



Commission scolaire English-Montréal
English Montreal School Board

POLICY: MAINTENANCE OR CLOSURE OF SCHOOLS | **CODE: DG-18**

Origin: General Directorate

Authority: Resolution #99-09-08-5; #04-02-25-6, #09-02-25-11.2, #13-03-27-11

Reference(s): Education Act (R.S.Q., chapter I-13.3)

1.0 PURPOSE:

The objective of this policy is to ensure a rational use of school premises for the provision of quality educational services whilst maintaining a degree of stability for the population of the schools concerned.

2.0 POLICY STATEMENT:

The English Montreal School Board is committed to providing high quality educational programs and services in appropriate facilities located as close as practicable to the residences of the students therein. A fair and reasonable accessibility of program, staff, resources and facilities shall be provided throughout the Board community taking into consideration the resident student population, the special needs of local communities, and the demand for programs.

The Board will maximize the use of its facilities by offering educational programs in a fiscally responsible manner. The board shall endeavour to distribute its enrollment for each facility to its maximum effective capacity.

All schools will be considered for study through a long range planning process. The process shall follow a facility utilization plan which evaluates school accommodation requirements against a set of accepted criteria, i.e., student enrollment patterns, program rationalization, transportation issues, a facility's condition, cost of operation and community usage.

In keeping with sections 40, 79, 193, 211, 212, 217 and 236 of the Education Act (see Section 3.0 Legal Framework), the Board consults the Governing Boards of each of the affected schools as well as the Central Parents' Committee, the municipalities and boroughs on the EMSB territory. Consultation documents are also made available to the public via the EMSB website.

In this way, the Board will provide for schools and centres that are equitable, accessible, safe and educationally advantageous and will provide recommendations, as appropriate, for changes to educational services, for replacement or renovation, new capital investment, or school closure.

3.0 LEGAL FRAMEWORK:

The present policy is formulated in conformity with the *Education Act*, which stipulates:

Revocation.

40. A school board may, after consulting with the governing board or at its request, amend or revoke the deed of establishment of a school in keeping with the three-year plan of allocation and destination of the school board immovables.

1988, c. 84, s. 40; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

Consultation.

79. The school board must consult with the governing board concerning

- (1) the amendment or revocation of the deed of establishment of the school;
- (2) the selection criteria for the appointment of the principal;
- (3) (paragraph repealed).

1988, c. 84, s. 79; 1997, c. 96, s. 13; 2000, c. 24, s. 21.

Consultation.

193. The parents' committee shall be consulted on the following matters:

- (1) the division, annexation or amalgamation of the territory of the school board;
- (1.1) the school board's strategic plan and any updated version of the strategic plan;
- (2) the three-year plan of allocation and destination of the immovables of the school board, the list of schools and the deeds of establishment;
- (3) the policy adopted under section 212 on the continued operation or closure of schools and on other changes made to the educational services provided in a school;
- (3.1) the financial contributions policy adopted under section 212.1;
- (4) (paragraph repealed);
- (5) the distribution of educational services among the schools;
- (6) the criteria referred to in section 239 for the enrollment of students in schools;
- (6.1) the dedication of a school to a special project pursuant to section 240 and the criteria for the enrollment of students in that school;
- (7) the school calendar;
- (8) the rules governing promotion from elementary school to secondary school or from the first cycle to the second cycle of the secondary level;
- (9) the objectives and principles governing the allocation of subsidies, school tax proceeds and other revenues among educational institutions as well as the criteria pertaining thereto, and the objectives, principles and criteria used to determine the amount to be withheld by the school board for its needs and those of its committees;
- 10) the learning activities established by the school board and intended for parents.

1988, c. 84, s. 193; 1990, c. 8, s. 17; 1990, c. 78, s. 54; 1997, c. 47, s. 14; 1997, c. 96, s. 37; 2002, c. 63, s. 23; 2005, c. 16, s. 8; 2006, c. 51, s. 97.

Immovables.

211. Each year, after consulting any municipality or metropolitan community whose territory is situated entirely or partially within its own, the school board shall establish a three-year plan for the allocation and destination of its immovables. The plan must specify, for each school and each vocational training and adult education centre, the name and address of the school or centre, the premises at its disposal, the level of instruction provided, any purpose it may have other than its educational purpose, its capacity and the school enrolment forecast for the duration of the plan.

Transmission of plan.

The school board shall transmit the plan to every municipality or metropolitan community consulted.

Deed of establishment.

The school board shall then draw up, in accordance with the plan, a list of its schools, and of its vocational training and adult education centres, if any, and shall issue a deed of establishment to them.

Allocation of premises.

Where two or more educational institutions are established in the same premises or immovables, the school board shall determine the allocation of the premises or immovables, or the allocation of the use of such premises or immovables among such educational institutions.

Coordinating committee.

In the case described in the third paragraph, the school board may, at the request of the governing boards concerned, establish a coordinating committee composed of representatives of the governing boards and determine the distribution of powers and functions between the governing boards and the coordinating committee, as well as the administrative and operating rules applicable to the coordinating committee.

Single principal.

The school board may also appoint a single principal for all the institutions and one or more vice principals for each institution. In such a case, the school board, after consulting with the governing boards concerned, shall determine the distribution of powers and functions between the principal and the vice principals.

1988, c. 84, s. 211; 1990, c. 8, s. 22; 1997, c. 96, s. 50; 2000, c. 56, s. 159; 2002, c. 68, s. 52; 2003, c. 19, s. 203; 2006, c. 51, s. 98.

Closure of schools.

212. Subject to any policy directions the Minister may establish and after holding a public consultation and consulting the parents' committee, the school board shall adopt a policy on

- (1) the continued operation or closure of schools; and
- (2) changes to the level of instruction provided by a school, or to cycles or parts of cycles of the level of instruction, and on the cessation of preschool education services provided by a school.

The policy must include a public consultation process, to take place prior to any change that must provide for

- (1) the consultation timetable;
- (2) the manner in which the public, and more particularly the parents and the students of full age concerned, are to be informed, including the place where relevant information on the project, particularly its budgetary and educational impact, may be consulted by any person interested, and the place where additional information may be obtained;
- (3) at least one public consultation meeting and the related procedure; and
- (4) the presence at the consultation meetings of the chairman of the school board and the commissioner of the electoral division concerned.

The policy must also specify that the public consultation process must start with a public notice of the consultation meeting, to be issued

- (1) not later than 1 July of the year preceding the year during which the school would be closed;

or

- (2) not later than 1 April of the year preceding the year during which a change under subparagraph 2 of the first paragraph would be made.

1988, c. 84, s. 212; 1997, c. 96, s. 51; 2006, c. 51, s. 100.

Consultation of committees.

217. Every school board shall consult the governing boards and the school board committees on those matters on which they must be consulted, and hold the public consultations prescribed in this Act.

1988, c. 84, s. 217; 1997, c. 96, s. 55; 2006, c. 51, s. 101.

Educational services.

236. Every school board shall determine the educational services to be provided by each of its schools.

1988, c. 84, s. 236.

4.0 GUIDING PRINCIPLES:

- Respecting the three-year plan, in the annual review process, all schools within the network are considered for study. Recommendations emanating from this study are forwarded for consultation and reactions are requested within the time frame established in Section 6.
- Decision-making begins with the primary objective of delivering quality educational services to all youth and adults within the system.
- To guide its decisions, the School Board may take into consideration such factors as:
 - student enrolment patterns and projections
 - program rationalization
 - transportation issues and population distribution
 - the optimal capacity of the facility
 - the condition of a facility
 - operating cost of the last audited year
 - financial considerations - staffing
 - present boundaries
 - educational programs

This list of factors is neither prescriptive nor exhaustive. They are presented here merely as examples.

- It is the responsibility of the Long Range Planning Committee to document the notices of intent. The Long Range Planning Committee is a committee of administrators responsible for the analysis of the network. It provides recommendations for the maintenance or closure of schools, cohabitation or consolidation of programs.

5.0 OVERVIEW OF THE PROCESS:

1. The school board shall study the enrolment situation in its schools or any necessary changes to its schools' educational services, as the case may be, and shall elaborate alternative solutions for consultation purposes.
2. The Council of Commissioners shall adopt a resolution in principle allowing for the consultation period, with respect to the proposed changes, to commence.
3. The school board shall initiate the consultation process with a public notice calling for a public consultation given:
 - No later than July 1 of the year preceding the proposed closure of a school, or
 - No later than April 1 of the year preceding any proposed changes to the level of instruction provided by a school, or to cycles or parts of cycles of the level of instruction, and on the cessation of preschool education services provided by a school.

4. The Board shall provide the public with a consultation timeline as well as an outline of the financial and pedagogical consequences of the proposed change. This information will be available on the Board's website.
5. Any member of the public may present a written brief to the school board during the consultation period.
6. However, only the consultative partners defined as the Governing Boards of affected schools and centres (or Principal if a governing board does not exist), the Central Parents' Committee, the Advisory Committee on Special Education Services (ACSES) and the affected municipalities and boroughs within the EMSB territory, shall have the opportunity to speak to their brief at the public hearings.
7. Any consultative partner may share its allocated time at the public hearings with other interested parties (e.g. community groups, etc.).
8. To accommodate members of the public and interested parties, a forty-five minute period at the end of each public hearing may be set aside to address concerns and to allow for questions. A maximum of five (5) minutes will be allowed for each speaker within the 45 minute period.
9. The School Board studies the recommendations received during the consultation period and prepares a summary, including its own recommendations. A full report is presented to the Council of Commissioners following the consultation period.
10. The Council of Commissioners shall render its decision and the school board shall advise, by means of a letter, the parents of students affected by the change.
11. In the event of a closure or a change to educational services (level, cycle or preschool), as approved by resolution of the Council of Commissioners, the change shall come into effect on July 1 following the conclusion of the consultation.

6.0 CONSULTATION TIMELINE:

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| <p>October to
February</p> | <ul style="list-style-type: none"> • Prepare the analysis of the network that includes the historic enrolment and Baragar projections based on September 30 enrolment.
 • Present the analysis at information meetings for the Council of Commissioners, Central Parents' Committee, Regional Parents Committees and Governing Boards. |
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- March
- Inform the Director General of any forthcoming proposed recommendations from the studies on Major School Change implicating modifications to the Three-Year Plan (school closures and/or changes to educational services (level, cycle or preschool)) and submit them to the Council of Commissioners and to the Chairman of the Central Parents' Committee.
 - Present at the regular scheduled meeting of the Council of Commissioners the proposed recommendations from the studies on Major School Change and obtain from the Council of Commissioners recommendations approved for consultation.
- April
- No later than April 1 and subject to Section 7.0, issue a public notice announcing the start of the public consultation on Major School Change on the EMSB website, in a metropolitan daily newspaper and to schools and centres within the School Board.
 - Within 10 working days following the Council's resolution on Major School Change, full documentation will be available to consultative partners as defined in paragraph 6 under Section 5.0 *Overview of the Process*. The information will also be available to other interested parties.
 - Amend and submit to the Council of Commissioners for approval for consultation the proposed *Three-Year Plan of the Allocation and Destination of Immovables* of the EMSB. The Plan shall reflect decisions taken in March and is sent out for consultation to the Central Parents' Committee, ACSES, the municipalities and affected boroughs and the affected governing boards within the EMSB territory.
- May to October
- Upon request, representatives from the School Board and from the Administration attend information meetings on the recommendations for Major School Change for Governing Boards, Central Parents' Committee, ACSES, Commissioners, Administrators and other interested parties.
 - In the case of educational services (level, cycle or preschool), the public consultation must be concluded within the month of May so that, by no later than June 30, the Council of Commissioners will approve the Three-Year Plan, and the Deeds of Establishment will be issued for July 1.

- November
- No later than November 10, briefs prepared by consultative partners as defined in paragraph 6 under Section 5.0 *Overview of the Process* and other interested parties must be submitted to the attention of the Director General. In addition, briefs prepared by Governing Boards and by school and centre Principals (if no Governing Board exists) must be submitted to the respective Deputy Directors General and the Regional Director for AEVS.
 - Within 10 working days after November 10, all briefs must be submitted to the Council of Commissioners by the Director General.
 - Subsequently, all briefs will be posted on the EMSB website.
- December
- No later than December 10, issue a public notice on the EMSB website, in a metropolitan daily newspaper and to schools and centres within the School Board on the schedule of public consultation hearings regarding the recommendations consulted for Major School Change where consultative partners as defined in paragraph 6 under Section 5.0 *Overview of the Process* shall have the opportunity to speak to their brief to address comments, questions and concerns to the Council of Commissioners.
 - Consultative partners who shall be invited to speak to their briefs at the hearings shall include the stakeholder who by resolution officially represents the Governing Boards of affected schools and centres (or Principal if a governing board does not exist), the Central Parents' Committee, and the affected municipalities and boroughs within the EMSB territory.
- January
- No later than two weeks prior to the registration period, final decisions shall be made on recommendations for Major School Change at a public meeting of the Council of Commissioners.
- February to April
- Amend and submit to the Council of Commissioners for approval for consultation the proposed *Three-Year Plan of the Allocation and Destination of Immovables* of the EMSB. The Plan shall reflect decisions taken in January and is sent out for consultation to the Central Parents' Committee and to the municipalities within the EMSB territory.
- May to June
- No later than June 30, the Council of Commissioners approve the Three-Year Plan for July 1.
 - Issue Deeds of Establishment effective for July 1.

7.0 CONSULTATION TIMELINE:

The School Board reserves the right to modify the consultation timeline within the limits of the Education Act.

Last revision: March 27, 2013