)
- (d) *Note: The total number of individuals on the committee will depend upon the number of schools in the review area:*
- (e) The ARC will be deemed to be properly constituted whether or not all the listed members are willing and able to participate.
- (f) Alternates: Should a member miss two consecutive meetings, the Chair of the ARC may invite an alternate member. The alternate member must meet the same criteria as outlined in parts (a), (b) or (c) above of the member being replaced (i.e. an alternate parent representative must be from the same school and be designated by the School Council of the member that they are replacing).

5. School Information Profile

- 5.1 Board administration are required to develop a School Information Profile to help the ARC and the community understand how well schools meet the objectives and the Reference Criteria outlined in the Terms of Reference. The School
- 5.2 Information Profile includes data for each of the following four considerations about the school(s):
- (a) Value to the student
 - (b) Value to the school Board
 - (c) Value to the community
 - (d) Value to the local economy
- 5.3 It is recognized that the school's value to the student takes priority over other considerations about the school. A School Information Profile will be completed by Board administration for each of the schools under review. If multiple schools within the same planning area are being reviewed together, the same Profile must be used for each school. The completed School Information Profile(s) will be provided to the ARC to discuss, consult on, modify based on new or improved information, and finalize.
- 5.4 The School Information Profile Template attached in Appendix "B" provides a sample of the information that will be provided.

6. The Accommodation Review Process

- 6.1 Accommodation Options and School Information Profile
- (a) Board administration must present to the ARC at least one alternative accommodation option that addresses the objectives and Reference Criteria outlined in the Terms of Reference. The option(s) will address where students would be accommodated; what changes to existing facilities may be required; what programs would be available to students; and transportation. If the option(s) require new capital investment, Board administration will advise on the availability of funding, and where no funding exists, will propose how students would be accommodated if funding does not become available.
 - (b) The ARC will discuss and consult about the School Information Profile(s) prepared by Board administration for the school(s) under review and modify the Profile(s) where appropriate. This discussion is intended to familiarize the ARC members and the community with the school(s) in light of the objectives and Reference Criteria outlined in the Terms of

Reference. The final School Information Profile(s) and the Terms of Reference will provide the foundation for discussion and analysis of accommodation options.

- (c) The ARC may also create alternative accommodation options, which should be consistent with the objectives and Reference Criteria outlined in the Terms of Reference. Board administration will provide necessary data to enable the ARC to examine options. This analysis will assist the ARC in finalizing the Accommodation Report to the Board.
- (d) ARCs may recommend accommodation options that include new capital investment. In such a case, Board administration will advise on the availability of funding. Where no funding exists, the ARC with the support of Board administration will propose how students would be accommodated if funding does not become available.
- (e) As the ARC considers the accommodation options, the needs of all students in schools of the ARC are to be considered objectively and fairly, based on the School Information Profile and the objectives and Reference Criteria outlined in the Terms of Reference.

6.2 Community Consultation, Public Information and Access

- (a) Public consultation is to be at the heart of the accommodation review process. A minimum of four public meetings, structured to encourage an open and informed exchange of views, are to be held by the Accommodation Review Committee. If possible the meetings are to be held at the school(s) under review, or in a nearby facility if physical accessibility cannot be provided at the school(s).
- (b) The ARC is responsible to ensure that a wide range of local groups is consulted.
- (c) These groups may include the School Council of the schools in the review area, parents, guardians, students, teachers, the local community and other interested parties.
- (d) The ARC is responsible to ensure that public meetings are well publicized, well in advance of the scheduled meeting date. The School Board and ARC are to ensure that all information relevant to the accommodation review, as defined by the ARC, is made public by posting it in a prominent location on the school Board's website or making it available in print upon request. Where relevant information is technical in nature, it is to be explained in plain language.
- (e) Once an accommodation review has been initiated, the ARC must ensure that a wide range of school and community groups is invited to participate in the consultation. These groups may include the school(s)' councils, parents, guardians, students, school staff, the local community, and other interested parties.
- (f) As indicated above, the ARC will consult about the customized School Information Profile prepared by Board administration and may make changes as a result of the consultation. The ARC will also seek input and feedback about the accommodation options and the ARC's Accommodation Report to the Board. Discussions will be based on the School Information Profile(s) and the ARC's Terms of Reference.
- (g) Public meetings must be well publicized, in advance, through a range of methods and held at the school(s) under review, if possible, or in a nearby facility if physical accessibility cannot be provided at the school(s). Public meetings are to be structured to encourage an open and informed exchange of views. All relevant information developed to support the discussions at the consultation is to be made available in advance.
- (h) At a minimum, ARCs are required to hold four public meetings to consult about the School Information Profile, the accommodation options, and the ARC Accommodation Report.
- (i) Minutes reflecting the full range of opinions expressed at the meetings are to be kept, and made publicly available. ARCs and Board administration are to respond to questions they consider relevant to the ARC and its analysis, at meetings or in writing appended to the minutes of the meeting and made available on the Board's website.

6.3 ARC Accommodation Report to the Board

- (a) The ARC will produce an Accommodation Report that will make accommodation recommendation(s) consistent with the objectives and Reference Criteria outlined in the Terms of Reference. It will deliver its Accommodation Report to the Board's Director of Education, who will have the Accommodation Report posted on the Board's website. The ARC will present its Accommodation Report to the Board of Trustees. Board administration will examine the ARC Accommodation Report and present the administration analysis and recommendations to the Board of Trustees. The Board of Trustees will make the final decision regarding the future of the school(s). If the Board of Trustees votes to close a school or schools, the Board must outline clear timelines around when the school(s) will close.
- (b) The Board of Trustees will hold the following public meetings in order to complete the decision-making process regarding the closure of a school or schools:
 - A meeting to receive the report of the Accommodation Review Committee (to be presented by the committee's chair or delegate) and the Staff report (to be presented by the Associate Director or delegate). Following this meeting both reports will be made available to the public on the Board's website.
 - A meeting to receive public input on the ARC report and the Staff Report.
 - A meeting for the Board of Trustees to make the final decision regarding the future of the schools. As part of any resolution to close a school, the Board will outline anticipated timelines for the school closure. The ARC is to submit its final report to the Superintendent of Business who shall direct Board staff to analyze the committee's report and prepare their proposals and recommendations regarding the future of the schools for the Board of Trustees.

7. Timelines

- 7.1 Board decisions to establish an Accommodation Review Committee will also include the date in which the final (ARC) report is to be presented with due regard for the following provisions related to the timelines for an accommodation review process as specified in the Ministry of Education's Pupil Accommodation Review Guidelines:
 - (a) Following the establishment of the ARC to conduct an accommodation review, there must be no less than thirty (30) days notice before the first public meeting of the ARC.
 - (b) Beginning with the first public meeting, the public consultation period must be no less than ninety (90) days.
 - (c) After receipt of the ARC and Staff Reports by the Board of Trustees, there must be no less than sixty (60) days prior to the meeting where the trustees will vote on the recommendations.
- 7.2 Summer vacation, Christmas break and Spring break, including adjacent weekends, must not be considered part of the 30, 60 or 90 calendar day periods. For schools with a year-round calendar, any holiday that is nine calendar days or longer, including weekends, should not be considered part of the 30, 60 or 90 calendar day periods.



MINISTRY OF EDUCATION
PUPIL ACCOMMODATION REVIEW GUIDELINE
(Revised June 2009)

PURPOSE

The purpose of the *Pupil Accommodation Review Guideline* (previously referred to as school closure guidelines) is to provide direction to school boards regarding public accommodation reviews undertaken to determine the future of a school or group of schools.

The *Guideline* ensures that where a decision is taken by a school board regarding the future of a school, that decision is made with the full involvement of an informed local community and it is based on a broad range of criteria regarding the quality of the learning experience for students.

In recognition of the important role schools play in strengthening rural and urban communities and the importance of healthy communities for student success, it is also expected that decisions consider the value of the school to the community, taking into account other government initiatives aimed at strengthening communities.

School boards in Ontario are responsible for providing schools and facilities for their students and for operating and maintaining their schools as effectively and efficiently as possible to support student achievement.

Under paragraph 26, subsection 8 (1) of the *Education Act*, the Minister of Education may issue guidelines with respect to school boards' school closure policies. The *Guideline* is effective upon release.

SCHOOL BOARD ACCOMMODATION REVIEW POLICIES

School boards are responsible for establishing and following their own accommodation review policies. At a minimum, boards' accommodation review policies are to reflect the requirements of the *Pupil Accommodation Review Guideline* set out below.

A copy of the school board's accommodation review policy, the government's *Pupil Accommodation Review Guideline* and the *Administrative Review of Accommodation Review Process* documents are to be available at the school board's office and posted on the school board's website.

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School boards are expected to undertake long-term enrolment and capital planning that will provide the context for accommodation review processes and decisions. This planning should take into account opportunities for partnerships with other school boards and appropriate public organizations that are financially sustainable, safe for students, and protect the core values and objectives of the school board.

The *Guideline* recognizes that, wherever possible, accommodation reviews should focus on a group of schools within a school board's planning area rather than examine a single school. These schools would be reviewed together because they are located close enough to the other schools within a planning area to facilitate the development of viable and practical solutions for student accommodation.

ACCOMMODATION REVIEW TERMS OF REFERENCE

The review of a particular school or schools is to be led by an Accommodation Review Committee (ARC) appointed by the board. The ARC assumes an advisory role and will provide recommendations that will inform the final decision made by the Board of Trustees.

Each ARC must include membership drawn from the community. It is recommended that the committee include parents, educators, board officials, and community members. Trustees are not required to serve on ARCs.

School boards will provide the ARC with a Terms of Reference that describes the ARC's mandate. The mandate will refer to the board's educational and accommodation objectives in undertaking the ARC and reflect the board's strategy for supporting student achievement. The Terms of Reference will contain Reference Criteria that frame the parameters of ARC discussion. The Reference Criteria include the educational and accommodation criteria for examining schools under review and accommodation options. Examples may include grade configuration, school utilization, and program offerings.

The Terms of Reference will identify ARC membership and the role of voting and non-voting members, including board and school administration. The Terms of Reference will also describe the procedures for the ARC, including meetings; material, support, and analysis to be provided by board administration; and the material to be produced by the ARC.

School boards will inform the ARC at the beginning of the process about partnership opportunities, or lack thereof, as identified as part of boards' long-term planning process.

SCHOOL INFORMATION PROFILE

School boards are required to develop a School Information Profile to help the ARC and the community understand how well school(s) meet the objectives and the Reference Criteria outlined in the Terms of Reference. The School

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Information Profile includes data for each of the following four considerations about the school(s):

- Value to the student
- Value to the school board
- Value to the community
- Value to the local economy

It is recognized that the school's value to the student takes priority over other considerations about the school. A School Information Profile will be completed by board administration for each of the schools under review. If multiple schools within the same planning area are being reviewed together, the same Profile must be used for each school. The completed School Information Profile(s) will be provided to the ARC to discuss, consult on, modify based on new or improved information, and finalize.

The following are examples of factors that may be considered under each of the four considerations. Boards and ARCs may introduce other factors that could be used to reflect local circumstances and priorities, which may help to further understand the school(s).

Value to the Student

- the learning environment at the school;
- student outcomes at the school;
- course and program offerings;
- extracurricular activities and extent of student participation;
- the ability of the school's physical space to support student learning;
- the ability of the school's grounds to support healthy physical activity and extracurricular activities;
- accessibility of the school for students with disabilities;
- safety of the school;
- proximity of the school to students/length of bus ride to school.

Value to the School Board

- student outcomes at the school;
- course and program offerings;
- availability of specialized teaching spaces;
- condition and location of school;
- value of the school if it is the only school within the community;
- fiscal and operational factors (e.g., enrolment vs. available space, cost to operate the school, cost of transportation, availability of surplus space in adjacent schools, cost to upgrade the facility so that it can meet student learning objectives).

Value to the Community

- facility for community use;

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- program offerings at the school that serve both students and community members (e.g., adult ESL);
- school grounds as green space and/or available for recreational use;
- school as a partner in other government initiatives in the community;
- value of the school if it is the only school within the community.

Value to the Local Economy

- school as a local employer;
- availability of cooperative education;
- availability of training opportunities or partnerships with business;
- attracts or retains families in the community;
- value of the school if it is the only school within the community.

ACCOMMODATION REVIEW PROCESS

As indicated above, the public review of each school or group of schools is to be led by a local Accommodation Review Committee appointed by the board.

School boards must present to the ARC at least one alternative accommodation option that addresses the objectives and Reference Criteria outlined in the Terms of Reference. The option(s) will address where students would be accommodated; what changes to existing facilities may be required; what programs would be available to students; and transportation. If the option(s) require new capital investment, board administration will advise on the availability of funding, and where no funding exists, will propose how students would be accommodated if funding does not become available.

The Ministry recommends that, wherever possible, schools should only be subject to an accommodation review once in a five-year period, unless there are exceptional circumstances.

School Information Profile

The ARC will discuss and consult about the School Information Profile(s) prepared by board administration for the school(s) under review and modify the Profile(s) where appropriate. This discussion is intended to familiarize the ARC members and the community with the school(s) in light of the objectives and Reference Criteria outlined in the Terms of Reference. The final School Information Profile(s) and the Terms of Reference will provide the foundation for discussion and analysis of accommodation options.

Public Information and Access

School boards and ARCs are to ensure that all information relevant to the accommodation review, as defined by the ARC, is made public by posting it in a prominent location on the school board's website or making it available in print upon request. Where relevant information is technical in nature, it is to be explained in plain language.

Accommodation Options

The ARC may also create alternative accommodation options, which should be consistent with the objectives and Reference Criteria outlined in the Terms of Reference. Board administration will provide necessary data to enable the ARC to examine options. This analysis will assist the ARC in finalizing the Accommodation Report to the board.

ARCs may recommend accommodation options that include new capital investment. In such a case, board administration will advise on the availability of funding. Where no funding exists, the ARC with the support of board administration will propose how students would be accommodated if funding does not become available.

As the ARC considers the accommodation options, the needs of all students in schools of the ARC are to be considered objectively and fairly, based on the School Information Profile and the objectives and Reference Criteria outlined in the Terms of Reference.

Community Consultation and Public Meetings

Once an accommodation review has been initiated, the ARC must ensure that a wide range of school and community groups is invited to participate in the consultation. These groups may include the school(s)' councils, parents, guardians, students, school staff, the local community, and other interested parties.

As indicated above, the ARC will consult about the customized School Information Profile prepared by board administration and may make changes as a result of the consultation. The ARC will also seek input and feedback about the accommodation options and the ARC's Accommodation Report to the board. Discussions will be based on the School Information Profile(s) and the ARC's Terms of Reference.

Public meetings must be well publicized, in advance, through a range of methods and held at the school(s) under review, if possible, or in a nearby facility if physical accessibility cannot be provided at the school(s). Public meetings are to be structured to encourage an open and informed exchange of views. All relevant information developed to support the discussions at the consultation is to be made available in advance.

At a minimum, ARCs are required to hold four public meetings to consult about the School Information Profile, the accommodation options, and the ARC Accommodation Report.

Minutes reflecting the full range of opinions expressed at the meetings are to be kept, and made publicly available. ARCs and board administration are to respond to questions they consider relevant to the ARC and its analysis, at

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meetings or in writing appended to the minutes of the meeting and made available on the board's website.

ARC Accommodation Report to the Board

The ARC will produce an Accommodation Report that will make accommodation recommendation(s) consistent with the objectives and Reference Criteria outlined in the Terms of Reference. It will deliver its Accommodation Report to the board's Director of Education, who will have the Accommodation Report posted on the board's website. The ARC will present its Accommodation Report to the Board of Trustees. Board administration will examine the ARC Accommodation Report and present the administration analysis and recommendations to the Board of Trustees. The Board of Trustees will make the final decision regarding the future of the school(s). If the Board of Trustees votes to close a school or schools, the board must outline clear timelines around when the school(s) will close.

TIMELINES FOR AN ACCOMMODATION REVIEW PROCESS

After the intention to conduct an accommodation review of a school or schools has been announced by the school board, there must be no less than 30 calendar days notice prior to the first of a minimum of four public meetings.

Beginning with the first public meeting, the public consultation period must be no less than 90 calendar days.

After the ARC completes its Accommodation Report it is to make the document publicly available and submit the document to the school board administration. After the submission of the Accommodation Report, there must be no less than 60 calendar days notice prior to the meeting where the Board of Trustees will vote on the recommendations.

Summer vacation, Christmas break and Spring break, including adjacent weekends, must not be considered part of the 30, 60 or 90 calendar day periods. For schools with a year-round calendar, any holiday that is nine calendar days or longer, including weekends, should not be considered part of the 30, 60 or 90 calendar day periods.

APPLICATION OF ACCOMMODATION REVIEW GUIDELINES

The *Guideline* applies to schools offering elementary or secondary regular day-school programs. The following outlines circumstances where school boards are not obligated to undertake an accommodation review in accordance with this *Pupil Accommodation Review Guideline*. In these circumstances, a board is expected to consult with local communities about proposed accommodation options for students in advance of any decision by the board.

- Where a replacement school is to be rebuilt by the board on the existing site, or rebuilt or acquired within the existing school attendance boundary as identified through the board's existing policies;

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- When a lease is terminated;
- When a board is planning the relocation in any school year or over a number of school years of a grade or grades, or a program, where the enrolment constitutes less than 50% of the enrolment of the school; 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;
- When a board is repairing or renovating a school, and the school community must be temporarily relocated to ensure the safety of students during the renovations
- Where a facility has been serving as a holding school for a school community whose permanent school is over-capacity and/or is under construction or repair.

Hamilton-Wentworth District School Board **School Information Profile**

1. Enrolment vs. Available Space	School A	School B	School C	School D	School E	School F	Area Total	Board Total
Data to be Provided to the ARC								
Current Average Daily Enrolment (ADE)								
Projected Average Daily Enrolment (ADE) in 5 years (assuming no operational changes)								
Projected Average Daily Enrolment (ADE) in 10 years (assuming no operational changes)								
Number of Classrooms Required (Current)								
Projected Number of Classrooms Required in 5 years								
Projected Number of Classrooms Required in 10 years								
Capacity (Pupil Places)								
Number of Classrooms Available								
Current Utilization Rate (ratio of ADE to Capacity)								
Projected Utilization Rate in 5 years								
Projected Utilization Rate in 10 years								
Current Space Surplus / Shortage (Pupil Places)								
Projected Space Surplus / Shortage (Pupil Places) in 5 years								
Projected Space Surplus / Shortage (Pupil Places) in 10 years								
Current Space Surplus / Shortage (Classrooms)								
Projected Space Surplus / Shortage (Classrooms) in 5 years								
Projected Space Surplus / Shortage (Classrooms) in 10 years								
Questions for the Accommodation Review Committee to address								
a. Are all of the schools in the area needed to accommodate current enrolment levels?								
b. Will all of the schools in the area be needed to accommodate projected enrolment in five years; in ten years?								

2. Cost of School Operations (Heating, Lighting, Cleaning and Routine Maintenance)	School A	School B	School C	School D	School E	School F	Area Total	Board Total
Data to be Provided to the ARC								
Expenditures on School Operations at School								
Imputed Grant for School Operations for School								
Projected Imputed Grant for School Operations for School in 5 years (assuming no operational changes)								
Projected Imputed Grant for School Operations for School in 10 years (assuming no operational changes)								
Current Difference between Expenditures and Revenue for School Operations at School								
Projected Difference between Expenditures and Revenue for School Operations at School in 5 years								
Projected Difference between Expenditures and Revenue for School Operations at School in 10 years								
Questions for the Accommodation Review Committee to address								
a. Are there any opportunities to lease space to appropriate external parties to fully offset the difference between expenditures and revenues to heat, light and clean the school?								
b. If a school were to close, and students relocated to other schools in the area, what would the net impact on expenditures for heating, lighting and cleaning – i.e. expenditure reductions at the closed school; additional expenditures (if any) at schools receiving the relocated students?								
c. If a school were to close, and students relocated to other schools in the area, what would the net impact on the board's overall Grants for School Operation?								

Hamilton-Wentworth District School Board **School Information Profile**

3. Cost of School Administration (Principals, Vice-Principals, Secretaries and Office Supplies)	School A	School B	School C	School D	School E	School F	Area Total	Board Total
Data to be Provided to the ARC								
Expenditures on School Administration at School								
Imputed Grant for School Administration for School								
Projected Imputed Grant for School Administration for School in 5 years (assuming no operational changes)								
Projected Imputed Grant for School Administration for School in 10 years (assuming no operational changes)								
Current Difference between Expenditures and Revenue for School Administration at School								
Projected Difference between Expenditures and Revenue for School Administration at School in 5 years								
Projected Difference between Expenditures and Revenue for School Administration at School in 10 years								
Questions for the Accommodation Review Committee to address								
a. If a school were to close, and students relocated to other schools in the area, what would the net impact on expenditures for school administration – i.e. expenditure reductions at the closed school; additional expenditures (if any) at schools receiving the relocated students?								
b. If a school were to close, and students relocated to other schools in the area, what would the net impact on the board's overall Grants for School Administration?								

4. Condition of School	School A	School B	School C	School D	School E	School F	Board Average
Data to be Provided to the ARC							
What is the cost to address the current backlog of renewal projects at the school?							
What is the estimated cost to address additional renewal projects at the school as additional building components need to be repaired/replaced over the next 10 years?							
Assuming no repair work is undertaken in the interim, what is total cost of repair work in the School expected to be 10 years from now?							
What is the replacement value of the School?							
Current Facilities Condition Index (FCI) for the School?							
Expected Facilities Condition Index (FCI) for the School in 10 years							
What is the estimated cost of upgrading the school so that it can meet student objectives?							
Ratio of estimated upgrading costs to replacement value of the School							
Over the next 10 years how much revenue does the board expect to receive to support school renewal projects for all of its schools?							
Ratio of estimated renewal needs 10 years from now to total school renewal funding							
Ratio of estimated upgrading costs to total school renewal funding							
Questions for the Accommodation Review Committee to address							
a. How does the condition of the school currently compare with the condition of other schools in the area? If a school were to close, would relocated students be moving to schools that are in better condition than their current school?							
b. As additional renewal projects may become necessary as time goes by and building components need to be replaced, how is the condition of the school expected to compare with other schools in the area 10 years from now? If a school were to close, would relocated students be moving to schools that would be in better condition 10 years from now than their current school would be at that time?							
c. If a school were to close, does the board intend to undertake any capital projects to improve condition or enhance the learning environment at the school(s) which would be receiving the relocated students?							

Hamilton-Wentworth District School Board **School Information Profile**

5. Quality of the Learning Environment at the School / Adequacy of the School's Physical Space to Support Student Learning	School A	School B	School C	School D	School E	School F	Board Total			
							Average	Better than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)
Data to be Provided to the ARC										
Enrolment										
On-the-Ground Capacity										
Utilization Rate										
Number of Portables on site										
Number of Students per computer										
Results of Student satisfaction surveys (where available)										
Results of Parent satisfaction surveys (where available)										
Quality of Classroom Space										
Does the School have a Library/Resource Centre?										
Does the School have at least one dedicated Science Room?										
Number of Science Rooms in School (and adequacy of each to support student learning)										
Does the School have a Gymnasium?										
Is there a stage in the Gymnasium										
Number of Gymnasias in School (and adequacy of each to support student learning)										
Does the School have a General Purpose Room?										
Does the School have a dedicated Instrumental Music Room?										
Does the School have a dedicated Vocal Music Room?										
Does the School have dedicated Resource Withdrawal space?										
Does the School have a Cafeteria?										
Does the School have a dedicated Auditorium?										
Does the School have a Cafetorium?										
Is there a stage in the Cafetorium?										
Does the School have a Swimming Pool?										
Does the School have dedicated facilities for Communications Technology programs?										
Does the School have dedicated facilities for Construction Technology programs?										
Does the School have dedicated facilities for Health and Personal Services programs?										
Does the School have dedicated facilities for Hospitality and Tourism programs?										
Does the School have dedicated facilities for Manufacturing Technology programs?										
Does the School have dedicated facilities for Technological Design programs?										
Does the School have dedicated facilities for Transportation Technology programs?										
Does the School have dedicated facilities for Computer Studies programs?										
Does the School have dedicated facilities for Theatre Arts programs?										
Does the School have dedicated facilities for Visual Arts programs?										
Does the School have dedicated facilities for students with special needs										
Do these dedicated special needs rooms include change tables; student hoists and shower facilities?										
Does the School have a dedicated Child Care Centre?										
Does the School have any other specialized facilities?										
Please specify										
Questions for the Accommodation Review Committee to address a. Is there sufficient permanent space to accommodate all students (i.e. is enrolment at the school (ADE) less than the On-the-Ground Capacity of the school)? b. How many portables are at the school? What are they used for? c. If a school were to close, would relocating the students mean that more portables would be necessary at their new schools? d. What is the ratio of enrolment to the number of computers available for student use? How does this compare with other schools in the area; with the board average? e. If a school were to close and students relocated to another school, could the board take steps ensure that the relocated students continue to have the same or improved access to computers in their new school as they currently have? f. If a school were to close, would relocated students have access to specialized facilities in their new schools that are not currently available to them? g. Are there specialized facilities at a school that are not available in other schools in the area? If so, if this school were to close, could the board take steps to ensure that the relocated students would continue to have access to similar facilities in their new schools? h. Do the specialized facilities at a school better support student learning than similar facilities in other schools in the area? If so, if this school were to close, could the board take steps to ensure that the relocated students would continue to have access to facilities of this quality in their new schools?										

Hamilton-Wentworth District School Board **School Information Profile**

6. Range of Program Offerings (and extent of student participation)	School A	School B	School C	School D	School E	School F	Board Average
Data to be Provided to the ARC							
Does the School offer a Communications Technology program?							
Does the School offer a Construction Technology program?							
Does the School offer a Health and Personal Services program?							
Does the School offer a Hospitality and Tourism program?							
Does the School offer a Manufacturing Technology program?							
Does the School offer a Technological Design program?							
Does the School offer a Transportation Technology program?							
Does the School offer a Computer Studies program?							
Does the School offer a Dance program?							
Does the School offer a Dramatic Arts program?							
Does the School offer a Media Arts program?							
Does the School offer an Instrumental Music program?							
Does the School offer a Vocal Music program?							
Does the School offer a Visual Arts program?							
Does the School offer an English-as-a-Second-Language (ESL) program?							
Does the School offer an Extended French program?							
Does the School offer a French Immersion program?							
Does the School offer Co-operative Education opportunities for students?							
How easy is it for students to get to the work site?							
Does the School offer training opportunities for students with local employers?							
How easy is it for students to get to the work site?							
Questions for the Accommodation Review Committee to address							
a. If a school were to close and students relocated to another school in the area, would they have access to specialized programs not currently available to them?							
b. Are there specialized programs offered at a school that are not available in other schools in the area? If so, if this school were to close, could the board take steps to ensure that the relocated students would continue to have access to similar programs in their new schools?							

7. Range of Extracurricular Activities and Extent of Student Participation	School A	School B	School C	School D	School E	School F	Board Average
Data to be Provided to the ARC							
Are Child Care services available for student drop-off before school?							
Are Child Care services available for student care after school?							
Is there a Breakfast / Nutrition program available for students at the school?							
List of Extracurricular Activities at each school							
Number of students participating in each activity							
Questions for the Accommodation Review Committee to address							
a. If a school were to close and students relocated to another school in the area, would they have access to extracurricular activities not currently available to them?							
b. Are there extracurricular activities offered at a school that are not available in other schools in the area? If so, if this school were to close, could the board take steps to ensure that the relocated students would continue to have access to similar activities in their new schools?							

Hamilton-Wentworth District School Board **School Information Profile**

8. Adequacy of the School's Grounds for Healthy Physical Activity and Extracurricular Activity	School A	School B	School C	School D	School E	School F	Board Total			
							Average	Better than Satisfactory (%)	Satisfactory (%)	Less than Satisfactory (%)
Data to be Provided to the ARC										
Does the School have hard surfaced outdoor play area(s)?										
How adequate are the facilities for student activities?										
Does the School have a Playing Field?										
List types of playing fields available (e.g. baseball, football, soccer, track etc.)										
How adequate are the facilities for student activities?										
Does the School have formal arrangements to make use of offsite playing fields or recreational facilities to support co-curricular or extracurricular activities?										
List of offsite facilities										
How adequate are the facilities for student activities?										
Questions for the Accommodation Review Committee to address a. If a school were to close and students relocated to another school in the area, would they have access to grounds that better support healthy physical activity and extracurricular activities than those that are currently available to them? b. Do the grounds at a school better support healthy physical activity and extracurricular activities than similar facilities in other schools in the area? If so, if this school were to close, could the board take steps to ensure that the relocated students would continue to have access to facilities of this quality in their new schools?										

9. Accessibility of the School for Students with Disabilities	School A	School B	School C	School D	School E	School F	Board Average	
Data to be Provided to the ARC								
Does the school have at least one barrier-free entrance?								
Are all levels of the school wheelchair accessible?								
Does the school have appropriate communication systems for the visually impaired?								
Does the school have appropriate communication systems for the hearing impaired?								
Do students have access to barrier free washrooms?								
Questions for the Accommodation Review Committee to address a. If a school were to close and students relocated to another school in the area, would the new facilities be more accessible than their current school? b. Is a school more accessible to students with disabilities than other schools in the area? If so, if this school were to close, could the board take steps to ensure that the relocated students who are disabled would continue to have the same level of access to facilities in their new schools?								

10. Safety of the School	School A	School B	School C	School D	School E	School F	Board Average	
Data to be Provided to the ARC								
Does the school have an alarm/alert system in place to protect students and staff?								
Does the school have an alarm/alert system in place to protect the building itself?								
Is there a safe route for pedestrian flow on school grounds?								
Is there a safe route for vehicular flow on school grounds?								
Questions for the Accommodation Review Committee to address a. If this school were to close and students relocated to another school in the area, would the students have access to safety features that are not available in their current school? b. Are there safety features in the school that are not available in other schools in the area? If so, if this school were to close, could the board take steps to ensure that the relocated students would continue to have the same level of protection in their new schools as they currently have?								

Hamilton-Wentworth District School Board School Information Profile

11. Location of School (relative to where students live)	School A	School B	School C	School D	School E	School F	Board Average
Data to be Provided to the ARC							
What percentage of the students are provided transportation services to and from school?							
Longest bus ride to school (minutes)							
Shortest bus ride to school (minutes)							
Average bus ride to school (minutes)							
What percentage of the students live outside the school's catchment area?							
Is the school on a municipal bus route?							
Questions for the Accommodation Review Committee to address a. If a school were to close and students relocated to another school in the area, would transportation services be provided to the relocated students? b. If so, what increases in the length of the bus ride can be expected for students that are currently being bused to school; how long would the longest, shortest and average bus rides be for students that are currently walking to school; what would the additional transportation services provided cost the board? c. If not, what steps could the board take to ensure that the longer walk to school that will be necessary for the relocated students is as safe as their current walk to school?							

12. Student Outcomes at the School	School A	School B	School C	School D	School E	School F	Board Average	Provincial Average
Data to be Provided to the ARC								
EQAO Test Results -- Grade 3 (Reading)								
EQAO Test Results -- Grade 3 (Writing)								
EQAO Test Results -- Grade 3 (Mathematics)								
EQAO Test Results -- Grade 6 (Reading)								
EQAO Test Results -- Grade 6 (Writing)								
EQAO Test Results -- Grade 6 (Mathematics)								
Developmental Reading Assessment Results -- Junior Kindergarten								
Developmental Reading Assessment Results -- Kindergarten								
Developmental Reading Assessment Results -- Grade 1								
Developmental Reading Assessment Results -- Grade 2								
Developmental Reading Assessment Results -- Grade 3								
Developmental Reading Assessment Results -- Grade 4								
Developmental Reading Assessment Results -- Grade 5								
Developmental Reading Assessment Results -- Grade 6								
Developmental Reading Assessment Results -- Grade 7								
Developmental Reading Assessment Results -- Grade 8								
EQAO Test Results -- Grade 9 (Academic Mathematics)								
EQAO Test Results -- Grade 9 (Applied Mathematics)								
Ontario Secondary School Literacy Test (OSSLT) Results								
Average Credit Accumulation after Grade 9								
Average Credit Accumulation after Grade 10								
Average Credit Accumulation after Grade 11								
Average Credit Accumulation after Grade 12								
Graduation Rate								
Questions for the Accommodation Review Committee to address a. How do the student outcomes at a school compare with other schools in the area; with the average for the Boards; with the average for the Province as a whole? b. If a school were to close and students relocated to a school with better test results, could the board take steps to provide assistance to the relocated students to assist them to perform at the same level? c. If a school were to close and students relocated to a school with worse test results, could the board take steps to ensure that the relocated students can continue to perform at the same level?								

Hamilton-Wentworth District School Board **School Information Profile**

13. Location of the School (within community)	School A	School B	School C	School D	School E	School F	Board Average
Data to be Provided to the ARC							
How far is the school from its nearest neighbouring school?							
Is the school the only school of the board within the community?							
Is the school the only school of any board within the community?							
Questions for the Accommodation Review Committee to address a. How important is having a school in the community? b. How important to the local economy is having the school in the community? c. What is the demographic profile of the school? d. Does the demographic profile demonstrate a unique demographic in the area of language, culture and/or faith?							

14. Facility for Community Use	School A	School B	School C	School D	School E	School F	Board Total
Data to be Provided to the ARC							
List of co-curricular or extracurricular activities in which community members actively participate on a regular basis							
Average Number of Hours per Week that School Grounds are scheduled for use by Community Groups							
Average Number of Hours per Week that School Building is scheduled for use by Community Groups							
Does the School have a pool that is available for community use?							
Questions for the Accommodation Review Committee to address a. If a school were to close and students relocated to other schools in the area, what steps could be taken to ensure that community members currently participating in co-curricular or extracurricular activities could continue to provide and/or receive similar assistance in the new schools? b. What community groups are currently using the school grounds for recreational activities on a regular basis? c. How extensively do community groups make use of the school grounds for recreational purposes? d. If the school were to close, are there other grounds in the vicinity that could be used by these community groups? e. What community groups are currently using the school building on a regular basis? f. How extensively do community groups make use of the school facilities? g. If the school were to close, are there other facilities in the vicinity that could be used by these community groups?							

15. School Grounds As Green Space and/or Available for Recreational Use	School A	School B	School C	School D	School E	School F	Board Total
Data to be Provided to the ARC							
How extensively do members of the community make use of the school grounds for informal recreational activity?							
Questions for the Accommodation Review Committee to address a. If the school were to close, are there other grounds in the vicinity that could be used by community members for informal recreational activity?							

Hamilton-Wentworth District School Board School Information Profile

16. Range of Program Offerings at the School that Serve both Students and Community Members	School A	School B	School C	School D	School E	School F	Board Total
Data to be Provided to the ARC							
Does the School offer programs that serve both students and community members?							
Please specify							
Questions for the Accommodation Review Committee to address a. If a school were to close and students relocated to other schools in the area, would these students and community members continue to have access to the same range of program offerings that are currently available?							

17. School as Partner in Other Government Initiatives	School A	School B	School C	School D	School E	School F	Board Total
Data to be Provided to the ARC							
Is the School a partner in other government initiatives within the community?							
Please specify							
Questions for the Accommodation Review Committee to address a. If the school were to close and students relocated to other schools in the area, would these students and community members continue to have access to the same range of government initiatives that are currently available?							

18. School as Local Employer	School A	School B	School C	School D	School E	School F	Area Total	Board Total
Data to be Provided to the ARC								
Does the School have a Full-time Principal?								
Number of Vice-Principals at the School (FTE)								
Number of Secretaries at the School (FTE)								
Number of Teachers at the School (FTE)								
Number of Paraprofessionals at the School (FTE)								
list specific areas (e.g. speech)								
Number of Education Assistants at the School (FTE)								
Number of Caretaking Staff at the School (FTE)								
Number of Other Staff at the School (FTE)								
Total Number of Employees at the School (FTE)								
Questions for the Accommodation Review Committee to address a. What percentage does the employment at the school make up of the total number of full time jobs within the community?								

19. Availability of Cooperative Education	School A	School B	School C	School D	School E	School F	Board Total
Data to be Provided to the ARC							
Number of students enrolled in Cooperative Education programs in the school							
Percentage of total enrolment that is enrolled in Cooperative Education programs in the school							
Questions for the Accommodation Review Committee to address a. If the school were to close and students relocated to other schools in the area, would students in cooperative programs still be able to obtain cooperative work placements with employers in the vicinity of their current school? b. If so, would attending a different school have any negative impacts on the students' ability to get to the work site? c. If not, could the board take steps to ensure that the relocated students will continue to obtain relevant cooperative work placements with other employers? d. What impact would this have on the students' ability to get to the work site?							

Hamilton-Wentworth District School Board **School Information Profile**

20. Availability of Training Opportunities or Partnerships with Business	School A	School B	School C	School D	School E	School F	Board Total
Data to be Provided to the ARC							
List of formal partnership arrangements between school and local Community / Businesses / Organizations							
List of formal sponsorship arrangements between school and local Community / Businesses / Organizations							
List of formal training opportunities available to students at the school with employers in the community							
List of formal arrangements to provide training to employees of local employers in the school							
Questions for the Accommodation Review Committee to address							
a. If a school were to close and students relocated to other schools in the area, what steps could be taken to ensure that existing partnership arrangements with the local community / business / organizations could continue in the new schools?							
b. If a school were to close and students relocated to other schools in the area, what steps could be taken to ensure that existing sponsorship arrangements with the local community / business / organizations could continue in the new schools?							
d. If a school were to close and students relocated to other schools in the area, would students still be able to obtain training opportunities with employers in the vicinity of their current school?							
e. If so, would attending a different school have any negative impacts on the students' ability to get to the work site?							
f. If not, could the board take steps to ensure that the relocated students will continue to obtain training opportunities with other employers?							
g. What impact would this have on the students' ability to get to the work site?							
h. If a school were to close and students relocated to other schools in the area, could the board take steps to ensure that training opportunities for employees of local employers can continue in the new school(s)?							

21. Attracts or Retains Families in the Community	School A	School B	School C	School D	School E	School F	Board Total
Data to be Provided to the ARC							
No data elements identified							
Questions for the Accommodation Review Committee to address							
a. What will be the effect on population in the area if the school were to close and students relocated to other schools?							

The Disposition Protocol will be subject to review within 2 years from the date of approval.

PROPERTY DISPOSITION PROTOCOL

HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD

Overview:

In accordance with section 193(3) of the Education Act, a board has the power to sell, lease or otherwise dispose of any school site or part of a school site of the board or any property of the board, on the adoption of a resolution by the Board of Trustees that the site or part or property is not required for the purposes of the board.

With funding formula changes and facing declining enrolment, School Boards are in a position where they must consider the disposition of surplus property to generate funding in support of new school construction and or the acquisition of new school sites.

It remains in the best interest of the Board, students and community ratepayers to achieve the maximum return for surplus properties, while recognizing the need to maintain community involvement throughout the disposition process.

- The “Property Disposition Protocol” is to inform all interested parties of the steps taken by the HWDSB in the disposal and potential re-use of surplus school sites or property. It is also understood that the City of Hamilton is a significant community partner in the long and short term municipal planning aspects of Board sites as they exercise local jurisdictional authority over all land use applications and designations.

For the purpose of this Protocol, the term “disposition of land” can relate to:

- An entire school and property;
- Excess land on a piece of school property (on which a school will continue to operate);
- Vacant land
- Exchange of Lands

The Board retains the right to alter the application of the Property Disposition Protocol.

Guiding Principles:

The Property Disposition Protocol has been developed with an aim to ensure:

1. that Trustee fiduciary responsibility and effective public sector governance is clearly demonstrated when disposing of Board entrusted property assets;
2. full compliance with all Legislative and Regulatory requirements; and,
3. direction and decisions are clearly articulated in a timely fashion with the City of Hamilton and the Community at large; and,
4. open and timely communication

Benefits:

The Property Disposition Protocol is expected to achieve a number of benefits:

- Helping to well-position the Board as progressive and forthright, given the emphasis on transparency and upfront disclosure of intention;
- Enabling the Board to counter claims frequently made in the context of the existing process that an individual or organization “did not know about” or “did not have enough time” to consider and respond to the land disposition plan. This will be of particular value in the context of helping facilitate community group and City of Hamilton dialogue about the future of a particular property; and,
- Informing potential buyers and potentially stimulating greater interest in and higher prices for the property.

Definition of Key Terms:

- The term “Market Value” is defined as “the most probable price in terms of money which an estate (or interest) in real property should bring in a competitive and open market under conditions requisite to a fair and typical sale between a willing seller and willing buyer, each acting prudently and knowledgeably and assuring the price is not affected by undue stimuli” it is also often referred to as the “most probable selling price”. During the 90 day “Preferred Agency” process, should there be disagreement on fair market value, the Regulation provides for adjudication through a defined arbitration process.
- As defined by the Board’s solicitor, a “Bona Fide” offer is one that is presented in a legal format and will become binding upon the Board’s endorsement. Conversely, a letter of understanding or intent to purchase, a Board or Council motion or any other form of expressed interest to purchase does not satisfy the legislative requirement and must be rejected. Should an Offer to Purchase be received from a Preferred Agent following the conclusion of the circulation period, the Board having satisfied the legislative requirements of Ontario Regulation 444 is not obligated or compelled to entertain the offer and the submitting agency loses their preferred status. During the Preferred Agency process, no offer can be considered or accepted until the expiry of the 90-day period. Following the close of the 90-day period, bona fide offers to purchase must be dealt with in accordance with the prescribed Regulation priority sequence.
- All references to the 90 or 60 day consultation period within this “Protocol” is to be understood to mean that administration will endeavor to accommodate a 90 or 60 day period although the number of days may have slight deviations due to weekends, holidays and timing of scheduled Board meetings.

Approach:

The Board currently adheres to a property disposition protocol, in accordance with the Education Act and Ontario Regulation 444 (Ont. Reg. 444). It is this Regulation that, at a minimum, prescribes:

- the list of Ministry Preferred Agents and their priority ranking that a Board must follow when assessing bona fide offers to purchase;
- a 90 day offering period be extended to Preferred Agencies; and,
- the Board's obligation to obtain "market value" for all property dispositions.

As part of the commitment to operating in a professional and responsible manner, the Board recognizes the need to maximize the efficacy of its relationship with the City of Hamilton — particularly given that: the City has responsibility for park lands; is one of the Ministry identified "Preferred Agents"; and, that it manages the zoning change and development applications processes. In order to provide a pre-consultation opportunity with the City of Hamilton and local communities the disposition protocol has been assembled in three phases:

1. Pre-Consultation Process - (Pre Ont. Reg. 444)
2. Engagement of Ont. Reg. 444
3. Disposition - (Post Ont. Reg. 444)

In summary,

- **Phase 1** - is the key communication period that will officially inform the City of Hamilton and local communities in advance of potential real property dispositions.
- **Phase 2** - is the engagement of Ont. Reg. 444.
Following the adoption of a resolution that the site or part or property is not required for the purposes of the Board, Ont. Reg. 444 will then be engage. The Board is compelled to satisfy all of the conditions therein and has no authority to alter, deviate or change in any way the legislative requirements.
- **Phase 3** – At the conclusion of the 90 day circulation period and having satisfactorily completed all conditions of Ont. Reg. 444, the Board's property will be sold to a "Preferred Agent" as prescribed or in the event of no sale under Ont. Reg. 444; the Board will be legally in a position to dispose of real property, at "Market Value" guided by Administrative direction. The Board will continue to support a submitted bona fide offer through to conclusion beyond the 90 day preferred agency timeframe, providing the formal arbitration process has not been engaged and the sale can be finalized within 45 additional days.

Phase 1 – Communication and Planning

Annual Capital Planning:

- Each year the Board relies on an updated Capital Plan to provide direction specific to the accommodation needs of the school board. The Board's capital plan is an integral part in the early identification of potential property disposition. The content of the report identifies all school board property assets along with strategic

accommodation “Concepts Plans”. The purpose of a “Concept Plan” is to provide guidance on student accommodation needs and also identify those facilities and properties that have the potential for disposal in the short, medium and long term.

- Accommodation Review Committees sanctioned by the Board will be empowered to conduct area reviews in accordance with the Student Accommodation Policy. Committee members, among others, include parents, ward councilors and community leaders. This diverse membership will assist the Board through its decision making process while also gaining in-depth knowledge of potential schools that may be recommended for closure. Through the public Accommodation Review process, both the City and Community will have up to two years lead time prior to disposal of a Board sanctioned school site. This lead time will provide the City and community ample opportunity to determine municipal requirements for the site and for the City to be prepared to submit a “bona fide” offer once Ont. Reg. 444 is engaged. As well, properties formally identified by the Board as surplus to its needs, will follow a 60 day notice period as outlined in the “Public Notice” section of this protocol.
- Following approval by the Board, the annual Capital Plan will be forwarded to City officials and posted on the Board’s web site.

Identification of Surplus Sites Outside of the Capital Plan:

From time to time the Board may deem vacant lands, portion(s) of existing land or other lands surplus to its needs. In these circumstances, the Board will follow the conditions outlined in the “Public Notice” section of this Protocol. Administration will provide a report to the Board detailing the outcome of the 90 day consultation process and make recommendations for consideration. Should the Board then declare a property or portion of a property surplus to its needs, Ont. Reg. 444 will then be engaged.

Public Notice:

The aims of a joint City of Hamilton and Board pre-consultation process are to:

- meet a public and stakeholder expectations of helping to shape future development on lands of interest to them;
- keep the community better informed about what might be undertaken on surplus Board lands;
- uncover issues of concern and act as an ‘early warning system’ for the Board; and,
- minimize disruption to and time spent on the formal rezoning/ applications

To this end, Administration will conduct the following public process:

- In addition to posting a “Notice of Intent” to sell school lands’ on the Board’s web site, Administration will provide advanced public notice to known interested parties and residents in the vicinity of the site to indicate that the site is surplus, and that an appropriate after use is being sought. This advance notice will be issued 90 days prior to the Board’s motion to declare the property surplus and commencing Ont. Reg. 444 (the formal 90-day preferred agency process).
- The public will also be invited to a meeting to seek input on the appropriate after-use of the site and the potential for re-use of any existing buildings. Administration will explain the reason for the disposition, the legal requirements under Ont. Reg. 444 including the respective roles of key players in the process including the City of Hamilton as a preferred agency, Administrations desired intended planning use of the property and the Board’s legal requirements relating to proceeds from disposition.
- Administration will share with at the Public meeting, approaches being considered to maximizing land values. Examples of disposition strategies include but are not limited to:
 - Determining the highest and best use of the site from a property planning perspective e.g. creating an approved plan of subdivision;
 - Developing lands to the point of registration of lots;
 - Amending the Official Plan, applications for zoning change;
 - Sever existing buildings leaving a vacant property with separate parcels disposed of separately;
 - Maintaining property in inventory for future fair market value disposition; and,
 - Requiring a school building to be demolished subject to Ministry approval.
- It is to be emphasized to the general public and the City of Hamilton that all disposition of Board property must be at ‘fair market value.’ This is both a regulatory requirement and a strategic imperative. Property is a tremendous Board asset — revenues from the sale of such enter the Capital Reserve accounts and are relied upon to support capital priorities and site acquisitions.
- Any disposition strategy or strategies will be recommended to the Board for approval following the 90 day public consultation period.

Phase 2 - Formal Property Disposition Process

Education Act

Under Section 194(3) of the Education Act, a Board has power to sell, lease or otherwise dispose of any school site or part of a school site of the Board or any property of the Board,

- a) On the adoption of a resolution that the site or part or property is not required for the purpose of the board; or,

- b) On the adoption of a resolution that the sale, lease, or other disposition is a reasonable step in a plan to provide accommodation for pupils on the site or part or property.

At the conclusion of the 90 day public consultation process, Administration will provide a report to the Board with recommendations regarding the declaration of property to be surplus to the Board's needs. Upon the adoption of such a motion, Ontario Reg. 444 will be engaged.

Ontario Regulation 444

Ontario Regulation 444/98 governs the disposition process of surplus real property. Having initiated the process to dispose of surplus property as per s 194(3), first rights of acquisition must be extended to a prescribed list of preferred Ministry of Education agencies:

1. French Language Public District School Board
2. English Language Separate District School Board (H.W.C.D.S.B.)
3. French Language Separate District School Board
4. The board of a Protestant separate school
5. English Language College (Mohawk College)
6. French Language College
7. University (McMaster University)
8. Crown Right of Ontario
9. Municipality (City of Hamilton)
10. Crown Right of Canada

When beginning the circulation process, the Board shall issue a "Proposal to Sell" real property. This proposal must be issued on the same day to all the above noted preferred agencies. Upon issuing the proposal to sell, preferred agencies must be provided 90 days in which to submit a bona fide offer. During the process, offers that are received can not be considered until the expiry of the 90-day period.

Following the close of the 90-day period, bona fide offers to purchase must be dealt with in accordance with the priority sequence as outlined above. This prescribed priority sequencing requires the Board and the "Preferred Agent", who has submitted a bona fide offer and who has the highest ranking, to come to terms on market value. Should there be no resulting binding Purchase and Sale Agreement; the parties can agree to have the "market value" adjudicated through a defined arbitration process. At any time the "Preferred Agent" may choose to withdraw their interest in the site. Should the highest ranking "Preferred Agent" withdraw, the Board is then legally permitted to consider the next, priority ranking, bona fide offer from with the "Preferred Agency" sequence.

Should an offer to purchase be received from a Preferred Agent following the conclusion of the circulation period, the Board having satisfied the legislative requirements of Regulation 444 is not obligated or compelled to entertain the offer and the submitting agency loses their preferred status. The Board will continue to support a submitted bona fide offer through to conclusion beyond the 90 day preferred agency timeframe, providing the formal arbitration process has not been engaged and the sale can be finalized within 45

additional days. The Board will continue to respect the preferred agency status and ranking during the 45 day period.

At the conclusion of the prescribed period of time, the Board must file with the Ministry that all legislative requirements have been satisfied before proceeding to the Board's Administrative process.

Phase 3 - Post Ont. Reg. 444 Circulation - Administrative Process:

If the Board does not receive an Offer to Purchase from a body to which a proposal was issued before the expiration of the 90day period, Administration will proceed to carry out the necessary actions required in order to implement surplus lands disposition recommendations as directed by Board. When disposing of surplus property Administration may:

- Undertake a public tendering bid process
- Receive offers to purchase
- Publicly advertise and negotiate a sale
- Engage a professional Real Estate firm to sell on behalf of the Board
- Transact with an individual purchaser (single source purchaser) when dealing with a unique set of land or development circumstances involving relatively minimal land sizes

All transactions that result from the disposition of properties require:

- Compliance with all provincial and municipal requirements
- Professional market value assessment
- Any agreements and/or applications are in a form satisfactory to the Board's solicitor

Summary Role of Trustees

Step 1) Initiating Stage:

- Trustees receive report from Administration which will identify those properties whereby a notice is to be issued informing the public and the City of Hamilton of the Board's "Intent to Sell".

Trustee action:

- *Motion must be passed by the Committee of the Whole followed by the Full Board before any action can be initiated.*

Step 2) Administration to provide for a 90 or 60 day community awareness period:

public notice

community meeting

Community to be made aware of disposition protocol and Ontario Regulation 444 as well as the "Highest and Best Use" that Administration anticipates seeking after the conclusion of the circulation process should there be no sale to a "Preferred Agency".

Step 3) Administration's 2nd Report to Board:

summary of the community awareness outcome

Identify "Highest and Best Use" that Administration anticipates seeking after the conclusion of Ontario Regulation 444 should there be no sale to a "Preferred Agency".

Trustee action:

- *To declare property surplus to the Board needs and to grant authority to Administration to carry out the disposition process.*
- *Motion must be passed by the Committee of the Whole followed by the Full Board before any action can be initiated.*

Step 4) Engage Ontario Regulation 444

- 90 day circulation process
- No offers can be considered from a Preferred Agency until after the 90 day period expires
- Bona fide offers must be considered in priority sequence and must represent "Market Value".

Step 5) Administration's 3rd and Final Report to Board:

- Administration's to prepare "in-camera" recommendations regarding an Offer to Purchase the surplus site.

Trustee Action:

- *Motion must be passed by the Committee of the Whole followed by the Full Board before sales transaction can conclude.*

Step 6) the final sale will be posted on the Board's web site as well as a letter advising the City as to the final disposition of Board lands.

Additional Processing Information:

- All property negotiations and transactions are considered "In-Camera" under Section 207 (2) of the Education Act and no public information regarding the sale will be released or made available to the general public until the transaction is complete and property ownership transferred between parties.
- When a property is tendered, there will not be a public opening of the tenders.
- All property appraisals are considered confidential and not released for public review.
- When Offers to Purchase are received after the completion of Ont. Reg. 444, Administration will make recommendations to the Board regarding acceptable offers.
- Public release of a specific property value will not be disclosed until Ont. Reg. 444 and the tender process, when engaged, is complete.
- Whereby a remnant parcel(s) of Board owned land is created through either City or Board initiatives, the abutting resident land owner(s), providing all legal and legislative processes being satisfied, shall be provided with the first right of refusal to the land based on a current market value appraisal.

Property Disposition Protocol Exemptions

The following circumstances are exempt from the Public Notice process:

- Board lands required for roadway purposes
- minor adjustments to property boundaries
- Easements or Licenses