

Department of Education and Early Childhood Development

Policy 409

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Subject: Multi-year School Infrastructure Planning
Effective: September 1998
Revised: May 2002, December 2009, March 2015, April 10, 2019

1.0 PURPOSE

This policy defines the process for multi-year school infrastructure planning to ensure a strategic and long-term approach to major capital projects, capital improvement projects, the study of a school's sustainability and proposed grade reconfigurations. It also defines the process for naming schools.

This policy is a revision of Policy 409 – *Closure of Schools*.

This policy replaces Policy 401- *Naming of Schools* (repealed).

2.0 APPLICATION

- 2.1** This policy applies to school districts, District Education Councils (DECs) and the Department of Education and Early Childhood Development (EECD).
- 2.2** This policy does not apply to instructional organization prescribed by the Minister under section 6(b)(i) of the [Education Act](#) (e.g. four-year high school program).
- 2.3** The public consultation requirements described in this policy do not apply when a facility has been destroyed or significantly damaged as a result of fire, structural failure or circumstances that present a significant or immediate health or safety threat or when affected persons agree to a proposed school closure or grade reconfiguration.

3.0 DEFINITIONS

Affected persons refers to individuals impacted by the potential outcome of a school sustainability study, including parents of students currently attending the school as well as parents of students transitioning into the school from feeder schools.

Capital Improvement Project refers to a project that helps maintain or improve infrastructure, and costs at least \$10,000.

Grade reconfiguration refers to the addition or removal of an entire grade level or levels from a school.

Major Capital Project refers to the construction of a new school and the addition or major renovation to an existing school, where the cost is at least \$1 million.

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Parent(s) includes guardian(s), as per the *Education Act*.

Student(s) refers to pupil(s), as defined in the *Education Act*.

Procedural fairness refers to the duty of administrative bodies to employ decision-making processes that provide real opportunity for persons whose interests and privileges may be affected to provide input. This includes certain requirements such as providing the opportunity to affected persons to be heard and for the school district to receive and consider the information before any recommendation is forwarded to the Minister.

Threshold indicator refers to measurable and objective criteria consistently applied to all schools and can suggest that the sustainability of a school is in doubt. The criteria are as follows:

- enrolment of 100 students or less in the school as of September 30 of a given school year; or
- an actual percentage occupation of 30% or less, i.e., the ratio of enrolment in the school as of September 30 of a given school year to the school's physical capacity.

4.0 LEGAL CONSIDERATIONS AND AUTHORITY

[Education Act](#) - section

6 The Minister...

(b.2) may establish provincial policies and guidelines related to public education within the scope of this Act, ...

3(1) Operation of schools

3.1 Closure of schools

[Regulation 2001-48 Governance Structure Regulation](#)

[31\(5\) Open and closed meetings](#)

[29 Quorum](#)

5.0 GOALS / PRINCIPLES

5.1 Multi-year school infrastructure planning reflects EECD's commitment to providing New Brunswick students with equitable educational services.

5.2 Recognizing that the organization of schools has budgetary, programming and infrastructure impacts, this policy provides a transparent process for multi-year school infrastructure planning.

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- 5.3 EECD recognizes schools are integral to the promotion and preservation of the local culture and community, especially in rural areas.
- 5.4 School sustainability studies and proposed grade reconfigurations occur in a manner which respects the principles of procedural fairness.
- 5.5 The naming of schools occurs in a consistent manner in accordance with established rules as described in section 6.3, in consideration of the local community. This process is led by the DEC, in collaboration and in consultation with the local community.

6.0 REQUIREMENTS / STANDARDS

6.1 Development and submission of district multi-year school infrastructure proposal

- 6.1.1 Each school district must prepare a district multi-year school infrastructure proposal, approved by the DEC, for submission to the Minister. The proposal will comprise five years and must be updated annually and approved by the DEC by May 31st.
- 6.1.2 The district multi-year school infrastructure proposal must include the following, as a minimum:
- a) a Facility Status Review of each school in the district (see [Appendix A](#));
 - b) the major capital project priority list; and
 - c) the capital improvement project priority list. The items on this list are included in the *School Physical Plant Review* database. The objective of the capital improvement budget is to maintain existing infrastructure with a focus on health and safety projects.
- 6.1.3 EECD will use the school district multi-year school infrastructure proposals to create a provincial overview of infrastructure needs across the province and for capital budget planning and preparation.

6.2 New schools

- 6.2.1 Requests for the construction of new schools must be identified in the multi-year school infrastructure proposal as a major capital project priority.
- 6.2.2 All schools are assigned a unique, four-digit school number by the Corporate Data Management and Analysis Branch of the Policy and Planning Division at EECD.

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6.3 Naming of public schools

6.3.1 This section does not apply to the naming of a school room (e.g., theatre, library, gymnasium or play area). This is the responsibility of the DEC, in consultation with the Parent School Support Committee.

6.3.2 The following process applies to the naming of a new school and the renaming of an existing school or a school where grades have been reconfigured, including schools housed in community centres and schools located on leased properties.

6.3.3 The DEC is responsible to establish a naming committee prior to the naming of a school. The school district will support the functions of this committee.

The role of the naming committee is to gather input from the school community and provide recommendations to the DEC.

6.3.4 Any request made to the Minister to rename a school will be directed to the relevant DEC. The DEC will determine whether a naming committee should be established.

6.3.5 The naming committee is comprised of the following three members;

- a) a DEC member named by the DEC;
- b) a school district official named by the Superintendent; and
- c) a representative of the local community, named by the DEC, to ensure local interests are reflected in the process.

The DEC may establish a separate policy describing which additional members can participate if they wish to have larger naming committees.

6.3.6 During consultation, the naming committee may not exclude categories of names from consideration (e.g. political, religious, living persons).

However, suggested names of the school that could have negative connotations, that refer to a business, that could be discriminatory, frivolous, or contrary to the public school educational values, cannot be selected by the DEC.

6.3.7 The naming committee will consult the community regarding the new name and provide confidentially to the DEC, three recommendations for names. The naming committee must also ensure that the three recommended names are not too similar to names currently used by schools in the province.

If the naming committee decides to have a contest to name a school, the participants must be informed that the DEC has the final decision to choose the name. The naming committee will consider all the names received through the contest, and submit confidentially three names to the DEC for their final selection. As the naming committee is not selecting the final name, a “winning” name (or the

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three submitted names) cannot not be publicly announced by the naming committee.

- 6.3.8** Through an in-camera meeting, the DEC will select the new name of the school from the three names proposed by the naming committee.

If the recommended names include the name of an individual, this person or their representatives will only be notified of this recommendation if the DEC chooses their name. If the DEC selects the individual's name, they will provide this person or their representatives with the option of accepting or removing their name from contention. This process must be confidential to protect the privacy of the person or their representatives, who may choose to remove the name from contention.

- 6.3.9** Once a final decision on the name of the school has been made, the DEC will write a letter to the Minister to describe the consultation process that was undertaken, and advise which name they have selected for the new school. This letter will also allow the Department to update any relevant databases with the new name of the school.

- 6.3.10** A public announcement of the new name will be made by the DEC, jointly with the Minister. As such, the selected name must remain confidential until this announcement is made.

- 6.3.11** If a school wishes to add the word "community" to its name, the DEC must advise the Minister by letter of this modification. This letter will also allow the Department to update any relevant databases with the new name of the school.

6.4 Determining the viability of a school and notice

- 6.4.1** Every year before April 30, the Minister sends the DEC's a list of schools that are at or below one or more of the established threshold indicators. Each DEC must conduct a summary review of the schools on this list to determine if a sustainability study is warranted.

- 6.4.2** Notwithstanding section 6.4.1 of this policy, for every school for which it is responsible, the DEC must determine if a school sustainability study is warranted.

- 6.4.3** This study may lead to several outcomes, including maintaining the status quo, repairing the school, grouping schools together, closing the school, or placing some students elsewhere.

- 6.4.4** The DEC must advise the Minister in writing when it intends to study a school's sustainability.

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6.4.5 The DEC must ensure that affected persons are informed through public notice (e.g. an ad in the local newspaper, a note sent home to parents of students attending the school in question, PSSC meetings, DEC meetings) of the DEC's intention to study a school's sustainability. The notice will include the timeframe for consultation and contact information to obtain details of the process to be followed, as set out in DEC policy.

6.5 Criteria and factors to be considered when studying a school's sustainability

6.5.1 A DEC must consider the following criteria when studying a school's sustainability. This list does not preclude a DEC from considering other factors relevant to their local circumstances.

1. Low/Declining enrolments: impact of declining or low enrolments on the learning environment (Is enrolment reaching a critical threshold or will it be dropping substantially over the next few years?). Enrolment trends and projections must be considered.
2. Health and Safety: the structural integrity of buildings; indoor air quality and water quality; circumstances that present a significant health or safety threat; fire safety systems and the safety and security of school grounds and play areas.
3. Quality of Education Programs and Services: the appropriateness of facilities for curriculum delivery and student services. This would include availability of facilities and diversity of educational programs and increased educational opportunities as a result of a closure, enrolment per grade or multi-level class and pupil-teacher ratio at affected schools, as well as the ability to meet the needs of all students, including students with exceptionalities.
4. Transportation: time spent in transit and cost of travel.
5. Finances: the operating costs including staffing and utilities; the physical condition of buildings, considering short and long-term capital costs and modifications required to school(s) to accommodate transferred students.
6. Impact on the local community: parental involvement and feasibility of continued parental involvement (particularly for elementary pupils), community support, the school's relationship with the community, the effects on culture and language, consideration of whether the school is the sole school in the community, especially at the elementary level.
7. Impact on other schools: impact on feeder schools and receiving schools.
8. Economic development: consideration of planned and future economic development projects in the community or surrounding area.

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6.6 Public consultation on a school's sustainability

- 6.6.1** Following a public meeting at which the DEC has indicated its intention to conduct a sustainability study, the DEC must hold a minimum of three public meetings as part of a school sustainability study.
- 6.6.2** The **first meeting** will inform the school community of the DEC's intention, the criteria and factors to be considered and the steps to be followed. The DEC must ensure that affected persons are provided with information relevant to the proposal.
- 6.6.3** The **second meeting** will provide affected persons with the opportunity to make a presentation to the DEC (i.e., let their views be known either in writing or orally). The DEC must provide them with adequate time to express their views and ensure they are heard impartially. The DEC must also ensure that affected persons have adequate time to prepare and consider the information received during the first meeting.
- 6.6.4** The **final meeting** will provide the public with the results of the consultation and the resulting recommendations being submitted to the Minister, as per section 6.7.
- 6.6.5** Public consultation must not occur during July and August.

6.7 Ministerial approval of a school closure

- 6.7.1** A DEC will inform the Minister in writing of a recommendation to close a school, following the public consultation process. The DEC must provide supporting documents that demonstrate to the Minister how the requirements of this policy have been applied.
- 6.7.2** Any DEC recommendation to close a school as a result of a sustainability study must be submitted to the Minister no later than January 31, if the DEC intends for the school to close during the current school year. An extension of this timeline may be granted to the DEC with approval of the Minister.
- 6.7.3** Where affected persons agree to closure of the school, as described in section 2.3 of this policy, the DEC's recommendation shall be submitted to the Minister in a timely manner. Even though a sustainability study need not be conducted in such case, the DEC must demonstrate to the Minister that the affected persons agree with the proposal.
- 6.7.4** When notified of a recommended school closure, the Minister will review it in relation to the principles of procedural fairness, with consideration of the criteria and factors that the DEC took into account during the public consultation process. The Minister may approve the recommendation or withhold approval if, in the

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opinion of the Minister, procedural fairness has not been applied or relevant educational options have not been considered.

- 6.7.5 The Minister shall normally respond to a recommendation to close a school within a period of time no less than 30 days and not exceeding 60 days.
- 6.7.6 When the Minister has approved a school closure, the DEC shall inform parents of the relocation of students. Sufficient notice must be provided to permit relocated students and their families to participate fully in the programs and activities offered in the new school, and to ensure a harmonious transition.
- 6.7.7 When a school is permanently closed, the unique, four-digit school number assigned by the Corporate Data Management and Analysis Branch of the Policy and Planning Division at EECD is not to be used again for another school.
- 6.7.8 When a school that has been approved for closure by the Minister is unoccupied and is no longer needed by the school district, it shall be deemed surplus by motion of the DEC. The DEC shall contact the Department to arrange a mutually agreeable date for the transfer of responsibility for the asset.

6.8 Grade reconfiguration

- 6.8.1 A DEC will inform the Minister in writing of its intention to reconfigure grades and subsequently consult the public regarding its proposal.
- 6.8.2 The duty to consult is less for grade reconfigurations than for school sustainability studies. The process is at the DEC's discretion, but must still be consistent with the principles of procedural fairness. The timeframe for consultation can be much shorter.
- 6.8.3 After consultation, the DEC must inform the Minister of the school district's final decision on the grade reconfiguration. At that time, the DEC must demonstrate that the process was consistent with the principles of procedural fairness.
- 6.8.4 Once the Minister has been officially informed of a reconfiguration, the superintendent shall inform parents of the relocation of students. Sufficient notice of the details of the reconfiguration must be provided to permit relocated students and their families to become familiar with the programs and activities offered in the new school and to ensure a harmonious transition.

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7.0 GUIDELINES / RECOMMENDATIONS

- 7.1 During public consultation, DEC's should make every effort to engage the community at large, through a variety of means, to ensure local citizens are aware of the changes to the local school and are aware of the public consultation process.
- 7.2 It is recommended that DEC's involve Parent School Support Committees (PSSC) in the consultation regarding the naming of schools, the study of a school's sustainability and proposed grade reconfigurations, to the extent practicable.
- 7.3 [Appendix B](#) provides an overview of the process for major capital projects.
- 7.4 [Appendix C](#) provides an overview of the school sustainability study process and grade reconfiguration process.

8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

A District Education Council may develop policies and procedures that are consistent with, or more comprehensive than, existing provincial policies.

9.0 REFERENCES

[Education Act](#)

[Policy 101](#) – Financial Responsibilities of School Districts

[Policy 403](#) – Disposal of School Buildings

[Financial Administration Act](#) - Section 5(1)

[Canadian Charter of Rights and Freedoms](#)

10.0 CONTACTS FOR ADDITIONAL INFORMATION

Department of Education and Early Childhood Development – Educational Facilities and Pupil Transportation Branch, 506 453-2242

Department of Education and Early Childhood Development – Policy and Planning Division
506 453-3090

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