Ian Johnson

From: CNS Release <release@gov.ns.ca>
Sent: November-26-13 1:39 PM
To: Ian Johnson
Subject: EDUCATION/EARLY CHILDHOOD DEVELOPMENT--School Review Public Consultations to Begin

EDUCATION/EARLY CHILDHOOD DEVELOPMENT--School Review Public Consultations to Begin

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Consultations on the school review process will begin in December and a slate of public meetings is planned for January.

Education and Early Childhood Development Minister Karen Casey made the announcement today, Nov. 26, and released a discussion paper for the consultations.

A consultations committee, headed by Robert Fowler, will gather input from the public, school advisory councils, school boards, the teachers' union, municipalities and others.

"School reviews have been challenging for families and communities. We want a full discussion on a solution that works for all -- students, families, school boards and communities," said Ms. Casey.

Regional public meetings will be held in Amherst, Berwick, Bridgewater, Halifax Regional Municipality, Port Hawkesbury, Sydney, Truro and Yarmouth. The locations and dates are being finalized and will be announced in December.

With 34 years of experience in the civil service, Mr. Fowler will bring leadership and extensive experience to the committee. He has been deputy minister to the premier, head of the Nova Scotia public service and clerk of the Executive Council, mayor of Bridgetown, and headed the Sydney Tar Ponds Agency. In 2011, he received the Lieutenant Governor's Award for Excellence in Public Service.

Mr. Fowler and a local representative of the consultations committee will attend each meeting. The committee will provide input to develop recommendations. Mr. Fowler will also reconvene the discussion paper committee members to help. Recommendations will be given to Ms. Casey by Feb. 28.

The consultations committee will begin by gathering input from interested groups in December.

More information, the discussion paper and the schedule of meetings, can be found at www.ednet.ns.ca/schoolreviewprocess . People can also make submissions through the website, e-mail or regular mail.

FOR BROADCAST USE:

Consultations on the school review process will begin in December and public meetings are planned for January, Education and Early Childhood Development Minister Karen Casey announced today (November 26th).

Ms. Casey also released a discussion paper for the consultations, which will be headed by Robert Fowler. It will

gather input from the public, school advisory councils, school boards, teachers' union, municipalities and others.

Ms. Casey says school reviews have been challenging for families and communities and government wants a full discussion on a solution that works for everyone.

Regional public meetings will be held in Amherst, Berwick, Bridgewater, Halifax Regional Municipality, Port Hawkesbury, Sydney, Truro and Yarmouth. The locations and dates will be announced in December.

More information, and the discussion paper can be found at W-W-W dot ednet dot N-S dot C-A forward slash school review process .

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Media Contact: Michelle Lucas
902-424-8307
Cell: 902-222-1784
E-mail: lucasml@gov.ns.ca

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School Review Process Consultation

Français

The Government of Nova Scotia is undertaking a comprehensive study of the School Review Process. The study is looking at the process used to review schools for possible closure in the public education system, ensuring attention is paid to the value of the school to students, school boards, community, and the local economy.

A discussion paper has been developed to support the current consultation. The purpose of the discussion paper is to invite Nova Scotians to consider and talk about a new or improved school review process. The goal of the study is to make recommendations to improve the planning, consultation, and decision-making processes in ways that are good for students and communities.

News Release
School Review Public Consultations to Begin

The discussion paper can be found here:

SCHOOL REVIEW PROCESS
DISCUSSION PAPER
November 2013

To participate in the consultation you can:

1. Mail a submission:

School Review Process Consultation
Nova Scotia Department of Education and Early Childhood Development
C/o Corporate Policy
P.O. Box 578
Halifax, NS B3J 2S9

2. Email your submission:

schoolreview@gov.ns.ca

3. Provide input online:

Click here to provide your comments online

4. Attend a public meeting in your area in January 2014:

• Sydney • Port Hawkesbury • Bridgewater	• Amherst • Truro • Halifax Regional Municipality	• Berwick • Yarmouth

Deadline for submissions: January 24, 2014

School Review Process Discussion Paper

November 2013

NOVA SCOTIA

School Review Process Discussion Paper

November 2013

Nova Scotia Department of Education and Early Childhood Development. *School Review Process Discussion Paper*. Halifax: Department of Education and Early Childhood Development, 2013.

School Review Process Discussion Paper (English)
ISBN: 978-1-55457-564-0

Cette publication est également disponible en français.

Contents

About this Discussion Paper

Purpose

The purpose of this discussion paper is to invite Nova Scotians to consider and talk about a new or improved school review process. The school review process is the way government and school boards decide whether to permanently close a school. Strictly speaking, the term *school review process* refers to the formal steps set in the Education Act and regulations. But this paper also looks at what happens – or could happen – before, after, and along with the legislated review process.

School buildings exist for the purpose of delivering the public school program to students. A well-used and well-maintained building is a valuable asset to public education and to the community. But an outdated or underused building can become a huge liability. Sometimes, a school building that is considered a social asset by the community becomes a financial liability to the school board. Within a region, different communities might have conflicting ideas about which school building to keep and which one to close.

This discussion paper asks:
How can we improve the way we manage our stock of school buildings to do the best job of delivering the public school program to all students?

For example:

- If a school building is under-used, what opportunities exist to make better use of the building?
- What factors should determine whether a school is considered for closure?
- How do we weigh the factors?
- What happens to a building after it closes?

The goal is to make recommendations to improve the planning, consultation, and decision-making processes in ways that are good for students and good for communities.

Audience

All Nova Scotians are invited to read and comment on the ideas in this paper. This includes:

- school communities (school advisory councils, parents, students, and school staff)
- communities at large (individuals, businesses, and community groups that do not necessarily have a direct connection to their local school, but that have an interest in the school as a community asset)
- advocacy groups
- school boards (governing board members and board staff)
- municipal governments

Your input will help the provincial government to develop policy and legislation around school use and closure in Nova Scotia.

The Discussion Paper

This paper summarizes the findings of a committee formed to identify issues and make recommendations about the school review process. (See Appendix A for the committee's terms of reference. See Appendix B for a list of committee members.)

The school review process in Nova Scotia has been part of the Education Act and regulations since 1994. Over the past 20 years, the process has undergone a number of consultations and amendments. But people involved in the process have continued to identify areas where improvements are needed.

In the spring of 2013, the provincial government responded to a call from concerned citizens to reimagine the school review process. The Minister of Education and Early Childhood Development asked Nova Scotia school boards to suspend current and pending school reviews. This would allow time for a committee to prepare a discussion paper to support a broad-based public consultation. The discussion paper was set to be released in the fall of 2013, with public consultations to follow in the fall/winter of 2013–14.

The committee was formed in early June of 2013, chaired by Bob Fowler, a retired public servant. The committee sought public input to determine the structure of the discussion paper and the topics to be included. Fifty-six submissions were received from a cross-section of parents, school advisory council members, school board members, educators, advocates, municipalities, and the general public. Committee members reviewed all submissions. The committee also met with the following people:

- a representative of the Nova Scotia Commission on Building Our New Economy (The Ivany Commission)
- all school board superintendents
- representatives from the Small Schools Initiative

The Minister of Education and Early Childhood Development held four regional feedback sessions with governing school board members. The committee chair attended three of those feedback sessions. Committee members received a summary of the input from all sessions.

The committee would like to thank everyone who shared their experiences and ideas. Your input shaped this discussion paper and will continue to inform the next part of the consultation.

A Word from the Committee Chair

When considering how to reform or improve the review process, it is important to keep in mind that, even under the best circumstances, school reviews can be stressful for parents, students, school advisory councils, community members, educators, and governing officials at the school board and provincial levels. While it is not possible to remove all of the stress, it *is* possible to build better relationships among stakeholders, and to support those relationships with practical policies and with legislation where it's needed.

The committee that consulted on this discussion paper believes there will always be circumstances requiring a school review process based in legislation. The committee also believes that the current process can be improved with more consistent and clear long-range planning based on standardized criteria and information. If stakeholders are involved earlier in the process, they will be better able to influence the outcomes with well-considered information and creative solutions. This will help communities to adapt and thrive in changing circumstances in ways that are financially sustainable for the province.

The education system needs to be open to innovation. There may be opportunities ahead to enhance community vitality, share operating costs, and possibly allow private-sector or not-for-profit uses of space in some schools with excess capacity.

This paper does not make specific recommendations; instead, it identifies major themes and options for consideration. Your participation in the discussion will help to clarify the issues, bring new ideas to light, and inspire partnerships that make innovation possible.

– Bob Fowler, Committee Chair

What You Will Find In This Paper

This discussion paper includes the following:

- information about population changes affecting Nova Scotia
- a brief description of Nova Scotia's stock of schools
- an overview of the current school review process, including roles and responsibilities of key participants
- topics for discussion
- next steps

Goals of the School Review Process

Based on concerns heard about the current school review process, the discussion paper sets out statements of principle, or goals, which should be considered as changes to the review process are discussed and explored. These goals are:

- The future of a local school is part of a plan for the broader school region. Parents and communities are able to contribute to the solutions for the region.
- School boards use clear, consistent criteria to identify schools for review. The public understands why and how a school has been identified for review.
- Clear, rigorous, and trusted information will be available to help school boards and communities make effective decisions.
- The review process allows more flexible timing and makes accommodations for unique circumstances, while maintaining the principles of administrative fairness.
- Decision makers are in a position to make the best decision possible for delivery of education to all students, based on relevant information and input from stakeholders.
- School boards consider innovative ways to keep a school program in the community when it is in the best interests of the students and the community.
- Decisions focus on the best option for delivering the public school program, not on who pays or who benefits when a school site is closed. Levels of government work together to minimize the cost burden when a school closes.

SETTING THE CONTEXT

DEMOGRAPHICS

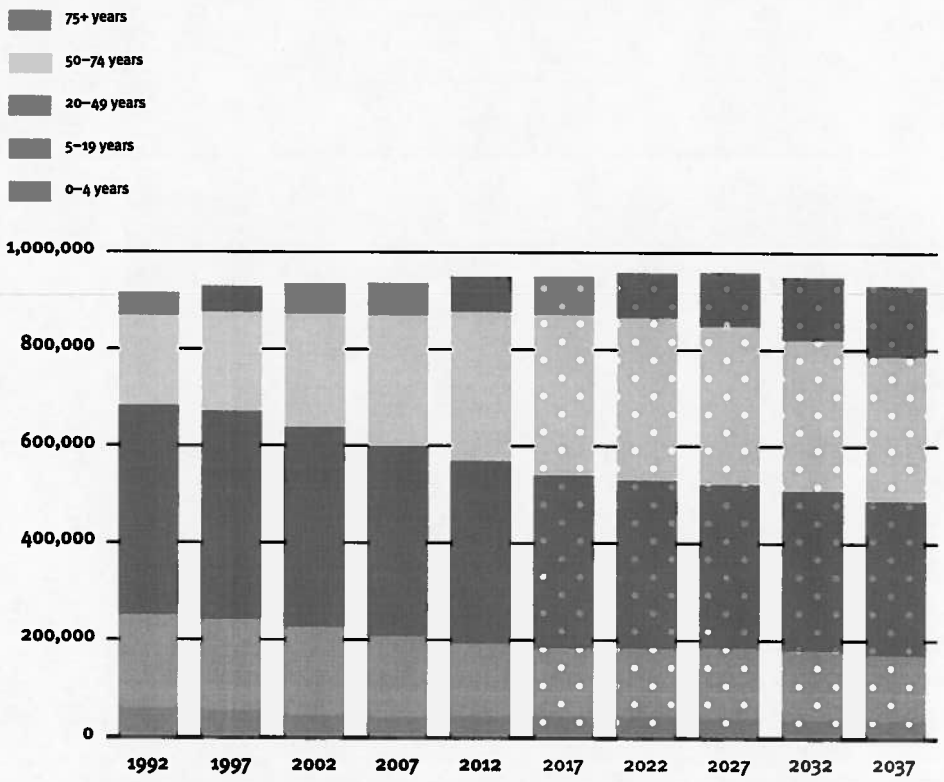
Total population figures in Nova Scotia have been relatively stable in the past few years. But a closer look at the population figures by age shows a steady increase in the older population, with a corresponding decrease in younger age groups. Over the past 20 years (1992 to 2012), the number of people in Nova Scotia age 0 to 49 has decreased by almost 114,000. During the same period, the number of people who are 50 or older has increased by more than 146,000. That pattern presents many challenges for the province.

To see if we can expect this trend to continue, Statistics Canada and the Nova Scotia Department of Finance regularly assess population patterns and forecast population changes. Figure 1 shows that Nova Scotia should expect ongoing population declines in the younger age groups and increases in the older age groups. This shift is affecting the birth rate in the province. It is generally accepted that a fertility rate of 2.1 replaces the population over the long term, allowing the population level to remain stable over time.[1] Nova Scotia has not had a 2.1 fertility rate since the 1960s. In 2011, the fertility rate in Nova Scotia was 1.47 – one of the lowest in the country.[2]

Urbanization is another long-term trend affecting public education. Nova Scotians have been moving from rural communities to urban centres for decades. In the past 10 years, all counties within an hour's drive of downtown Halifax have experienced population growth, while all other areas experienced decline, with the exception of Antigonish. Figure 2 shows the impact of urbanization across the province. This effect, combined with the decline in the number of people in younger age groups, has had a significant impact on public school enrolment. The effect is particularly strong outside the Halifax Metro region.

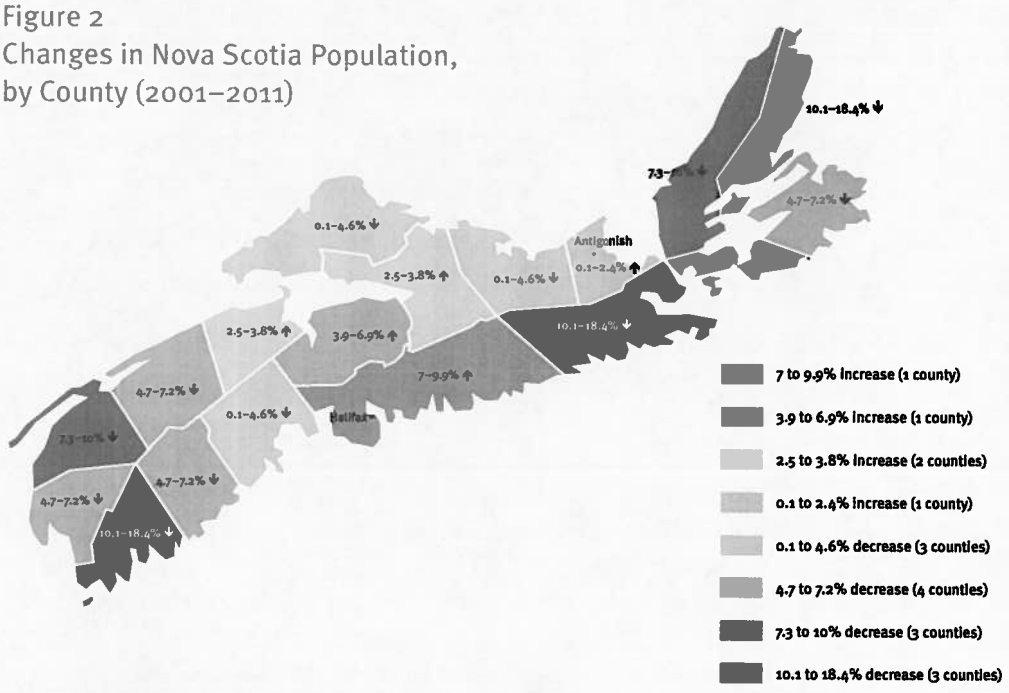
1 A fertility rate of 2.1 means an average of 2.1 children per woman.
2 www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/hlth85b-eng.htm

Figure 1
Nova Scotia Population Pattern and Projection (1992–2037)



Source: Statistics Canada (Table 051–0001) and Nova Scotia Department of Finance

Figure 2
Changes in Nova Scotia Population, by County (2001–2011)



Enrolment Trends

A declining population of younger people results in lower student enrolment in public schools. It also reduces the potential for future growth in enrolment through births. Figure 3 shows the changes in enrolment in Nova Scotia's school boards over the past 10 years, and projected enrolments for 2017–18. Between 2002–03 and 2012–13 there were 27,956 fewer students in Nova Scotia schools – a drop of 19 per cent. This means that over the past 10 years, each school board in the province has lost an average of about 350 students per year. The average school size in Nova Scotia is 299 students. So the decline in enrolment is the equivalent to losing about nine average-size schools each year. The only school board experiencing growth has been the province-wide conseil scolaire acadien provincial. The trend of declining enrolment is expected to continue over the next five years, with overall enrolment dropping by another 5,623 students provincially during that time.

Figure 3
Enrolment Trends and Projection to 2017–18

School Board	2002–03	2007–08	2012–13	Change since 2002–03		Projected Enrolment 2017–18
Cape Breton-Victoria	19,861	16,418	13,839	–6,022	–30%	12,413
Strait	9,556	7,888	6,816	–2,740	–29%	6,196
Chignecto-Central	25,723	23,279	21,050	–4,673	–18%	20,094
Halifax	56,742	52,524	49,079	–7,663	–14%	48,174
Annapolis Valley	16,887	15,466	13,579	–3,308	–20%	12,606
South Shore	9,160	7,903	6,852	–2,308	–25%	6,444
Tri-County	8,611	7,568	6,494	–2,117	–25%	5,773
Acadien provincial	4,059	4,257	4,934	875	22%	5,319
Total	150,599	135,303	122,643	27,956	19%	117,020

The challenges described here are not unique to Nova Scotia. Every province in Canada is facing similar challenges. Lack of population growth, a shrinking younger population, changes in global and regional economic conditions, and the effect of urbanization are putting pressure on many education systems.

School Board Priorities and Budget Allocation

In Nova Scotia, the first priority of the public education system is to provide a high-quality education to children and youth, helping to prepare every student for lifelong learning and productive work. As stewards of public funds, school boards are responsible for finding effective and equitable ways to deliver high-quality education to all students in their region, in the face of enrolment decline and the challenges it brings.

School boards, to carry out their legislated role to deliver the public school program, receive an envelope of resources that can be allocated in different ways. Generally, about 85 per cent of a school board's budget is allocated to staffing (teachers, principals, teaching assistants, school support staff, etc.). There is some discretion about where the remainder will be spent.

School boards can improve the quality and range of student programming, add more resources to support the social and emotional needs of students, or purchase materials for classrooms in priority areas such as math and literacy. These choices can be made after school boards set aside the funding to operate buses and pay for the operating costs of the school buildings (heating, lights, etc.). It is important to note that the funding allocation for maintaining and operating schools is based on student enrolment and not on current square footage.

Nova Scotia's Stock of Schools

It is hard to describe a typical school in Nova Scotia. The age, size, composition, and enrolment of each school varies.

There are just over 400 schools serving approximately 123,000 students across the province. Enrolment ranges from 5 students in a school to over 1,500 students. In some areas there are more students than the school building can accommodate, and portable classrooms are needed to accommodate the overflow. In other areas there is more space than the school board needs to serve the current student population. It is striking to note that, of the current square footage being managed by school boards, there is an estimated 20 per cent or more (4+ million square feet) of school space that exceeds current needs. The excess space is maintained through tax dollars.

More than half of the current schools were built over 30 years ago. Each school was designed to meet the building and program standards of the day. As programs evolve and safety and accessibility standards change, school boards face continual challenges to update their school buildings.

The need for new schools or alterations to existing buildings is identified through a planning process at the school board level, in consultation with the provincial government. School buildings are constructed by the province and the schools are then placed under the control and management of school boards as long as they are used to deliver the public school program. Before 1982, school buildings were owned by municipalities; then as now, they were placed under the control and management of school boards to deliver the public school program.

In Nova Scotia there are 40 schools that operate under a Public-Private Partnership agreement (referred to as P3 schools). The government leases these buildings from private developers, and school boards manage them under an agreement with a private management company. At the end of the lease, the government must decide to extend the lease, purchase the building, or turn the building back to the developer and stop using it for educational purposes. The first leases for P3 schools are set to expire in 2016. The province must give notice of its intent about the future of P3 schools beginning in 2014.

Current School Review Process

Background

Before 1994, any decision to close a school in Nova Scotia was made on a case-by-case basis by the school board. Some decisions in Nova Scotia and in other provinces were challenged in court, and so governments across Canada began to consider ways to regulate the process to ensure *administrative fairness*. (See the sidebar definition.)

Principles of Administrative Fairness

A decision to close a school must adhere to the principles of administrative fairness. In common law, this means

- An individual who is affected by a decision has a right to influence the decision.
- The information used to make the decision is readily available.
- The decision is unbiased.

In 1994, the Nova Scotia government revised the Education Act to regulate the process for reviewing schools. The Education Act gave the Minister of Education the authority to regulate the school review process. Details about the process were included in the Ministerial Education Act Regulations. The regulations gave school boards the authority to administer the review process and make the final decision about whether to close a school.

The regulations required school boards to do certain things to ensure a fair process. For example, school boards were required to do the following:

- Provide certain information to the public, such as population and enrolment patterns and projections.
- Establish a study committee for one or more schools under review.
- Hold a public meeting.

School boards could establish their own review process as long as it was consistent with the regulations; or they could follow the process outlined in the regulations.

In 1997, several housekeeping amendments were made to the Education Act and regulations. A provision was included to allow a school advisory council (SAC) to act as the study committee, if the SAC agreed.

In 2006, the government initiated a province-wide review of the school closure process. The School Closure Process Review Committee made seven recommendations to revise the process.

In 2008, following the recommendations of the School Closure Process Review Committee, the government amended the Education Act and regulations. The amendments

- required the school advisory council (SAC) to act as the study committee
- extended the time frame of the review process from four months to one year
- required the school board to prepare a comprehensive impact assessment report for each school under review, shifting this responsibility from the study committee

The first school reviews under this process took place from spring 2008 to spring 2009.

In 2009, after the first cycle of reviews using the amended process, the government consulted with stakeholders who had participated in a review.

In 2010, guided by feedback from stakeholders, the government again amended the Education Act and regulations. The amendments

- clarified that a review was only required when permanent closure was a possible outcome of a school board decision
- revised key milestones in the review process
- required school boards to cite the sources they used for the data in their identification and impact assessment reports
- required study committees to hold at least one public meeting
- required school boards to publish their final decision on the school board website instead of in a newspaper

For the current Education Act provisions governing school reviews, see Appendix C. For the current regulations, see Appendix D.

Overview of the Current School Review Process

The current legislated school review process, despite the changes made over the last several years, has followed this basic structure:

1. Identify schools.
2. Present information.
3. Gather input from the school community.
4. Make the final decision.

The key steps of the current review process are outlined in Figure 4.

Figure 4
Steps in the Current Review Process

1. Identify schools.

- By April 1, the school board publicly identifies which schools it wants to review for possible closure, and makes public an identification report for each school.

2. Present information.

- By September 30, the school board prepares and makes public a comprehensive impact assessment report for each school identified for review. The impact assessment report includes the identification report.

3. Gather input from the school community.

- By October 7, a study committee is established for each school to be reviewed. In most cases, the school advisory council will be the study committee.
- By October 21, the study committee holds its first meeting.
- By February 1, the study committee conducts at least one public meeting before submitting its written response to the impact assessment report. The study committee submits its response to the school board. The response includes a recommendation for the future of the school.
- By February 28, the school board presents the study committee response at a public meeting of its governing body (elected and appointed school board members).
- By March 24, the school board holds a public meeting to give the public an opportunity to respond to the impact assessment report and the study committee's response.

4. Make the final decision.

- By March 31, the governing school board makes a decision about the school under review.

Review Process Outcomes (2008–2013)

Since the current school review process was implemented in 2008, school boards have completed five review cycles and 104 identifications for review have been made (see Figure 5). Of those, 50 reviews were discontinued before a decision was made; 14 reviews resulted in the school remaining open; and 40 reviews resulted in a closure decision. The legislation specifically allows school boards to discontinue a review process at any time. There is nothing preventing the board from identifying the same school for review in another year.

Figure 5
Number of Schools Identified for Review, and Outcomes (2008–2013)

	# of Identifications	# of school reviews discontinued	Schools voted for closure	School remained open
2008–09	8	0	6	2
2009–10	7	3	1	3
2010–11	23	14	7	2
2011–12	42	26	12	4
2012–13	24	7	14	3
Total*	**104**	**50**	**40**	**14**

*** There were 104 identifications, representing 77 unique schools. (25 schools were identified in two review years and one school was identified in three review years.)**

Current Roles and Responsibilities in the School Review Process

Department of Education and Early Childhood Development

The minister, through the Department of Education and Early Childhood Development, is responsible for establishing the school review process that must be followed by school boards wishing to permanently close a public school. The review process is outlined in the Education Act, with details provided in the Ministerial Education Act Regulations. The minister and department do not participate in the review process.

Governing School Board and Staff

Schools in the province are under the control and management of school boards for the purposes of delivering the public school program. School boards are responsible for projects to renovate school buildings.

Governing school board members are responsible for identifying and reviewing any school under their management and control if they wish to permanently close that school. They must meet the minimum requirements in the Education Act and Ministerial Education Act Regulations. School board staff support the process by preparing an identification report and an impact assessment report for each school identified for review.

The governing school board is responsible for making the final decision to close a school.

Parents, Members of the School Community, and the Wider Community

Parents and community members may participate in the school review process through the school advisory council and at public sessions offered by the school board. The purpose of public meetings is to share information – both to inform the public about the reasons for the school review and to gather public input to help inform the school board decision about the closure.

The study committee (which is usually the school advisory council) holds a public meeting before submitting its response to the impact assessment report. The school board also holds a public meeting. Both of these meetings provide an opportunity for public participation in the process. Additionally, the public can give written submissions to the school board at any time throughout the process.

Municipalities

Municipalities may participate in the school review process by providing input to the school board staff for the identification report and the impact assessment report. They may also participate in public sessions offered by the study committee and school board. If the governing school board decides to permanently close a school that was previously owned by a municipality, the building reverts back to municipal ownership once it is declared surplus by the school board.

Government of Nova Scotia

The Government of Nova Scotia, through various departments, is responsible for decisions and processes related to schools and school infrastructure. The government sets the education funding envelope, and distributes this funding through the education funding allocation formula, which determines school board budgets. Various government departments also have an indirect role in school reviews. For example:

- The Department of Transportation and Infrastructure Renewal leads projects related to the construction of schools. The department participates in site selection for new schools. It is also responsible for school buildings that are declared surplus by school boards, if the building is provincially owned.
- The Treasury and Policy Board office oversees a provincial government staff committee that evaluates proposed capital projects, such as the building of a new school. The staff committee makes recommendations to the Treasury and Policy Board for their consideration and decision.
- The Department of Service Nova Scotia and Municipal Relations liaises with municipalities on a variety of issues supporting effective municipal government.

Topics for Discussion

Overview

The committee responsible for this discussion paper considered the issues raised by stakeholders, and organized the issues into seven topics for discussion. Each topic starts with a goal; describes issues and options identified by stakeholders; and includes discussion questions.

The topics are grouped into three broad themes:

The Bigger Picture
Topic 1: Long-range planning

The Legislated Review Process
Topic 2: Clear, consistent indicators to identify schools for review
Topic 3: Better supporting information
Topic 4: More flexibility
Topic 5: Decision-making authority

Schools as Community Assets
Topic 6: Innovative roles for schools
Topic 7: Responsibility for a former school site

The Bigger Picture

Topic 1: Long-Range Planning

Goal

The future of a local school is part of a plan for the broader school region. Parents and communities are able to contribute to the solutions for the region.

What We Heard

A recurring theme identified by all stakeholders was the need to look at a local school in the context of the broader region or across a family of schools within a region. Although school boards do long-range operational planning for their regions, they do not necessarily involve the school community before the plan is presented at a school board meeting. When a school community is not involved in broader planning, people may be surprised when their school is identified for review and may be wary about the options for relocating the students. The element of surprise can put a school community immediately in a defensive or reactive mode that lasts throughout the review process.

A *family of schools* generally includes a high school and the elementary and junior high schools that are the *feeder schools* for the high school.

Communities have said they would like to be involved earlier in the planning process so they can better understand, and influence, the long-range plan for a school region. A regional review would examine how school boards can best deliver education across the entire region or within a family of schools. Earlier involvement at this level of planning allows a community to be aware of issues that may lead to the identification of a school for review. It also allows communities to be more involved in identifying possible solutions.

This type of planning process gets local municipalities, communities, and other stakeholders considering options for the future use of existing buildings and for planning new facilities. Following are some examples of longer-range planning that has been completed or is underway by school boards in Nova Scotia:

- Cape Breton-Victoria Regional School Board is currently doing an extensive public consultation to engage communities in long-range planning for educational facilities that meet students' needs.[3]

3 www.cbv.ns.ca/welcome/modules/mastop_publish/files/files_5183154ab14da.pdf, page 3.

- Annapolis Valley Regional School Board led a planning process from 2008 to 2010 (*Charting a Course for the Future*), with public engagement, to develop a plan for education delivery in that region over a 2-to-10-year span.
- Halifax Regional School Board launched a similar planning process in 2008 (*Imagine Our Schools*), including public engagement.

School boards and communities reported that these regional planning processes were helpful. However, individual schools are still subject to the review process if they are to be closed, even if consultation was undertaken through a regional process. This brings the focus back to the individual school and away from the plan for the broader region.

Decisions about schools and school closure also have implications for other government and municipal planning processes (for example, new school construction, renovations to existing schools, and municipal infrastructure planning). Communities may find it hard to respond to a recommendation for school closure when there is no approved plan for construction or renovation to accommodate students elsewhere. School boards may be reluctant to request approval for a new school project when they have not consulted with the community on the options available, including closure of an existing school.

Looking Ahead

School boards are not currently required to involve the public in long-range facilities planning, although some have chosen to do so. The outcome has been positive; but without a link to the school review process, the work on a regional level can become lost or muted in a review process for an individual school. It is important to balance the role of a broader facilities planning process with a review process for an individual school or family of schools in order to support strong community engagement and sound decision-making.

Comprehensive long-range facilities planning, led by school boards and based on provincial standards, will

- allow school communities to participate earlier in the planning process
- provide a broader perspective by engaging a wider group of stakeholders, with a focus on finding the best solution for all students in a particular region
- result in better alignment of school planning processes with other related processes

Discussion Questions

1. Who should be involved in a school board's planning process to meet the long-range educational needs of students? Why?
2. Should individual schools undergo a review process even if a regional or family of schools review has been undertaken?
3. Should individual school decisions be made during a regional review?

The School Review Process

Topic 2: Clear, Consistent Indicators to Identify Schools for Review

Goal

School boards use clear, consistent criteria to identify schools for review. The public understands why and how a school has been identified for review.

What We Heard

School boards and school communities have expressed concerns about how schools are identified for review. A school board has the authority to identify any school for review. As long as the school board follows the process outlined in the regulations, it has the authority to permanently close that school. The Ministerial Education Act Regulations require a school board, if it wishes to consider a school for permanent closure, to prepare an identification report containing certain information (for example, population and enrolment patterns and projections, facility utilization, maintenance and operation costs). The regulations do not specify the sources that must be used or how the information must be presented in the identification report.

Across school boards, varying approaches have been used to prepare identification reports. For example:

- Chignecto-Central Regional School Board examines all schools in the board region using a matrix of criteria that leads to a school being recommended for review or not.
- In some other boards, the recommendation from staff is based on work that is not visible to the public. In those cases, it is not always clear why one school was recommended for review over another.

At the municipal level, a model is being developed that may help to resolve this issue. The model measures and clearly demonstrates the health of a municipality by looking at a number of indicators under broad categories, and comparing the municipality to an established threshold. The results are colour-coded in this way:

- green – better than the average and meeting the threshold
- amber – not meeting the average
- red – not meeting the average or the threshold

A similar model to assess each school board's stock of schools would help communities understand the condition of schools and the factors that contribute to a school being identified for review. A green/yellow/red picture would clearly show which factors influenced the decision to identify a school for review.

Looking Ahead

A school board's first priority is to ensure that a high-quality education program is delivered to all students in the region. School boards have a funding envelope and must decide how best to use it. The current identification report focuses largely on the school building (maintenance, structure), which speaks to the fiscal and operational constraints a board faces. There is an opportunity, however, to ensure a more balanced approach between the operational aspects of a school and other factors that contribute to the quality of education for students in the school.

Standardized indicators could be developed by the province and applied by school boards to their schools in order to identify which schools may be considered for review, taking into account any special circumstances (for example, geographic isolation). Standardized indicators, along with a mechanism to clearly communicate identification factors, would help to make the identification process more understandable to the public.

It would also be helpful for the school board to identify, at the beginning of the process, what the goals are for the review of a school. For example, if a school board has excess capacity and they have a goal to reduce that capacity by a certain amount, it might be helpful for the public in their understanding of how the review fits within the overall goals of the school boards and the connection to providing better education services to the students.

Discussion Questions

1. What criteria should be used in the identification of schools for review?
2. What criteria are the most important?

Topic 3:
Better Supporting Information

Goal

Clear, rigorous, and trusted information will be available to help school boards and communities make effective decisions.

What We Heard

A variety of stakeholders said that the data used for identification reports and impact assessment reports can become a flashpoint for disagreement between school communities and school boards. This is a serious concern because the data is used throughout the school review process and decision makers rely on the information.

Under the current regulations, there are a number of pieces of information that a school board must include in both the identification report and impact assessment report. However, there are no guidelines or restrictions about the source for this information or the specific format for presenting it. The information may come from many sources as long as the sources are cited.[4] For example:

- A private-sector company may be used that specializes in providing a wide range of data to school boards, including interactive enrolment projections. This approach is used by the Halifax Regional School Board.[5]
- Birth information may be obtained from local hospitals.
- Information from Statistics Canada and municipalities may be used to develop enrolment projections.

Based on comments from parents and community members, school communities do not always trust the information in these reports. Some community members felt that, when they had questions or objections to the information, they did not have the resources or the access to sources to confirm the information.

It is essential to have accurate and defendable information in order to make the best decision possible about the future of a school. However, it appears that in some cases the review begins to focus solely on a discussion of specific data points, distracting participants from the broader conversation about the future of the school and, most importantly, the education of students.

4 The requirement to cite sources took effect in November 2010.

5 www.baragar.com/

Looking Ahead

There is a need for data and methodologies to be clear and reliable in order for the review process to focus on the best options for educating students. These were some suggested solutions:

- Set provincial standards for the information.
- Have a body other than school boards responsible for generating the information.
- Use information that is readily available through trusted sources.
- Use information that is already being collected and compiled provincially, in order to provide consistent data sources for all school review reports. For example, the departments of Education and Early Childhood Development, Finance, Health and Wellness, and Service Nova Scotia Municipal Relations all undertake work related to population and enrolment tracking and projections, which is a key piece of information in a school identification report.

Discussion Questions

1. Do you have concerns about the information or sources of information provided in school review reports?
2. What would assure you that the information is reliable?
3. Should the province provide the information required for school review process reports (for example, population and enrolment numbers and projections)?

Topic 4: More Flexibility

Goal

The review process allows more flexible timing and makes accommodations for unique circumstances, while maintaining the principles of administrative fairness.

What We Heard

Stakeholders are concerned about the lack of flexibility in the process and the lack of options for schools with unique circumstances. Although these concerns are not necessarily directly connected, they point to a broader wish to allow more options for school boards and communities to discuss the future of schools.

The review cycle is tied to specific calendar dates. The process must begin at a specific time in the calendar year. If a school board wishes to pause the process to explore alternatives that may come up during the course of a review, they may have to wait several months to begin the process again. This can have significant implications for other related school board processes, such as budgeting and capital infrastructure planning.

There may be situations where a drawn-out school review process may be unnecessary. For example, there have been cases in Nova Scotia where a community agreed that one of two schools should be closed to allow for a consolidation within their town. The review then focuses on which school should house the students. But under the existing process, both schools must be identified for closure and all steps and deadlines must be met, even though the intent of the legislation is not necessarily consistent with the focus of the review underway.

Another example may be when the school community agrees with a proposal by the school board and would like to move forward with the agreed approach. This is not possible within the current legislation. Some places in Canada do provide an exemption from the review process if the school community agrees with a proposed scenario.

There is also no specific allowance for a broadened or combined study committee; no opportunity or requirement for cross-boundary collaboration between school boards; and limited opportunity to explore alternative solutions once a review is underway.

Looking Ahead

Changes could be made to the legislation, policy, and guidelines for school reviews to incorporate more flexibility into the process. For example, the process might allow school reviews to start at any time throughout the year, with restrictions on the number of days to complete various stages of the review. This might help school boards to align school reviews with capital planning and related processes.

Greater flexibility in timing and other considerations could make room for a more collaborative process and better outcomes for students and communities.

Discussion Questions

1. Would a more flexible process result in better outcomes?

TOPIC 5:
DECISION-MAKING AUTHORITY

Goal

Decision makers are in a position to make the best decision possible for delivery of education to all students, based on relevant information and input from stakeholders.

What We Heard

Most jurisdictions throughout Canada, like Nova Scotia, have assigned responsibility for school closure decisions to governing school boards. In one jurisdiction, the school board requires provincial (Governor-in-Council) approval to implement its decision, and in another case the minister is the decision maker. The legislation in Nova Scotia specifically excludes the minister from becoming involved with the final decision of a school board.[6]

School boards are the local body representing the interests of the local school area. It has been generally accepted that the school board is in the best position to make decisions about issues such as school configuration, boundaries, and school review and closure. Schools boards, arguably, are closer to the communities that they represent through local representation, and are also in a position to see a larger regional perspective at a board level.

In the absence of alternate models in other jurisdictions, it is hard to know if a change in the decision-making body for a school review would have a significant and positive impact on the review process. Any decision maker must maintain the integrity, clarity, and community engagement in the school review process. The decision maker must also have the necessary autonomy and accountability for the process, without external interference.

Looking Ahead

These are some alternatives to the status quo:

- Move the decision-making responsibility to the provincial level.
- Create a panel or body specifically mandated to review schools.
- Move the decision to a quasi-judicial body that already looks at various other issues in the province.

6 Nova Scotia Ministerial Education Act Regulations, subsection 20(3): A decision of a school board made in accordance with these regulations is final and shall not be altered by the Minister.

These are some important factors to consider when thinking about who is in the best position to make decisions about school closure:

- To what extent is the decision maker invested in the outcome of a review?
- How does the decision affect other processes that may or may not be controlled by the decision maker?
- Who bears the cost of the review, as well as the financial impact of the decision?

Discussion Question

1. Should school boards continue to make the decision about school closure? If not, who should make the decision?

Schools as Community Assets

Topic 6: Innovative Roles for Schools

Goal

School boards consider innovative ways to keep a school program in the community when it is in the best interests of the students and the community.

What We Heard

Communities in Nova Scotia historically developed around economic activity – specifically farming, fishing, forestry, and mining. Workers and their families settled around these various economic hubs, creating a need for schools, churches, grocery stores, general stores, banks, pharmacies, gas stations, and other social infrastructure.

As the economic conditions have changed, so has the supporting social infrastructure in communities across the province. For several years, support services such as banks, gas stations, and other locally-owned businesses have been closing in many smaller communities and consolidating on a more regional basis. Some churches are amalgamating or closing; service clubs are seeing reductions in their membership; and small businesses are struggling to compete with big box stores and national retailers. In areas such as recreation and community services, there are examples of Nova Scotia municipalities cooperating with other organizations to build shared, multi-use facilities to replace aging and under-used infrastructure. In education, the trend toward consolidation began in the 1960s with the demise of the one-room school.

Advances in transportation, and our willingness to travel to where we need to be, have also had a significant impact on where services are located. Transportation was once a major factor in where people chose to live. However, we see individuals and families deciding to live in all areas of the province, for lifestyle or family reasons, with the expectation that they will drive to work, to shop, to bank, to get gas, and to play.

The result in many areas of the province is that the school may now be seen as the cornerstone for what remains of the community. While a school, in essence, is simply a building equipped to educate students, many people feel that a school represents much more for those living around it. The school may be seen as a crucial part of the community's identity, and perhaps its survival; and the local community may be seen as a vital part of the educational experience.

As a result of these changing circumstances, there has been an increasing desire to examine alternatives to the established school infrastructure model. Currently, school buildings are under the control and management of school boards for the purposes of delivering the public school program. There is some provision for the use of the school building by the community; but a school building, traditionally, is constructed and operated solely to deliver public education.

The term *hub school* has been used to describe a variety of scenarios for using school buildings in non-traditional ways, and for housing schools in non-traditional buildings. In some cases, a hub school is a center of service delivery for students and families, bringing together a range of support services. The term hub school has also been used to describe the option of making the school building, or parts of the building, available for use by the community – for example, to house a public library that is accessible for a range of community uses. In other cases, it has been proposed that excess school space simply be rented out to a business or other group, provided the safety of students is maintained.

Here are two current examples where Nova Scotia schools are acting as hubs for a school community:

- The SchoolsPlus program is an inter-agency approach where schools become centres of service delivery for children, youth, and families. A group of schools is served by a hub site which brings together a variety of agencies and services. Full implementation of the SchoolsPlus model would see 28 hub sites serving all schools in Nova Scotia. There are currently 12 hub sites. The application process is rigorous, and many factors help to determine if a school would be an appropriate hub site. It is important to note that the mandate of SchoolsPlus is about welcoming people and supporting students, and not about utilizing school buildings.

- Chedabucto Place in Guysborough is an example of a mixed-use school site. Through a combined government and community effort, a building was constructed which houses a Primary-to-12 school, as well as community recreation spaces, a performance centre, and the Afrikan Canadian Heritage Friendship Centre.

Although these examples are working well in Nova Scotia, the hub approach is not a universal solution to keep every school open. Some school communities have raised this option as part of a study committee response during a school review process. Although some school boards expressed an interest in having communities explore this option, there have been no examples to date where this model has succeeded in turning a financially unviable school into a viable one. The cases where this has worked in the past have resulted from proactive planning in response to an opportunity, and not as a reactive attempt to save a school from closure.

The issue of declining population and under-used space that is affecting schools is also affecting local churches, community organizations, and businesses. Relocating services or businesses in a school building might simply be shifting that entity from somewhere else in the community and not resulting in any gain to the community overall.

Looking Ahead

Where an opportunity exists to accommodate students in an innovative way that has a positive impact on the community, the government should support the innovation. Although a hub school approach or mixed-use facility will only be an option for some communities in Nova Scotia, there may be cases where this type of arrangement meets and enhances the goals of the public school program, supports the community, and enriches the educational experience.

The government has a responsibility to support innovative solutions, provided certain standards are met for student safety and for the delivery of the public school program. The safety of children attending school is a paramount concern. Mixed-use facilities would need appropriate infrastructure, parking, accessibility, and entrance/exit protocols to ensure student safety. In some cases the costs would be too high, especially for old buildings.

The government and school boards can help to open the way for innovative solutions by

- ensuring the legislation gives school boards flexible authority for school buildings
- providing guidance on the appropriate uses of school buildings
- encouraging communication among stakeholders

Discussion Questions

1. Is it appropriate for school programming to be offered in a non-traditional school facility?
2. What models might replace the traditional school building operated by a school board?

Topic 7: Responsibility for a Former School Site

Goal

Decisions focus on the best option for delivering the public school program, not on who pays or who benefits when a school site is closed. Levels of government work together to minimize the cost burden when a school closes.

What We Heard

Under legislation, school boards have control and management of school buildings until they are declared surplus to the board's needs. Once a school board no longer needs a school building to deliver the educational program, one of two scenarios occurs:

- As a general rule, schools built before 1982 revert to municipal ownership because municipalities originally constructed and owned the buildings. This situation represents over half of the current school stock.
- Schools built after 1982 are constructed and owned by the province and the province regains control of the property when the school closes. If school property that was originally owned by a municipality is required for the construction of a new school, the property becomes a provincial responsibility.

The issue of schools reverting back to municipal ownership is significant for municipalities because the costs can be high for some municipalities. This issue can be particularly serious where a municipality is small or is already experiencing financial pressures. Schools were purpose-built for education, and so major renovations may be needed to convert the building to another purpose. In addition, the building may need renovations to extend its useful life. If the building is to be demolished, the costs may exceed any proceeds received from the sale of the land. For example, demolition costs can represent as much as 30-to-50 per cent of an annual operating budget for a smaller town in rural Nova Scotia.

The municipality is an important stakeholder in any discussion on the future of a school in the community. The issue of building disposition, and a fear of assuming the liability of a closed school building, should not influence discussions about how best to meet the educational needs of students.

Municipalities have expressed a strong desire to work with the province to help minimize the risks when older buildings are declared surplus by school boards. The Union of Nova Scotia Municipalities (UNSM) passed a resolution in 2012, asking for the following:

- that the province will assume full responsibility for all existing public schools, regardless of when the building was constructed
- that municipalities will receive notice of surplus schools prior to disposal so they can determine if there is a municipal purpose that would justify buying the property from the school board[7]

There has been no significant review of the arrangement since it was first set in legislation in the early 1980s. Circumstances at both the municipal and provincial levels of government have changed significantly since that time, which may influence how the transfer of school buildings should occur.

Looking Ahead

The operational and financial capacity of municipalities varies across the province. Some municipalities might be happy to regain ownership of a school building because they have a use for the property or because they would gain financially from its sale. Other municipalities might be crippled by the costs to maintain and/or get rid of the property.

7 http://unsm.ca/resolutions.html

Some existing models could be explored to solve this issue. One possibility is a divestiture program managed by the province, similar to the federal small craft harbour divestiture program, where the goal is to transfer ownership to a third party, offered in order of priority to a variety of groups (for example, other provincial departments, municipalities, community organizations). If there is no interest in the building, the province would demolish it. The province would assume responsibility for all surplus schools, and accept the risks as well as the rewards at a provincial level. Any alternative option would likely have a big impact on provincial and municipal finances.

Liability for a closed school is a significant issue and, in some cases, has too much influence on the school review process. Liability issues should be addressed to ensure that municipalities cooperate fully in the long-range planning processes for school regions and at the local school level. Resolution of this issue would result in better collaboration in the school review process.

Discussion Questions

1. Should the costs of disposing of a property influence a school review?
2. What steps can be taken to ensure that local interests are considered when a school board decides whether to close a school?

Next Steps

Here again is the guiding question for this discussion paper:

How can we improve the way we manage our stock of school buildings to do the best job of delivering the public school program to all students?

While this paper does not make specific recommendations, it does point to seven areas where the school review process might be improved or reinvented:

Topic 1: Long-range Planning
Topic 2: Clear, Consistent Indicators to Identify Schools for Review
Topic 3: Better Supporting Information
Topic 4: More Flexibility
Topic 5: Decision-making Authority
Topic 6: Innovative Roles for Schools
Topic 7: Responsibility for a Former School Site

Do the topics for discussion address your concerns? Are there other issues about the school review process, and options for reform, that should be taken into consideration to improve the process overall?

Thank you!

APPENDIX A
TERMS OF REFERENCE

Mandate

The mandate of the Review Committee examining the School Review Process is to develop recommendations to improve the school review process, with the goal of creating a holistic, positive procedure that will meet the needs of all Nova Scotians. The focus will be on how to best consider the value of the school to students, school boards, community, and the local economy when contemplating a school closure.

Areas of Focus

The goal of conducting this review is to examine school use in the province, what opportunities exist for our existing school buildings, how this relates to decisions about school closure, and what happens to a building after it is closed.

The Review Committee will:

1. Review the current school review process and challenges identified by communities and school boards.
2. Explore alternative review models, including options for school review decisions.
3. Explore school use options, including criteria that could be used to determine the viability of alternate use of schools.
4. Review legislation and policy which outlines what is to be done with a school building if it is no longer required to deliver the public school program.

Process

The Review Committee will commence work in June 2013. A discussion paper will be developed and released for public input by the end of September 2013.

Membership

The Review Committee will be chaired by Robert (Bob) Fowler and will include a member of each the following government departments/partner groups:

- Department of Education and Early Childhood Development
- Service Nova Scotia and Municipal Relations
- Transportation and Infrastructure Renewal
- Economic and Rural Development and Tourism
- Union of Nova Scotia Municipalities
- School Board Superintendent
- Treasury Board

Appendix B
Committee Members

Chair

Robert (Bob) Fowler

Representatives

Department of Education and Early Childhood Development
Carole Olsen, Deputy Minister
Frank Dunn, Associate Deputy Minister
Shannon Delbridge, Executive Director, Corporate Policy

Department of Service Nova Scotia and Municipal Relations
Dan McDougall, Associate Deputy Minister

Department of Transportation and Infrastructure Renewal
Paul LeFleche, Deputy Minister
Tom Gouthro, Director, Engineering Design and Construction

Department of Economic and Rural Development and Tourism
Chris Daly, Associate Deputy Minister

Union of Nova Scotia Municipalities
Betty MacDonald, Executive Director

School Board Superintendents
Ford Rice, Superintendent, Strait Regional School Board

Treasury Board
Janice Harland, Advisor

Committee support

Sara Halliday, Senior Policy Analyst, Department of Education and Early Childhood Development.

Appendix C
Education Act, Section 89, Review of School

Review of school

89(1) Subject to Section 90, a school board may not permanently close a public school except in accordance with the school review process outlined in this Section and the regulations.

(2) A school board shall identify a public school for review in accordance with the regulations.

(3) Upon identifying a public school for review, the school board shall prepare and make available to the public a report in accordance with the regulations.

(4) After the report has been made public, the school board shall, in accordance with the regulations, establish a study committee to review and respond to the report.

(5) Following its receipt of a response from the study committee, the school board shall

(a) make public the study committee response; and

(b) hold a public hearing which shall include public consultations; in accordance with the regulations.

(6) Following its compliance with the procedure outlined in this Section, the school board may permanently close a public school. 2010, c. 13, s. 1.

89A *repealed 2010, c.13, s. 1.*

For the full text of the Education Act, go to nslegislature.ca/legc/statutes/education.pdf.

In addition to Section 89, other sections of the Education Act might also apply to a school review process. For example, see these sections:

90 Powers of board respecting buildings
91 Consequences of declaration
92 Control and management of buildings
93 Consequences of declaring property surplus

APPENDIX D
REGULATIONS GOVERNING SCHOOL REVIEWS

Ministerial Education Act Regulations made under Section 145 of the *Education Act*, S.N.S. 1995-96, c. 1, N.S. Reg. 80/97 (June 24, 1997), as amended to N.S. Reg. 295/2013 (August 28, 2013)

Definitions respecting public school review

14(1) In Sections 16 to 21,

(a) "Identification Report" means a report prepared by a school board under Section 16 for the purpose of identifying a public school under its jurisdiction for review;

(b) "Impact Assessment Report" means a report in respect of a public school prepared by a school board under subsection 89(3) of the Act in accordance with the criteria specified in subsection 17(2);

(c) "Study Committee" means a study committee established under subsection 89(4) of the Act in accordance with the criteria specified in Section 18.

Subsection 14(2) repealed: N.S. Reg. 164/2010.

(3) In subsections 89(1) and 89(6) of the Act and Sections 16 to 21, "permanently close", in relation to a public school, means to permanently discontinue the use of the public school building for the offering of the public school program.

Subsection 14(3) replaced: N.S. Reg. 164/2010.

Section 14 replaced: N.S. Reg. 240/2008.

Exceptions to school review

15(1)

Subsection 15(1) repealed: N.S. Reg. 199/2009.

(2) Section 89 of the Act and Sections 16 to 21 do not apply to any of the following public schools:

(a) one public school that will be permanently closed and replaced by one public school that will be provided by the Province as its replacement school;

(b) a public school that will be replaced by another public school provided by the Province in respect of a direction, request or order of a court.

Subsection 15(2) replaced: N.S. Reg. 164/2010.

Subsection 15(3) repealed: N.S. Reg. 164/2010.

Section 15 replaced: N.S. Reg. 240/2008; heading replaced: N.S. Reg. 164/2010.

Identifying public school for review

16(1) For the purpose of identifying a public school under its jurisdiction for review, a school board must prepare an Identification Report containing data, statistics and any additional information supporting the reasons for identification, including all of the following:

(a) enrollment patterns within the school region for the current fiscal period and past 5-year fiscal periods;

(b) enrollment projections within the school region for the next 5-year fiscal period;

(c) general population patterns and projections within the school region for the past, current and next 5-year fiscal periods;

(d) factors relating to the physical condition of the public school, including all of the following:

(i) its ability as a facility to deliver the public school program,

(ii) facility utilization, including excess space,

(iii) condition of the building structure and systems,

(iv) costs associated with its maintenance and operation.

(2) An Identification Report may contain data, statistics or other information about any of the following:

(a) current municipal or Provincial plans for infrastructure development within the school region;

(b) the geographic isolation of the public school, if any, within the school region;

(c) factors relating to student transportation to and from the public school;

(d) proposed development, including residential or economic development, within the school region.

(3) An Identification Report must cite all sources of data and statistics and document the methodologies used in the creation of the report.

Subsection 16(3) added: N.S. Reg. 164/2010.

(4) No later than April 1 or, for the school review period commencing April 1, 2008, no later than April 30, a school board that has prepared an Identification Report must make the report available to the public.

Subsection 16(3) renumbered 16(4): N.S. Reg. 164/2010.

Section 16 replaced: N.S. Reg. 240/2008.

Impact Assessment Report

17(1) On identifying a public school for review in accordance with Section 16, a school board must prepare an Impact Assessment Report in respect of the public school and table the Impact Assessment Report at a public meeting of its members no later than September 30.

Subsection 17(1) amended: N.S. Reg. 164/2010.

(2) An Impact Assessment Report must

(a) be made in the form approved by the Minister;

(b) contain the Identification Report prepared under Section 16; and

(c) outline a comprehensive review of the potential impact of a school board decision to permanently close the public school that is subject to review, including data, statistics, and any additional information about all of the following:

(i) the capability of the public school to deliver the public school program,

(ii) any educational benefits to students of the public school that would arise from their attendance at another public school, including access to services and programs such as special services, particular courses and extra-curricular programs,

(iii) the time and distance involved in transporting students of the public school to another public school,

(iv) the ability of students of the public school to continue to access and participate in extra-curricular activities,

(v) the impact on any public school that might receive the students of the public school,

(vi) capital construction planning for the school region,

(vii) any property services efficiencies that would be gained,

(viii) the operational and capital requirements arising from maintaining the status quo,

(ix) any efficiencies in educational staffing that would be gained,

(x) the extent of community usage of the school over the last year,

(xi) any alternatives available to the community with respect to facilities available for community or regional use,

(xii) any other impact on the community.

Subclause 17(2)(c)(xiii) repealed: N.S. Reg. 164/2010.
Clause 17(2)(c) amended: N.S. Reg. 164/2010.
Section 17 replaced: N.S. Reg. 240/2008.

(3) An Impact Assessment Report must cite all sources of data and statistics and document the methodologies used in the creation of the report.

Subsection 17(3) added: N.S. Reg. 164/2010.

Study Committee

18(1) A school board that has tabled an Impact Assessment Report in accordance with subsection 17(1) shall establish a Study Committee no later than October 7 for each public school to be reviewed.

Subsection 18(1) amended: N.S. Reg. 164/2010.

(2) A Study Committee shall consist of the school advisory council for the public school under review with the exception of the student representatives of the school advisory council.

(3) In the absence of a school advisory council, or if the existing school advisory council does not meet the membership requirements prescribed by Section 21 of the Act except for the student representatives, a Study Committee shall consist of

(a) 1 parent of a child attending the public school;

(b) 1 teacher who is employed at the public school;

(c) 1 person who is employed as support staff at the public school;

(d) the principal of the public school; and

(e) at least 1 and no more than 10 representatives of the community in which the public school is situated.

(4) A Study Committee may appoint no more than 2 students of the public school under review, who may be current members of the school advisory council for the public school, to the Study Committee.

(5) Other members of the community in which the public school under review is situated, including school board members, may participate in the Study Committee as observers.

(6) A school board shall call the first meeting of a Study Committee no later than October 21.

Subsection 18(6) amended: N.S. Reg. 164/2010.

(7) A school board shall appoint a person who is not a member of the Study Committee to preside at the first meeting of the Study Committee.

(8) At the first meeting of the Study Committee, the members of the Study Committee shall elect a chair from among the members.

(9) If a majority of the members of the Study Committee do not agree on the choice of a chair,

(a) the Minister shall appoint a chair from among the members; and

(b) until a chair is appointed by the Minister, the person appointed by the school board under subsection (7) shall continue to preside over the meetings of the Study Committee.

(10) If a vacancy occurs in the office of the chair, subsections (8) and (9) apply with the necessary changes in detail in respect of the first meeting after the vacancy occurs.

(11) A chair shall have the same voting rights as other members of the Study Committee only if the chair is elected pursuant to subsection (8).

(12) A Study Committee shall prepare a written response to the Impact Assessment Report and submit the response to the school board no later than February 1 of the year following the year in which the school review process was initiated.

Subsection 18(12) replaced: 164/2010.

(13) Before preparing its written response to the Impact Assessment Report, a Study Committee shall conduct at least 1 public meeting.

Subsection 18(13) replaced: 164/2010.

(14) The response of the Study Committee shall include a recommendation about a decision of the school board to permanently close the public school that is subject to review.

Subsection 18(14) added: N.S. Reg. 164/2010.

Section 18 replaced: N.S. Reg. 240/2008.

Public hearing

19(1) On receiving a written response from a Study Committee under subsection 18(12), the school board shall, in the year immediately following the year in which the school review process was initiated,

Subsection 19(1) amended: N.S. Reg. 164/2010.

(a) table the response at a public meeting of its members no later than February 28; and

Clause 19(1)(a) amended: N.S. Reg. 164/2010.

(b) provide copies for examination at the school board offices or other locations convenient for the public and provide a reasonable number of copies that can be obtained by residents of the school region either without charge or at a price no greater than the cost of printing the report.

(2) After a school board releases a Study Committee's response to the public under subsection (1), and no later than March 24, the school board shall conduct at least 1 public hearing to give the public an opportunity to make representations in respect of the Impact Assessment Report and the Study Committee's response.

Subsection 19(2) replaced: N.S. Reg. 164/2010.

(3) No later than 14 days before the date of the public hearing, a school board shall give notice of the public hearing and invite public comments by

(a) advertising in a newspaper having general circulation in the school region at least 3 times; and

(b) posting on the school board's website.

Subsection 19(3) replaced: N.S. Reg. 164/2010.

(4) A notice of a public hearing shall include all of the following:

Subsection 19(4) amended: N.S. Reg. 164/2010.

(a) the date, time and location of the public hearing;

Clause 19(4)(a) amended: N.S. Reg. 164/2010.

(b) a description and the location of the public school under review;

(c) an explanation of the purpose of the public hearing;

Clause 19(4)(c) amended: N.S. Reg. 164/2010.

(d) where and when a copy of the Impact Assessment Report and the Study Committee report will be available to the public for inspection;

(e) a description of the powers of the school board under Section 89 of the Act.

Clause 19(4)(e) replaced: N.S. Reg. 164/2010.

(5) Each person who attends a public hearing shall be given an opportunity to make representations in respect of the Impact Assessment Report and the Study Committee report.

Subsection 19(5) amended: N.S. Reg. 164/2010.

(6) Any person may make written submissions to a school board before the members of the school board make a decision with respect to the outcome of the school review process.

Subsection 19(6) amended: N.S. Reg. 164/2010.

(7) In conducting a public hearing to afford any person an opportunity to make representations in respect of an Impact Assessment Report and a Study Committee's response, a school board is deemed to be performing a legislative and not a judicial function.

Subsection 19(7) added: N.S. Reg. 164/2010.

Section 19 replaced: N.S. Reg. 240/2008; heading replaced: N.S. Reg. 164/2010.

Decision by school board

20(1) After a public hearing under Section 19, and no later than March 31, the members of a school board shall make a decision with respect to the outcome of the school review process at a public meeting.

Subsection 20(1) amended: N.S. Reg. 164/2010.

(2) No later than 15 days after the day the members of a school board make their decision, the school board shall give public notice of the decision by posting it on the school board website.

Subsection 20(2) replaced: N.S. Reg. 164/2010.

(3) A decision of a school board made in accordance with these regulations is final and shall not be altered by the Minister.

(4) If a school board decides to permanently close a public school, the school board must permanently close the public school no later than 5 years after the date the decision is made.

Subsection 20(4) replaced: N.S. Reg. 199/2009.

(5) For greater certainty, a school board may decide to discontinue the school review process in respect of a public school at any time after identifying the public school for review under Section 16.

Subsection 20(5) added: N.S. Reg. 164/2010.

Section 20 replaced: N.S. Reg. 240/2008.

Transition plan

21 No later than May 30 of the calendar year in which a public school will be permanently closed, the principal of the public school and the principal of the public school that will receive the students of the permanently closed public school shall develop a transition plan as necessary.

Section 21 replaced: N.S. Reg. 240/2008.

Section 22 repealed: N.S. Reg. 240/2008.

Section 23 repealed N.S. Reg. 240/2008.