



Pentz Elementary School Petite Riviere Elementary School

**Regular Meeting of the Board
February 8, 2017**

Special Meeting Outcome

To provide SSRSB with an opportunity to discuss information related to their decision to close Pentz Elementary School and Petite Riviere Elementary School.

This meeting will cover:

- Obligations, Duties and Responsibilities
- Legal Advice to the SSRSB
- “Domino” Effect of Decisions
- PES / PRES Timeline to September 2018
- PES / PRES Transportation Scenarios
- Board Member Questions
- Next Steps / Decision



SSRSB Obligations, Duties and Responsibilities

(Education Act, By-laws, Policy, Business Plan)

SSRSB Obligations, Duties and Responsibilities

Education Act

Section 42 (2)

A school board is generally **accountable to the electorate**.

Section 64

(2)(a) make provision for the education and instruction of **all students enrolled in its schools** and programs;

(b) Ensure that its schools adhere to the provincial program of studies.

SSRSB Obligations, Duties and Responsibilities

SSRSB By-Laws

Section 4.02: Responsibilities of School Board Members

Preamble, in reference to the Education Act 42 (2):

“ ... have a duty to represent their constituents and the **interests of students and parents across the South Shore Region.**”

School Board Members shall:

4:02(b) Act with **prudence in all financial matters** of the School Board ...”

SSRSB Obligations, Duties and Responsibilities

SSRSB By-Laws

Section 4.03: Code of Ethics

School Board Members shall:

(a) Be motivated by an earnest desire to **serve all students of the SSRSB**, representing the entire region and the best interests of all schools.

SSRSB Obligations, Duties and Responsibilities

SSRSB Policy

Policy 510: Budget Planning

1.1 The SSRSB is committed to **supporting strategic planning and decision-making and to serving accountability** by enabling administration to plan for the resources needed to provide programs and services to students.

SSRSB Obligations, Duties and Responsibilities

SSRSB Business Plan 2016 / 2017 Pages 16 and 17

COST PRESSURES

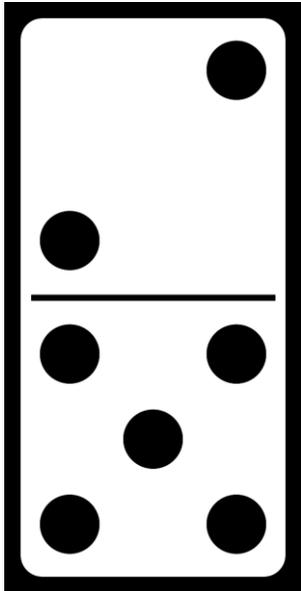
“**Cost pressures** remain a significant area of concern to our Board.”

“Due to budget constraints, the Board has **not been able to allocate as much funding as it would like** to repairs and maintenance. This is a significant concern.”

“SSRSB is facing a **reduction in annual provincial funding** of \$1.72 million, over the next two years.”

“There is **very little flexibility** ... that will not impact resources at the school and classroom level.”

Current Pentz and Petite Discussion



- March 27, 2013 - Special Board Meeting - Motion SS037-13 & Motion SS038-13
- The five year deadline as per Education Act related to school closure is March 2018 (for June 2018 closure)
- The January 18 and 25 SSRSB meetings regarding BES / BJSHS *and* the release of the Provincial Capital Plan reinvigorated the “closure” discussion of PRES for the Petite Riviere community, in particular.
- In turn, the matter has been referred to this meeting.

Points to Resolve

1. Do you consider the decision of March 27, 2013 to close both schools final?
2. Was the decision to close based on the intent to receive a new school before the 5-year window was up? If it was, and the new build hasn't been supported, does that change your view of the decision?
3. If the governing board did want to keep the schools open, what are the legal steps to do so because the decision to close a school is binding on the Board and Minister?
4. Is the consideration to rescind the decision of March 2013 out-of-order as per by-law 10.11 because it is contrary to legal advice to the Board?
5. If the Board was legally able to reverse it's decision, and a new school build is unavailable (request has been denied three times), but an Addition and Alterations is available, which school would the Board recommend receive the A & A? NOTE: The *School Review Policy* would have to be followed and a *School Options Committee* struck.
6. Have the operational circumstances of SSRSB shifted from March 2013?
7. Key considerations: creating legal vulnerability, commitment from government for A & A, precedent setting.
8. Other considerations: programming for students, transportation implications, financial implications, other?

Reaching the Pentz & Petite Closure Decision

March 27, 2013

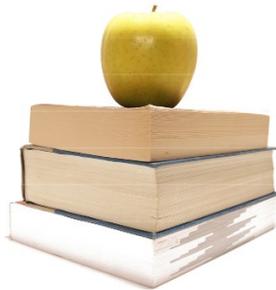
Summary Document Provided

Highlights on Slides

Deloitte.

Impact Assessment
Report: Pentz
Elementary School

Prepared for the South Shore
Regional School Board



September, 2012

Deloitte.

Impact Assessment
Report: Petite Rivière
Elementary School

Prepared for the South Shore
Regional School Board



September, 2012

- Reports submitted September 2012
- Impact Assessment Report based on criteria from the Ministerial Education Act Regulations
- Criteria: Educational, Operational, Capital, Staffing, Transportation, Extra-Curricular, Community Use, Impact on receiving school
- Estimated Pentz savings with closure \$360,963
- Estimated Petite Riviere with closure \$267,432
- Total savings: \$628 395

Nancy

Our Vision for the Petite Riviere Community School

A Response to the Impact Assessment Report

PRES Study Committee Report
January 31, 2013



Pentz Elementary School

Response to the Impact Assessment Report January 31, 2013



Legal Advice (Originally Feb 2015)

The Board Solicitor has provided SSRSB legal opinion several times both in writing and orally, including February 15 / 17 at an in-camera meeting:

- Clarity and finality of the motions of March 2013.
- The decision to close was made under previous legislation that did not include the option for a “hub school application”, since the legislation has since changed, does the option for a hub application now exist?
- Related to the actual closure date five years from the decision date.
- Related to finality of closure regulations at the time, then moving to the 2014 School Review Policy (Directive N).
- Is the 2013 motion invalid because of the attached contingency? No. Motion passed when there was no requirement in regulation to separate motion / contingency. The new School Review Policy of 2014 made the stipulation of no contingency (Directive N). Motion was succinct in that it is in two parts and the contingency was in fact completed 3 times.

Letter from MLA Furey

Mark Furey

Member of the Legislative Assembly
Lunenburg West

House of Assembly
Nova Scotia



March 30th, 2015

MARCH 30, 2015

Mr. Elmer Garber, Chair
South Shore Regional School Board
69 Wentzell Drive
Bridgewater, N.S. B4V 0A2

Dear Elmer 

This correspondence is further to our discussions of March 16th, 2015, specific to the status of the Petite Riviere Elementary School (PRES).

On March 27th, 2013, members of the South Shore Regional School Board passed two motions to close both of Pentz Elementary School and Petite Riviere Elementary School. The motions read as follows;

MOTION SS037-13 by Board Member Payzant, seconded by Board Member Simms, that Pentz Elementary School permanently close and that a new school be requested to replace Pentz Elementary School and Petite Riviere Elementary School.

Vice Chair Payzant clarified that Pentz Elementary School and Petite Riviere Elementary School would remain open until a new school has been completed to replace both Pentz Elementary School and Petite Riviere Elementary School.

MOTION SS038-13 by Board Member Payzant, seconded by Board Member Fougere, that Petite Riviere Elementary School permanently close and that a new school be requested to replace Petite Elementary School and Pentz Elementary School.

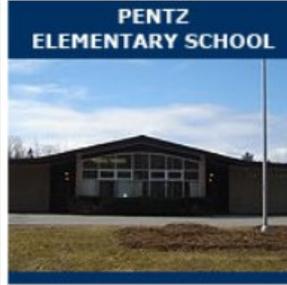
Discussions around Motion SS037-13 were extensive and detailed, to the point that Board Member Payzant felt compelled to clarify discussions by including a second paragraph in the motion. Clearly the intent of the discussions, and the formal vote that followed outlined the intent of the motion; "that Pentz Elementary School and Petite Riviere Elementary School would remain open until a new school has been completed". The formal vote was unanimous based on the wording of the complete motion.



JUNE 2015

SSRSB LONG RANGE OUTLOOK

School: Pentz Elementary School



Address: 2680 Hwy 331
LaHave, Nova Scotia
BOR 1C0

Grade configuration: P-6

Year Opened: 1965

Number of stories with teaching spaces: 1

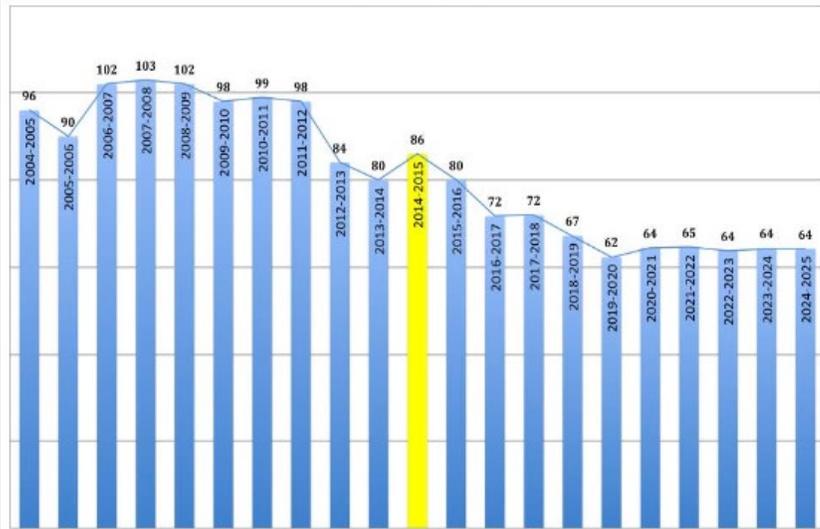
Number of portable teaching spaces/classrooms: 0

Current school capacity (permanent structures only): 150 students

School utilization: 57%

Enrolment: Past 10 years, as of Sept. 30, 2014, next 10 years

Pentz Elementary School



SSRSB LONG RANGE OUTLOOK

Specific (specialized) programming offered at the school:

PATHS, P-6
Reading Recovery

Provincially approved addition and alteration projects or other major capital upgrades, including dates completed (if applicable):

Future considerations related to building condition:

It is not anticipated that capital repairs (\$ 150k-\$ 1M) will be required within the next 5 years.

Information about reviews of the school previously conducted:

A school review was conducted in 2013. A Board motion was passed in 2013 to close the school.

Any other factors relevant to the school: The School Board has ongoing discussions with the Provincial Government on potential new school construction for accommodation of students from the Pentz community.

- Building capacity is 150 students
- September 2016 enrolment is 71
- Average enrolment for next 15 years is 68*
- In 2016, utilization is 46%

*Baragar System



JUNE 2015

SSRSB LONG RANGE OUTLOOK

School: Petite Riviere Elementary School



**PETITE RIVIERE
ELEMENTARY SCHOOL**

Address: 123 Wentzell Road
Petite Rivière, Nova Scotia
B4V 5Y2

Grade configuration: P-6

Year Opened: 1961

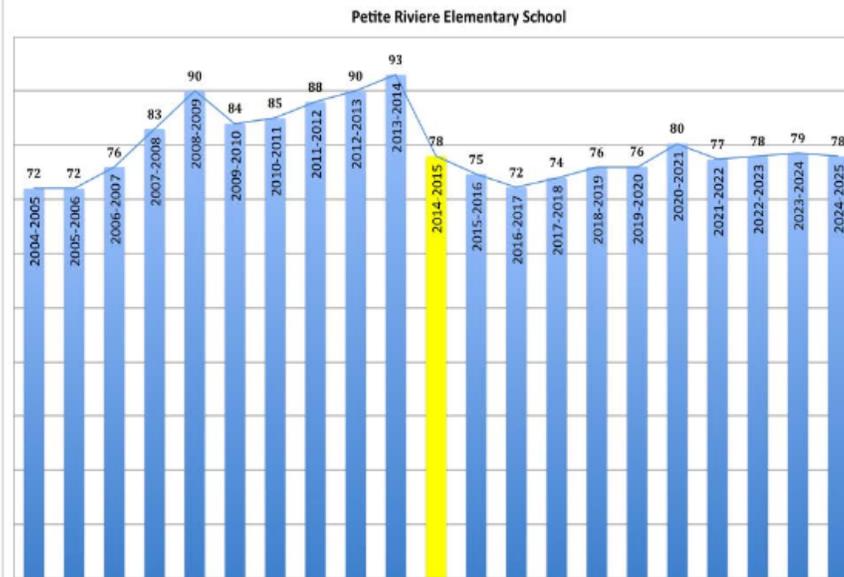
Number of stories with teaching spaces: 1

Number of portable teaching spaces/classrooms: 0

Current school capacity (permanent structures only): 150 students

School utilization: 52%

Enrolment: Past 10 years, as of Sept. 30, 2014, next 10 years



SSRSB LONG RANGE OUTLOOK

Specific (specialized) programming offered at the school:

PATHS, P-6

Reading Recovery

Provincially approved addition and alteration projects or other major capital upgrades, including dates completed (if applicable):

Future considerations related to building condition:

It is not anticipated that capital repairs (\$ 150k-\$ 1M) will be required within the next 5 years.

Information about reviews of the school previously conducted:

A school review was conducted in 2013. A Board motion was passed in 2013 to close the school.

Any other factors relevant to the school: The School Board has ongoing discussions with the Provincial Government on potential new school construction for accommodation of students from the Petite Rivière community.

- Building capacity is 150 students
- September 2016 enrolment is 71
- Average enrolment for next 15 years is 73*
- In 2016, utilization is 47%

*Baragar System

Letter from Minister Casey



Education and Early Childhood Development
Office of the Minister

PO Box 578, Halifax, Nova Scotia, Canada B3J 2S9 • Telephone 902 424-4236 Fax 902 424-0680 • www.ednet.ns.ca

NOVEMBER 2015

Cheryl Fougere, Acting Chair
South Shore Regional School Board
69 Wentzell Drive
Bridgewater, NS B4V 0A2

Dear Ms. Fougere:

As a follow-up to our meeting on November 17, regarding Pentz Elementary School and Petite Riviere Elementary School I can confirm the following:

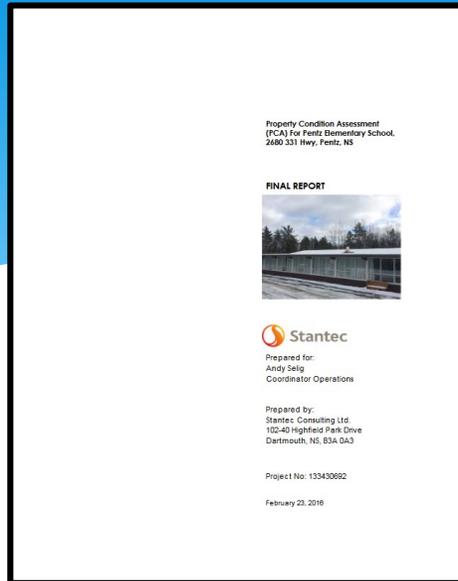
1. The School Board will continue with the School Review Process for the Park View and Bridgewater families of schools, with the understanding that the school boundaries will stay the same for Pentz Elementary School and Petite Riviere Elementary School.
2. Subject to Cabinet approval, the government will approve a Major Addition and Alteration to upgrade either Petite Riviere or Pentz Elementary Schools. This will be a P-6 school.
3. The closure dates for Pentz Elementary School and Petite Riviere Elementary School will need to be revisited by the Board.

Yours truly,

Karen Casey
Minister, Education and Early Childhood Development

c: Hon. Mark Furey, MLA, Lunenburg West <markfurey.mla@eastlink.ca>
Geoff Cainen, Superintendent, SSRSB <gcainen@ssrsb.ca>

Stantec Property Condition Assessment Pentz and Petite Riviere



- Both completed January 20, 2016, presented to SSRSB February 23, 2016
- Visual review existing condition, no destructive testing, completed on portions of building that were accessible
- Confirm with a more detailed site investigation if proceeding
- Hazardous materials may be present (eg. asbestos, lead paint).
- Pentz: \$807 400 for maintenance (beyond routine) over next 20 years.
- Petite Riviere: \$1 267 259 for maintenance (beyond routine) over next 20 years.
- Overall property is in fair condition as compared to buildings of similar age and construction.

PENTZ AND PETITE RIVIERE ELEMENTARY SCHOOLS

OVERVIEW OF THE PHYSICAL ACCOMMODATION OF THE PUBLIC SCHOOL PROGRAMS

Prepared by:

Darrell MacDonald, Education Facility Project Services
Department of Transportation & Infrastructure Renewal

Peter Howitt, Regional Director
Education & Early Childhood Development

Susan Martin-O'Brien, Literacy Coordinator, Early Years Branch Liaison, EECD
Education & Early Childhood Development

February 24, 2016

- February 2016
- An Additions & Alterations on one of the building would extend its effective life for 15 to 20 years.
- Total probable costs for program space plus infrastructure repairs:
 - Pentz: **\$5 509 000**
 - Petite: **\$6 049 000**
- New school option is in the order of **\$11 000 000 (160 student estimate)**.
- Opinion of the review team that an A & A at either school would provide best value.

Correspondence from PES / PRES

- January 22 / 16 Letter from J.C. Reddy on behalf of parents of PES expressing concerns over recent actions of the Board, stating details will follow in February.
- February 10 / 16 Letter from Leif Helmer, PRES SAC Chair, advocating for an A & A at PRES and for the SSRSB to accept the invitation of the Minister to apply for an A & A for PRES.
- February 19 / 16 Letter from J.C. Reddy on behalf of parents of PES stating that the parents of PES believe the general position of SSRSB that a new school was being pursued. Agreement with the new build being submitted as part of the 17 / 18 Capital Plan. General advocacy for a new build.
- February 24 / 16 J.C. Reddy presented at the on behalf of parents of PES regarding concerns of the future of the school and that the process not be rushed
- March 4 / 16 Letter from Leif Helmer, PRES SAC Chair, referencing facility assessment and DEECD staff reports, advocating for A & A at PRES and stating reasons: enrolment projections, larger catchment, current school location as positive site.
- April 22 / 16 Letter from J.C. Reddy on behalf of parents of PES, stated concerns about SOC process as it relates to PES / PRES, concern about the facility inspection and possibility of hazardous materials at either site, continued advocacy for new build in central location



Cooperation Board Meeting

Education and Early Childhood Development
Office of the Minister

PO Box 578, Halifax, Nova Scotia, Canada B3J 2S9 • Telephone 902 424-4236 Fax 902 424-0680 • www.ednet.ns.ca

JAN 28 2016

JANUARY 28, 2016

Ms. Jennifer Naugler, Board Chair
South Shore Regional School Board
130 North Park Street
Bridgewater, NS B4V 4G9

Dear Ms. Naugler,

Jennifer

The government is beginning its capital planning process for the three-year period beginning with the 2017-18 fiscal year. To enable the development of a government plan, I am asking that your board provide my department with an alphabetical list of school projects (please indicate whether it is a new school or an alterations & addition) your board would like to have considered over that time. I would also appreciate the identification of areas where a skilled trades centre should be considered for inclusion within either a new or an existing school.

As part of your request, please provide a short statement outlining the intent of the project.

Please send your completed list to Joe MacEachern and copy me by February 29, 2016. The list you provide will be used to generate further discussion with your board.

There is no requirement to submit a business case for any project at this stage of the request. Projects selected to move forward to the next stage will require a business case.

Capital repair projects which are aimed at addressing deferred maintenance issues are funded out of the department's capital repair envelope and will be dealt with through a separate process.

If you require further clarification, please contact Joe MacEachern, Executive Director of Finance and Facilities Management, at 902-424-3956 or via email at joe.maceachern@novascotia.ca.

Yours truly,

Leana

Capital Planning

- The SSRSB submitted a Proposed Capital Plan to the DEECD on February 24 / 16 at the request of the DEECD
- The list was an alphabetized list of capital requests
- January 25 / 17, Province of NS released Capital Plan. SSRSB received final phase of funding for PVEC, no other requests were funded

SCHOOL	REQUEST	NOTES
All schools: Health, safety, efficiency	A + A	Upgrades to security and building life systems
Bridgewater Elementary School	A + A	Infrastructure and programming (washrooms, stairways, electrical and mechanical)
Liverpool High School	A + A	Infrastructure and programming (skill trades, roof, heating, exterior brick)
New Ross Consolidated School	A + A	Infrastructure and programming (roff, rightsizing, other building components)
Pentz Elementary School & Petite Riviere Elementary School	New	New building for school that are scheduled to close at the end of the 17 / 18 school year.



Current Class Configurations (2016 – 2017)

Pentz Elementary School

September 30, 2016 enrolment: 71
FTE: 6.55

P / 1 (8 / 10 = 18)
2 / 3 (8 / 9 = 17)
4 (13)
5 / 6 (10 / 12 = 22)

Transfer history:

15 / 16 8 (7 HA, 1 BES)
14 / 15 6 (1 HA, 4 BES, 1 PRES)
13 / 14 6 (6 HA)
12 / 13 9 (8 HA, 1 NES)

Petite Riviere Elementary School

September 30, 2016 enrolment: 71
FTE: 6.53

P / 1 (7 / 10 = 17)
1 / 2 (5 / 13 = 18)
3 / 4 (8 / 10 = 18)
5 / 6 (9 / 8 = 17)

Transfer history:

15 / 16 2 (2 HA)
14 / 15 1 (1 HA)
13 / 14 1 (1 HA)
12 / 13 2 (2 HA)

Fiscal Projections 17 / 18 and 18 / 19

STATUS QUO 17 / 18 PROJECTION

- Budget status presented to the Board at the February 15 Committee-of-the-Whole
- High level projections indicate a budget shortfall of \$827 000
- This projection did not make any assumptions as to any funding changes from the Province (Profile Sheet)
- Since this projected shortfall of \$827 000, the Province has stated SSRSB will lose an additional \$800 000 of enrolment supplement funding in 17 / 18.
- $\$827\ 000 + \$800\ 000 = \$1\ 627\ 000$ projected shortfall in 17 / 18

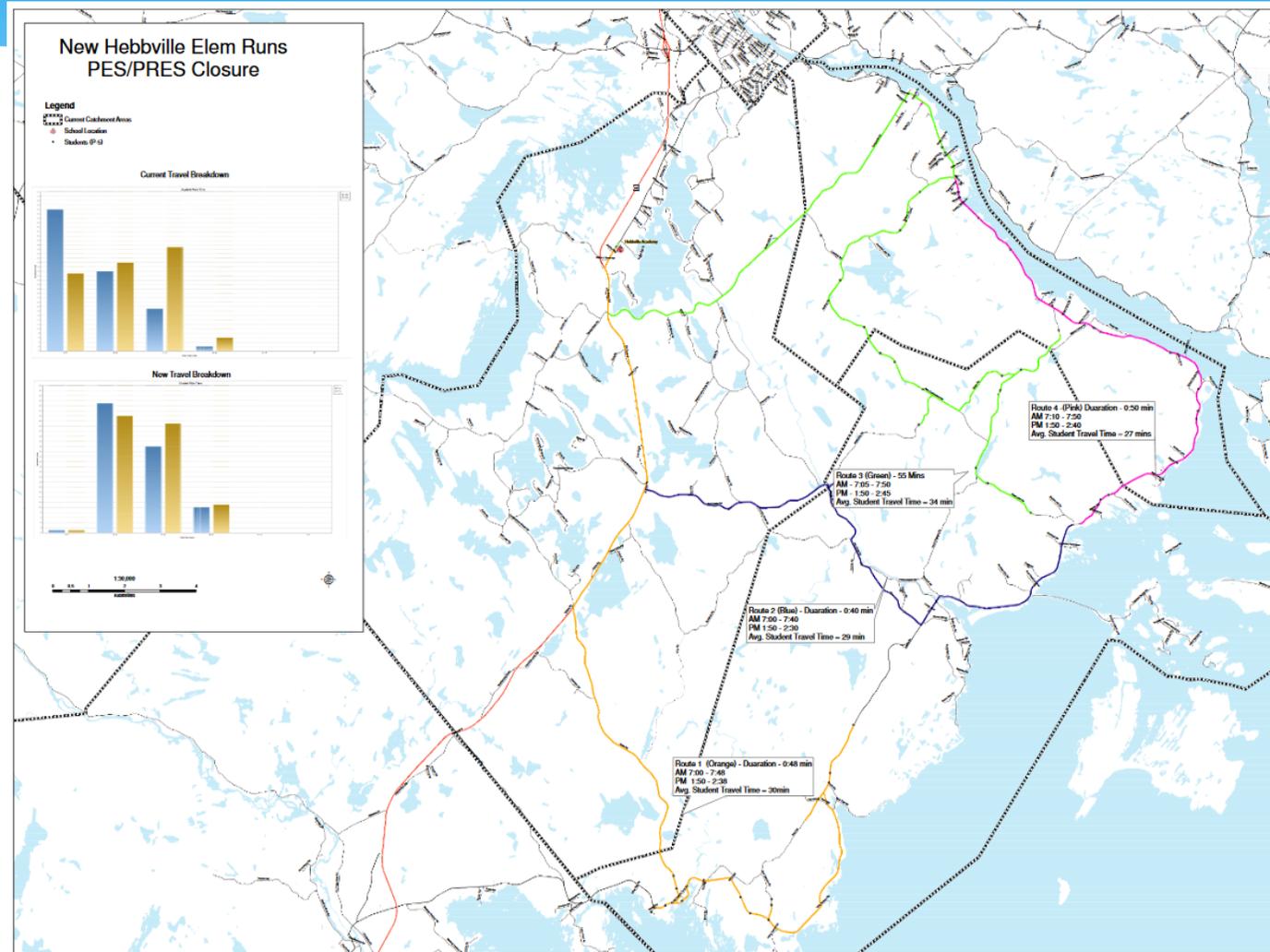
18 / 19 BUDGET YEAR

- SSRSB is facing a reduction in transition funding of \$862 000
- Additionally, SSRSB is at risk of losing \$700 000 of the remaining enrolment supplement funding
- $\$862\ 000 + \$700\ 000 = \$1\ 562\ 000$

2 YEAR HIGH LEVEL OUTLOOK

- $\$1\ 627\ 000$ (17 / 18) + $\$1\ 562\ 000$ (18 / 19) = $\$3\ 189\ 000$ potential shortfall

PES & PRES *Possible* Transportation Model



PES & PRES *Possible* Transportation Model

Based on September 30 / 16

PARAMETERS OF THE TRANSPORTATION DESIGN

- Following SSRSB Policy 310: Student Transportation
- System that encompasses both PES and PRES catchment as one
- Most direct route possible
- Only picking up P to 5 within this boundary **AND** direct bussing them to the school
- Central pick-up model guarantees a 30 m run
- Multiple pick-up and drop-offs continue
- Permitted to add infrastructure if required to accomplish this design

PES & PRES *Possible* Transportation Model

Based on September 30 / 16

THE DIRECT BUSSING MODEL FOR PES / PRES

- Four bus runs
- Average student travel time of 32 minutes
- Range of student travel time 15 to 50 minutes (with the majority between 16 and 45 minutes)

COMPARISION TO OTHER ELEMENTARY BUS RUNS

- Riverport Area: 35 m
- Blanford / Bayswater Area: 31m
- Sherwood Area: 35 m
- Mill Village Area: 30 m
- Barss Corner / Walden: 45 m

PES & PRES *Possible* Transportation Model

Based on September 30 / 16

IMPACT ON RECEIVING SCHOOLS (Hebbville or BES)

- Depends on outcome of 17 / 18 catchment area review
- Specifically the students Conquerall Road and Highway 331 north to Town limits (pink area)
- Currently, 25 P to 5 students in this area
- These students can fit in either Hebbville **OR** BES no matter the *possible* outcome of the 17 / 18 review (current SOC parameters and possible New Germany School Review)
 - Hebbville goes from 646 to 671 (capacity 94%)
 - BES goes from 474 to 455 (capacity 87%)
 - BJSHS goes from 484 to 478 (capacity 77%)

PES & PRES *Possible* Transportation Model

Based on September 30 / 16

INFRASTRUCTURE IMPACT

- Due to the closure of PES / PRES, as determined at the 2013 School Review, an additional bus is required to serve this area
- This requirement remains for the possible September 2018 transportation model
- Driver paid time: \$29 250
- Bus: \$54 650
- Total: \$83 900

Recent Correspondence Received (PRES)

- **January 31**
 - Tara Jaskowiak (PRES)
 - Nikki Croft (PRES)
 - Leitha Haysom (PRES)
 - Rick Boutilier (PRES)
- **February 1**
 - Johanna Hayes (PRES)
 - Sadie Watson (PRES)
 - Ebony Newell (PRES)
- **February 2**
 - Stacey Godsoe (PRES)
 - Geoff Tingley (PRES)
 - Nathaniel Reinhardt (PRES)
 - Emily Hoegg (PRES)
 - Dee Conrad (PRES)
 - Nicole Frampton (PRES)
- **February 4**
 - Desiree Gordon (PRES)
- **February 7**
 - Paul Cross (PES)
- **February 21**
 - Lief Helmer (PRES)

Questions from Board Members

General questions:

1. Do we have the option to apply for a new school again this year?
2. Has the Board Chair reached out to Minister Casey with regards to her letter suggesting there was money for an A&A for one of the schools?
3. What steps would we have to take to request the A&A money?
4. Can the Board rescind the motion with a 2/3 majority?
5. With almost every Board Member expressing that their intent of that motion from 2013 was NOT to close those schools, but to ask for a new school, without legal representation present at that time, can we as a Board choose not to follow our current legal opinion on this issue?

The next questions centre around next steps if the Board does not move forward with requesting an A&A:

6. What is the next steps as far as community consultation?
7. Can we discuss bussing and transportation times?
8. How is the decision made with regards to which schools the students from PRES and PES go to?
9. Would it be possible for there be an option for PES or PRES families to decide which school they could go to?
10. If a family has older siblings already at Hebbville, would their younger siblings be permitted to also attend even if they are in a new catchment area?
11. Is there currently room at Hebbville Academy for all the students from PRES and PES?
12. What sort of transition plan would we be looking at for making this as smooth a transition as possible?



Next Course of Action / Board Decision



Thank you
Merci
Wela'lioq

SSRSB By-Laws (excerpts)

13.02: Notice of Motion to Rescind or Amend a Previously Approved Motion (excerpts)

- a) Once the School Board debates and votes on an issue, the **decision should be respected so that the school system can confidently move forward** with the implementation of the decision.

- b) A notice of motion to rescind or amend at a Regular School Board Meeting, provided the following conditions are met:
 - i. it is clear the implementation of previous motion would lead to the **breach of a contract** by the School Board; or
 - ii. the School Board Chair is satisfied that there has been **significant change in circumstances** or **significant new information has come forward** relating to a previous motion; or
 - iii. a previous motion is **outdated** and **serves no useful purpose**.

SSRSB By-Laws (excerpts, continued)

13.02: Notice of Motion to Rescind or Amend a Previously Approved Motion (excerpts, continued)

- d). The motions to rescind or amend shall be dealt with at the next meeting of the School Board and will require a 2/3 majority of the School Board Members present.

- f). When the motion to rescind or amend Is defeated, a new motion on the original issue may not be brought forward as a new motion within a year, unless the School Board Chair determines that:
 - i. the course of action proposed ... is significantly different
 - ii. the circumstances specific to the matter have changed sufficiently to define this as a new matter