



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

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October 18, 2023

To: The Honourable Stephen Lecce, Minister of Education

Re: OPSBA Submission to Ontario's Regulatory Registry for postings for Bill 98, *Better Schools and Student Outcomes Act, 2023*:

- Regulation Amendment: Disposition of Surplus Property
- New Regulation: Schools on a Shared Site

The Ontario Public School Boards' Association (OPSBA) is pleased to respond to these two regulatory proposals that follow the passage of Bill 98, *Better Schools and Student Outcomes Act, 2023*. The Association continues to be an active partner in the consultations and discussions concerning this legislation. OPSBA is uniquely positioned to provide policy input based upon on-the-ground experience in local boards at both the political and staff level.

For this consultation, OPSBA sought the input and feedback of experienced senior business officials and staff at our member boards, and our Policy Development Work Group with trustee representation from across the province. The feedback and recommendations build upon our earlier commentary contained in our [formal submission](#) regarding the legislation, as well as our remarks to the Standing Committee.

While we appreciate the Ministry of Education's focus on capital and suggesting the introduction of innovative ideas to address areas of growth, we continue to stress that other actions **must** also occur to support this overall important work. These include:

- Lifting the moratorium on school closures and releasing revised Pupil Accommodation Review Guidelines (PARG)
- Allowing the Education Development Charge (EDC) rates to accurately match actual land purchase costs, and amending the EDC regulation to allow the flexibility for non-eligible boards to collect EDCs.

Regulation Amendment: Disposition of Surplus Property

OPSBA is aware of the ministry currently asking boards to review and provide details regarding their current properties – both school and administrative sites – with information about future use plans. It is important to note that all school boards have professional and dedicated staff who are tasked with planning Long-Term Program and Accommodation Strategies in order to develop and support their changing student populations and communities. The work of these

professionals should be honoured and the ministry is advised to focus on a collaborative approach with these board staff to achieve the best results for students.

These plans are often more than 10 years ahead and the strategies to implement them already reflect the board's schedules for reviewing non-operating school sites for potential disposition. In some circumstances, schools that have been "closed" need to be retained by the school board and become critically important sites that are used as temporary space; to hold students from development areas with schools currently under construction, areas with no school, or schools that have insufficient capacity.

Local trustees work with their communities to help them understand accommodation needs and pressures and ensure that community voice is heard in order to best work with school board staff to plan strategically. In addition, boards transparently post and share their plans widely.

OPSBA has not yet seen any information or context to help us understand the circumstances in which the Minister of Education "may" direct a board to take action regarding a surplus property. We have many questions:

- What is the purpose of this power?
- What is being considered?
- Will school boards have any involvement in any potential use of this power?
- If a property is deemed surplus by a board, and there is no need for it by another school board, the property is then to be considered to support provincial priorities. What are these provincial priorities? How are they determined and by whom, and how often would or could they change?

The ministerial authority to direct the sale, lease or otherwise dispose of a school site that is "not needed" is an overreach. It is imperative that school boards retain the authority to make decisions on whether a property is required now or in the years ahead. It is important to remember that school boards are planning for generations of students to come and also working closely with their local municipal counterparts to respond to the shifting demographics in their communities.

At all times, local representatives are best equipped to determine the needs of their local communities. Employing this ministerial power to direct the sale of surplus property, in the absence of mandatory consultation with school boards, is a risk to our collective ability to meet the needs of current and future students in the most efficient and effective manner.

OPSBA recommends that:

- the Ministry of Education and school boards continue their discussions regarding capital funding to address growth and surplus spaces, including property.
- school boards retain the authority to make final decisions regarding their properties.
- capital benchmarks be reviewed to reflect true costs.
- if boards are directed to sell property, there should be a mandatory ministry consultation with the school board.
- capital funding be approved based on planning projections so pupil spaces are in place for the students to avoid the consistent issue of new schools needing portables.

New Regulation: Schools on a Shared Site

There are many areas across the province that are experiencing significant growth, and this has led to increases in student enrolment, which is expected to continue into the foreseeable future. The Minister of Education has, numerous times, stated his interest in and support of considering innovative capital options – and we thank him for that.

Along with this growth, boards and government officials need to respect the decisions and choices made by many parents, caregivers, and guardians who live in vertical communities and densely populated areas. These new school builds should be located in sustainable community hubs with places for people to live, learn, work, shop, recreate and engage with their communities inside and out.

As stated in our response to the introduction of this legislation, we support changes that would reduce the barriers for school boards to developing schools in multi-use, high-density buildings to alleviate accommodation pressures in urban, high-growth areas. Successful examples of this type of development have occurred in Ontario, specifically at the Toronto District School Board, which has many such projects planned. This new regulation will most certainly help with their approval processes and support their long-term accommodation plans. It will also be useful for other boards to consider this school option if a need presents itself.

A significant barrier to this type of school building model is access to suitable green space for school use. Urban format schools, especially those integrated into high-density mixed-use developments, do not have large, exclusive use like a suburban or rural greenfield school would.

The TDSB's response to this consultation includes many detailed recommendations on more specific project design considerations that we suggest the ministry include in any supporting resources. These address issues such as mechanical systems, windows and access to natural light, entrances, elevators/stairs, instructional areas, parking, security cameras, fire safety plans, play areas and instructional areas.

For these models to be successful, strong relationships and collaboration with municipalities are needed. School boards have expert staff whose job it is to plan and forecast the needs of their student populations and school sites. They do this by working collaboratively with their municipal planning partners.

We have seen municipal and provincial approval delays that can jeopardize or compromise project agreements with builders and developers. To ensure projects like "podium" schools are successful, all partners must be nimble and expect flexibility throughout the process. The timelines for these projects do not necessarily align with the ministry's current capital priorities cycle; construction timelines are more often determined by the municipality and the developer.

OPSBA recommends that:

- the Ministry of Education rely on the expertise and learn from school boards and their knowledgeable staff who have engaged in successful podium school capital projects.
- the Ministry of Education create a separate and distinct capital priorities process for podium schools that allows school boards to work directly with municipalities and developers. Within the ministry, this special process should be led by ministry staff who have specific expertise in this area.
- school boards be authorized to initiate discussions and enter into Memoranda of Understanding with developers without ministry approvals.

- school boards and Ministry of Education staff ensure open and regular communications regarding these unique capital projects, including the “business case” for the project, a list of key milestones, corresponding timelines, and funding requirements.
- the Ministry of Education work on more alignment with other ministries (Ministry of Infrastructure, Ministry of Transportation) and their potential plans for growth. (i.e. ministerial zoning orders, housing and transit initiatives.)

Thank you for this opportunity to provide our comments and recommendations regarding school board capital and facilities. These have always been important and regular topics of discussion among our trustees and member boards. We ask that you rely and support the local community knowledge that trustees have, as well as ensuring that the expertise of senior board staff concerning these matters is relied upon throughout the policy development and implementation processes.

Please continue to share information about next steps with us and the sector.

Sincerely,

A handwritten signature in black ink that reads "Cathy Abraham". The signature is written in a cursive style with a large initial "C".

Cathy Abraham
President, Ontario Public School Boards' Association

cc.

Kate Manson-Smith, Deputy Minister, Education
Phil Graham, Assistant Deputy Minister, Strategic Policy & Planning Division, Education
Dasha Androusenkov, Director, Stakeholder Relations, Minister's Office

The Ontario Public School Boards' Association represents English public district school boards and public school authorities across Ontario, which together serve more than 1.3 million public elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA is seen as the credible voice of public education in Ontario and is routinely called on by the provincial government for input and advice on legislation and the impact of government policy directions.