



COMMISSION SCOLAIRE  
**Eastern Shores**  
SCHOOL BOARD

**MAINTENANCE, AMENDMENTS AND CLOSURE  
OF SCHOOLS AND CENTRES  
Policy ES-106**

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C22-02-830

## **1. PREAMBLE**

The purpose of this policy is to set out the principles and procedures for the Eastern Shores School Board concerning the modification or the revocation of the Deeds of Establishment of one or more schools or centres in accordance with the sections 211 and 212 of the Education Act.

The decision to modify or to revoke the Deed of Establishment of a school or centre rests with the Council of Commissioners following the appropriate consultation.

## **2. OBJECTIVE**

The School Board's primary mandate is to provide educational programs and services in suitable facilities. Furthermore, the Board shall implement the consolidation of school enrolment where reorganization is considered to be educationally advantageous and economically viable. Where a consolidation of school enrolment results in the possibility of school closure(s), the Board shall consider alternatives. These alternatives may include realignment of school structures and programs, and a consideration of all possible funding sources.

## **3. LEGAL FRAMEWORK**

- Sections 36, 39, 40, 79, 101, 110.1, 211, 212, and 236 of the Education Act.
- Basic School Regulations

## **4. GUIDING PRINCIPLES**

### **Planning Review**

At the request of the Board, an Ad-hoc Committee shall be established to review the three-year plan of allocation and destination of the school board immovables while taking into consideration the possible amendment or revocation of the deed of establishment of a school or centre. The revocation and amendment of the deed of establishment is considered in following manner:

1. The continued operation or closures of schools;
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 series provided by a school (herein described as a "major change");

The Ad-hoc Committee shall ensure that a review is undertaken of any or all of the School Board's facilities. The Ad-Committee shall be composed of three (3) elected commissioners of the Board, of which one (1) must be the chairperson. The Director General, as well as two senior staff representatives appointed by the DG, shall also be on the Ad-hoc Committee.

The Board Chair will chair the meetings of the Ad-hoc Committee. All rules of conduct that apply for Board meetings will also apply for meetings of the Ad-hoc Committee.

The Ad-hoc Committee may, at any time, invite members of the public, members of governing boards potentially affected, and any other body to attend any of its meetings to assist it in its decision-making process.

The planning review shall include, but not be limited to, the following general considerations:

1. **Demographic Projections** - As provided by the MEQ for the Board, and their financial implications for the Board.
2. **Program Viability** – Declining enrolment is jeopardizing the school's ability to meet the educational program needs of its students.
3. **Low Occupancy** - The enrolment of a school has fallen below capacity and enrolment projections confirm little, no, or declining growth patterns.
4. **Structural Condition** – Economic factors require a study of the school's long-term operation (e.g., fire safety requirements, mechanical condition, absence of program facilities, etc.).
5. **Logistical Considerations - Practical Alternatives** – The distance students would have to travel in the event of the closure of a community school and the availability of space in neighboring schools.

The Ad-hoc Committee may recommend that a school/centre or schools/centres should be identified for a potential amendment or revocation of the deed of establishment based on a review of all, but not limited to, the following criteria:

1. Continuing declining or low enrolment;
2. Existing facilities for specialized activities available to the school/centre;
3. Per-pupil operating and maintenance costs;
4. Need to organize classes containing more than one-year level and/or difficulty level in order to preserve courses;
5. Based on school/centre population, when there is insufficient staff allocation to provide the required educational programming, and to meet contractual teaching and supervision requirements.

## **Process (See Annex B)**

1. In the event that the Ad-hoc Committee recommends that a school/centre or schools/centres be identified for potential, amendment or revocation of the deed of establishment it shall make that recommendation at a meeting of the Council of Commissioners. Such recommendations shall request that specific school(s)/centre(s) be identified for potential closure or major change and that a report be prepared by the Ad-hoc Committee to consider the ramifications of such proposals.
2. If the Board identifies a school/centre for potential closure or major change, a public consultation process will be initiated by a public notice of at least one consultation meeting, to be issued:
  - i. Between January 1 and July 1 of the year preceding the year during which the school would be closed, (e.g., if a school is to be closed for the 2025-2026 school year, the notice must be issued prior to July 1, 2024); or
  - ii. Between January 1 and April 1 of the year preceding the year during which a major change would be made, (e.g., if there is a proposed major change for the 2025-2026 school year, the notice must be issued prior to April 1, 2025).

The public notice will indicate the place where relevant information on the project, particularly its budgetary and educational impact, may be consulted and additional information may be obtained.

The Chair of the Board and the commissioner of the electoral division concerned shall be present at the public consultation meeting(s).

It shall be the responsibility of the Director General to:

- a) Ensure that the Principal(s), staff, staff associations, Parents' Committee, Governing Board(s), Municipal Bodies, and parents of all children and students of full age that would be affected by the proposed amendment or revocation of the deed of establishment, are informed of the public consultation meeting(s).
- b) Make arrangements for the public consultation meeting(s) and ensure that appropriate members of Senior Administration are present to review the recommendations and explain the procedures as they relate to school closures or major changes.

- 3 The Ad-hoc Committee shall consider specifically, but is not limited to, the following factors in preparing its report to the Board:
  - a) The effects the proposed closure or major change could have on students;
  - b) Course selection and program implications for each of the schools/centres involved;
  - c) School boundaries;
  - d) Enrolment projections;
  - e) The need for and extent of transportation;
  - f) The effect on the social environment of the community;
  - g) The financial impact, including the effect on operational costs and capital implications;
  - h) The capital needs of other schools that may have increased enrolment as a result of closure or modified organization;
  - i) The effects on staffing/employees of the school/center;
  - j) Opportunities for alternative use of facilities.
  
4. The Ad-hoc Committee will have the responsibility and the authority to review all appropriate data. The Ad-hoc Committee:
  - a) Shall receive briefs and/or delegations of concerned citizens regarding the school(s)/centre(s) identified by the Board as candidate (s) for closure or major change, and
  
  - b) Shall present its final report to the Board within sixty (60) days of the last public consultation meeting and, based on the factors outlined in section 3), indicate whether or not the school(s)/ centre(s) identified for potential closure or major change, specifying the reasons for such recommendations.
  
5. The Chair of the Board, as recommended by the Ad-hoc Committee, shall give notice of motion of the action recommended. The Board shall establish the date of a Special Board meeting, to be held between the 15<sup>th</sup> and the 30<sup>th</sup> day following the notice of motion, to consider the action(s) recommended by the Ad-hoc Committee.

It shall be the responsibility of the Director General to advise in writing the Principal(s), staff, staff associations, Parents' Committee, Governing Board(s), Municipal Bodies, and parents of all children and students of full age that would be affected by the proposed closure or major change of the date of the Special Board meeting, at which time the Board will receive any concerned member of the public who wishes to address the Board on the matter.

6. The Board, at the Special Meeting convened for that purpose, shall consider the Ad-hoc Committee's report and recommendations, and take one of the following actions with respect to each school identified for potential closure or major change:
  - a) That the school be scheduled for closure or major change;
  - b) That the school be removed from consideration for closure or major change.
  
7. If the Board determines that a school is to be closed, or that a major change is to occur, it shall be the responsibility of the Director General to take all steps required to implement the Board's decision.

# Annex A

## Education Act

### **Legal framework: 36, 39, 40, 79, 101, 110.1, 211, 212, 236**

**36.** A school is an educational institution whose object is to provide to the persons entitled thereto under section 1 the educational services provided for by this Act and prescribed by the basic school regulation established by the Government under section 447 and to contribute to the social and cultural development of the community. A school shall, in particular, facilitate the spiritual development of students so as to promote self-fulfillment.

*In keeping with the principal of equality of opportunity, the mission of a school is to impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study.*

*A school shall pursue its mission within the framework of an educational project implemented by means of a success plan.*

**39.** Schools shall be established by the school board.

*The deed of establishment shall state the name and address of the school, indicate the premises or immovables placed at the school's disposal and specify the level of instruction the school is to provide. It shall also state the cycle or, exceptionally, the part of cycle of the level of instruction concerned and specify if the school provides preschool education.*

**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.

**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.*

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

*1988, c. 84, s. 101; 1990, c. 8, s. 9; 1990, c. 78, s. 54; 1997, c. 96, s. 13.*

**110.1.** The school board must consult the governing board concerning:

- (1) the amendment or revocation of the deed of establishment of the centre;
- (2) the selection criteria for the appointment of the principal.

*1997, c. 96, s. 13.*

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

*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.*

*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.*

*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,*

**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*
- 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 provide 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 timeline*
- 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, 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 July 1 of the year preceding the year during which the school would be closed; or*
- 2) Not later than April 1 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; 2008, c. 29, s. 34.

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

1988, c. 84, s. 2



# Process for identification of schools for closure or major change.

