

**Manitoba Association of School Trustees
presentation to the
Standing Committee on Social and Economic Development**

**Bill 28, *The Strengthening
Local Schools Act***

June 2008



Leadership, advocacy and service for Manitoba's public school boards

Manitoba Association of School Trustees presentation on Bill 28, *The Strengthening Local Schools Act*

Introduction

The Manitoba Association of School Trustees is a voluntary association of public school boards in Manitoba. Our mission is to ensure quality public school education for Manitoba students through effective, locally-elected boards of trustees. As it is written, Bill 28, *The Strengthening Local Schools Act*, has the potential to impact negatively on both the quality of education we provide for students in our communities, and the effectiveness of local school boards in representing their communities. For that reason, I am standing before you today to ask for changes to Bill 28.

The Legislation

Bill 28 addresses three main topics: school closings, extended travel times, and community schools. We will be restricting our comments to the first two matters.

School Closing Moratorium

Timelines:

Bill 28 provides that no school operating in the 2007-2008 school year may be closed unless the school board voted to do so prior to January 1, 2008. We have been advised that this moratorium is being proposed as the result of concerns raised with the Minister of Education, Citizenship and Youth by the parents of some students at schools currently under review. In responding to these individual voices, we believe that Bill 28 undermines the democratic process whereby school boards were actively engaging with their broader communities, and working to develop understanding and build consensus about the future of these schools.

When the current school closing guidelines were introduced by the Howard Pawley administration in 1982, they enabled school divisions to continue with any review process that was then underway. In light of the commitment of time and resources made by many communities and their school boards to the review process in the 2007-2008 school year, we recommend that this legislation be amended to allow reviews underway at the time of the first reading of Bill 28 to proceed to their conclusion, whatever that conclusion may be. We further recommend that development of the school closing regulations identified in Bill 28 be expedited, and that they be developed through a truly consultative process that includes school boards and divisional administrators, teachers, and parents. With the development of these regulations, it is our understanding that the school closing moratorium contained in Bill 28 will be repealed.

Programs and Services for Students:

School boards have the dual responsibility of providing the best possible educational opportunities to all students within a division, and of managing prudently the resources provided by communities and the province for that purpose. When considering school closures, the tendency is often to focus on the second of those responsibilities, the prudent management of resources. To be sure, there can be sound financial reasons for closing a school—it is more efficient to operate and maintain one school at full capacity than two at half capacity. However, what is often overlooked in discussions about school closings is an examination of the impact of school size on students' education.

There is no such thing as an optimal school size. There are too many variables at play—population density, geography and distance, the ages and grades of the children attending a given school. Having said that, however, there is such a thing as “too small,” and “too small” is something that is best decided by the local community. Communities understand the importance of maintaining local schools—the role schools play as community hubs, the sense of belonging and security children feel in “their” school, the relationships that develop over the years between students, parents and staff. However, communities also want what is best for their children. Communities need to be able to decide when the benefits of maintaining a community school are outweighed by the benefits that could be realized by their children, should those children move to a school where simple economies of scale and sheer student numbers mean they would have access to increased resources and more programming options.

Definitions:

Bill 28 does allow for the *possibility* of Ministerial approval of a school closure under specific circumstances. However, without defining certain terms, this allowance is virtually meaningless.

A school closing may be allowed if it results from the “consolidation” of schools within an area or community. Dictionary definitions of “consolidation” include a merger or union, a stabilization or strengthening, or a solidification. When Bill 28 was introduced, some school divisions in the midst of school reviews interpreted the word “consolidation” in like terms, and made the logical but apparently incorrect assumption that they would be able to continue with these reviews, and ultimately determine whether or not a school would remain open or close. Clearly, some definition other than that contained in a standard English language dictionary applies to the word “consolidation” in the context of Bill 28; we recommend that that definition, whatever it may be, be included by way of an amendment to this legislation.

The other term that concerns us is “consensus.” In the absence of a definition in the legislation itself, we once again turn to the dictionary to find that “consensus” is an opinion held by *all or most*. As used in Bill 28, our question is this: does consensus mean that *everyone* in a school community must agree that a school should be closed, or that *most* of the people must share that opinion? If everyone must agree, the legislation is opening the door to a situation whereby the very few can stymie the will of the majority—a tyranny of the minority, in fact. If by consensus the authors of Bill 28 intended that “most” must agree—not, by the way, the most common use of the word—that begs the question of how we define “most.” In either case, without a viable school review process such as the one that has been suspended by Bill 28, there is no process for determining what the will of the community is, whichever definition of “consensus” we accept.

Alternate Uses:

Bill 28 also provides that the Minister may allow a school to close if he or she is satisfied that a school board has made reasonable (albeit unsuccessful) efforts to expand the use of the building for appropriate community purposes. While on the surface this clause seems perfectly reasonable, it has implications and makes assumptions that must be examined, if not challenged.

The major implication is that school boards are not already making efforts to make available the use of surplus school space to community groups. That is simply untrue. The clearest demonstration of this lies in an examination of the relationship between schools and daycares, as it has developed over the past two decades. Today, fully 40% of Manitoba's licensed daycare spaces are found in school buildings. Well over half of Manitoba's school divisions have schools that include daycare spaces. Through MAST's annual convention, Manitoba's school trustees have adopted policy positions aimed at ensuring that daycares already in place in schools are not easily dislocated.

A secondary implication is that extending use of schools for other community uses will make schools with declining enrolments financially viable. In many cases, this assumption is questionable. Most community groups such as daycares and senior centres are functioning on tight budgets, and are not necessarily able to enter into market-value lease agreements for any space provided in schools. In the case of daycares, some school divisions provide space at no charge. Where lease payments do generate a "profit" for school divisions, Section 174 of *The Public Schools Act* provides that provincial operating grants may be reduced to compensate for any such increased revenue. Before renting to some groups, a school division may find it necessary to make lease-hold improvements that are required by law but not funded by the province. For instance, daycare centres have minimum requirements for natural light that not all public school buildings meet. In all cases, there are ongoing maintenance costs for which a school division, as landlord, assumes responsibility.

This section of Bill 28 also makes the assumption that there is a pent-up demand for space for community groups. In the case of daycares, there may be communities that have both empty classrooms *and* a significant number of pre-school children who will be filling those classrooms in the near future. However, such communities are an exception rather than the rule. Where the numbers of school-aged children are declining, that trend is also evident in the numbers of pre-school children who might access a local daycare centre. Where that is not the case and demographic forecasts project a pending increase in student numbers, school boards are unlikely to have earmarked a school for review and possible closure in the first place. Where there is a shortage of daycare spaces, the shortage has more to do with a lack of staff and funds than a lack of physical space. That problem will not be rectified by this legislation.

There are also technical concerns that emerge when school space is utilized for non-educational purposes. For instance, school buildings are exempt from municipal taxes. However, that exemption applies only when the school is used for its original purpose, or as a daycare centre. Any other use can trigger a change in tax status for which the school division will be responsible. Similarly, school property is generally zoned for one of three purposes: school, daycare, or parks. Any other use would require the municipal authorities to agree to a zoning variance. While issues such as taxation and zoning are not insurmountable, they are real, and their implications have not been adequately considered in the rush to implement Bill 28.

Finally, there are legitimate concerns about staff and student safety and building security as the number and range of external agencies and individual users increase. These concerns are raised on a regular basis when schools are used as polling places in provincial and federal elections; the regular use of schools by non-educational organizations could turn an occasional concern into a daily challenge.

Extended Travel Times

Bill 28 would require that a school board use its best efforts to ensure that a pupil's one-way travel time to his or her designated school be no longer than one hour. The legislation further provides that, in the event that the Minister is not satisfied with a school board's efforts in this regard, he or she may make regulations capping a student's travel time, or alternately requiring that a school board compensate parents or guardians who make alternate transportation arrangements.

In principle, school boards would support any reasonable effort to limit travel times for students. Many already make an effort to limit the amount of time students spend on school buses and have adopted policies to this end. These policies may go beyond what Bill 28 would legislate in that they aim for even shorter travel times for younger students.

However, reducing travel times doesn't come without a cost. Manitoba's largest school divisions (in terms of geography) are often among the smallest in terms of student numbers. This "sparsity factor" means that they already spend a disproportionate amount of their operating funds for transportation. Certain expenses, such as fuel and vehicle purchase and maintenance costs, are beyond their control. Where they can exercise some control of costs is in routing: running larger buses over longer routes, staggering school start times so buses can effectively run double shifts, etc. Without a significant influx of capital funds to buy new buses more suitable to the shorter routes that would be required by reduced travel times, and funds to pay for additional drivers and other operating costs, some school divisions will struggle to meet the expectations set out in Bill 28. The financial impact on school boards will be exacerbated if in fact they are required to compensate parents or guardians who provide alternate transportation for students.

The issue of alternate transportation of students raises another, more important issue, one that is completely unrelated to financial considerations. School buses have long been recognized as the safest mode of transportation for students. This reality was underlined in the past year by a tragedy in New Brunswick that saw the deaths of seven students and one adult as they were returning from an extra-curricular event on icy roads in a fifteen-passenger van. In the wake of this accident, Manitoba's government took steps to ensure that such a tragedy would not happen in Manitoba. However, an unintended consequence of Bill 28's extended travel time provisions may be reduced student safety as parents and guardians move not only to transport their own children, but also to work with neighbours to establish more convenient but not necessarily safer travel arrangements.

Summary and Recommendations

In light of the concerns we have identified about the clarity of certain aspects of Bill 28, the unintended or unacknowledged consequences of its implementation, its negative impact on the democratic process in local communities, and its potential to increase infrastructure expenses and erode the quality of programming available to students throughout Manitoba, the Manitoba Association of School Trustees strongly recommends that this legislation be withdrawn.

Failing withdrawal of Bill 28, we make the following recommendations to mitigate, to the extent possible, its negative impact on Manitoba's students and its public school system.

- That the legislation be amended to allow for school reviews that were underway at the time of first reading of Bill 28 to proceed to their conclusion, as determined by the vote of the school board in an open meeting.
- That the legislation be further amended to allow school boards to initiate school reviews, in accordance with the 1982 School Closure Guidelines, until such time that the regulations identified in the proposed *PSA* Section 41(1.5) are developed.
- That the regulations identified in the proposed *PSA* Section 41(1.5) be developed through an expedited, truly consultative process.
- That the section of Bill 28 dealing with extended travel time be amended so as to require school boards to establish policies aimed at minimizing student travel time, with the content of these policies to be determined by communities and their school boards, in accordance with local geographic and demographic realities.
- That Bill 28 be amended to ensure that school boards, rather than the Minister, remain the final appeal body regarding decisions on student transportation matters.

Thank you for your time and consideration.