



**ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION**

Leading Education's Advocates

Ontario Public School Boards' Association
439 University Avenue, 18th Floor
Toronto, ON M5G 1Y8
Tel: (416) 340-2540
Fax: (416) 340-7571
webmaster@opsba.org
www.opsba.org

Michael Barrett
President

Gail Anderson
Executive Director

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To: Liz Sandals
Minister of Education

CC: Mathew Thomas
Manager – Policy Unit B
Ministry of Education
Also sent via email to bsb@ontario.ca

OPSBA Submission on Proposed Reforms to Ontario Regulation 444/98

The Ontario Public School Boards' Association (OPSBA) appreciates the opportunity to respond to the proposed reforms to Ontario Regulation 444/98 – Disposition of Surplus Real Property. We are an organization that has a strong history of advocacy on behalf of Ontario students and have regularly participated in many consultations regarding legislation and regulation that affects our member school boards and the trustees who are elected to serve their local communities.

This particular consultation stems from the Premier's Community Hub Framework Advisory Group's report, Community Hubs in Ontario: A Strategic Framework & Action Plan.

The discussion of surplus space and underutilized schools has been taking place for quite some time, beginning with a working group in 2009, and was brought in as part of school boards' education funding in 2012 when the Ministry introduced it as a cost-saving measure to be phased-in over three years. The goal of that measure was to reduce underutilized schools in urban areas with the government changing school board funding allocations to encourage consolidation of school facilities. This was followed by the School Board Efficiencies and Modernization Strategy that was announced in the 2013 spring budget.

Although this consultation focuses on a particular regulation, it is important to note that school boards are constantly seeking ways to be more efficient and at the same time, make difficult decisions to close schools. Many school closures are contingent on boards receiving approval for new capital. Furthermore, consideration must be given to the fact that when a school closes, students are potentially bussed to another school location. This increases transportation costs. Boards have expressed the need for an expanded discussion of program viability and recognized that viability may differ based on circumstances (e.g. impact of geography).

With respect to the proposed reforms to O. Reg. 444/98, we are pleased to participate and provide our feedback on the coordination of partnerships and transactions which may lead to the creation of community hubs in many communities across Ontario.

The concept of community hubs holds great promise for Ontario, however, we must continue to stress that the development of a hub concept needs to be community-based and always reflect local needs and include all relevant community partners. Determining the need for a community hub should be based on data and purpose in order to appropriately decide where a hub should be located.

Our comments on the proposed reforms are outlined below:

Proposed Reform #1: Extending the property circulation period

1. Which option (A or B) best achieves the desired outcome?

We support the Ministry's recommendation to extend the property circulation period from 90 days to 180 days, provided the process includes two-tiers. We understand this option would entail giving coterminous and listed public entities 90 days to express interest in a property. If no interest is expressed within 90 days, the school board could then seek approval to proceed to the open market. If interest is expressed, each coterminous board or public entity would then have an additional 90 days to submit a formal offer.

2. What should constitute an expression of interest in a circulated property?

We recommend that "formal interest" must come from an individual within an organization with the power to bind an organization to a decision. For example, in a school board, this would be a written letter from the Director of Education and Chair.

3. What alternative options would you suggest and why?

We do not have any suggestions for alternative options at this time.

Proposed Reform #2: Expanding the list of public entities to receive notification of surplus property disposition

1. Are there any entities that are not currently listed in O. Reg. 444/98 that you feel should be?

OPSBA agrees with the government's recommendation to add to the current list of public entities that receive notification of surplus property disposition. We understand this will include District Social Services Administration Boards/Consolidated Municipal Service Managers, Public Health Boards, Local Health Integration Networks and Children's Mental Health Centres to the list of entities to which surplus school board properties must be circulated.

We would recommend that appropriate First Nation, Métis and Inuit organizations, including First Nations, First Nation Education Authorities, School Boards, Tribal Councils and Friendship Centres, be considered for inclusion on the property disposition list as well.

2. Are there any changes you would suggest to how entities are prioritized? As O. Reg. 444/98 is directly related to the Community Hubs Strategic Framework and Action Plan, we must stress the development of a hub concept needs to reflect local needs and be community-based and include all relevant community partners. Thus, each community's prioritized entities may be unique. We would recommend there be flexibility in the regulation to allow for a diversity of priority rankings.

3. Do you have any other comments regarding entities or prioritization? Long-term sustainability and ability to continually adapt services to fit community needs must be taken into consideration when school board properties are "sold" to prioritized entities. The government should determine, at the very least, a set of minimal common data/information to be used, aligned to the purpose of each individual community to determine where and when properties should be sold and to which prioritized entity.

Do you have further suggestions for reforms to O. Reg. 444/98?

We are aware that consultation regarding the introduction of a limited exemption to the requirement that properties be sold at Fair Market Value will take place at a later date. As many of our members are affected by this current requirement, we would appreciate being involved in the consultation process from the start. The issue remains that the formula used to calculate the price for a surplus property results in a price that is often less than what would be considered or achieved in a true market value situation. This makes boards either reluctant to "sell" as they would not be receiving appropriate dollars or pressured to "sell" more buildings to achieve the same amount of dollars.

We thank you for the opportunity to share our insights on O. Reg. 444/98. Our Association looks forward to continuing our work with the Ministry of Education on this matter.

Sincerely,



Michael Barrett, President
Ontario Public School Boards' Association



Laurie French, First Vice-President
Ontario Public School Boards' Association

The Ontario Public School Boards' Association (OPSBA) represents public district school boards and public school authorities across Ontario. Together our members serve the educational needs of almost 70% of Ontario's elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA believes that the role of public education is to provide universally accessible education opportunities for all students regardless of their ethnic, racial or cultural backgrounds, social or economic status, individual exceptionality, or religious affiliation.