

### Virtual Meeting Norms:

- All callers are to place themselves on mute
- Roll call is in place for attendance and for questions

The audio portion of this committee meeting will be made available on our website the day following the meeting.

### **AGENDA: 6:00**

1. Call to Order/Roll Call
2. Land Acknowledgement
3. Approval of the Agenda
4. Conflict of Interest
5. Response to Ministry of Education's Consultation on Regulatory Amendments to the Education Act
6. Sherwood Secondary School Update
7. Adjournment

We acknowledge our presence on ancestral Anishinaabe and Haudenosaunee Confederacy land as determined by the Dish with One Spoon treaty.

The intent of this agreement is for all nations sharing this territory to do so responsibly, respectfully and sustainably in perpetuity.

We respect the longstanding relationships with the local Indigenous communities, the Mississaugas of the Credit First Nation and the Six Nations of the Grand River.



## EXECUTIVE REPORT TO FINANCE & FACILITIES COMMITTEE

**TO:** Finance and Facilities Committee

**FROM:** Sheryl Robinson Petrazzini, Director of Education

**DATE:** October 17, 2023

**PREPARED BY:** Matthew Gerard, Associate Director, Business Services and Treasurer  
David Anderson, Senior Manager, Facility Services  
Ellen Warling, Manager, Planning, Accommodation & Rentals

**RE:** Response to ministry of Education's Consultation on Regulatory Amendments to the Education Act

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Action            Monitoring      X

**Background:**

On September 19, 2023, the provincial government provided proposed changes to Ontario Regulation 444/98. With that memo, the Ministry invited Boards to provide feedback on the revisions. Feedback is due to the Ministry on or before October 19, 2023. Appendix B is the memo from the Ministry dated September 21, 2023: Ontario Regulatory Registry Posting: Disposition of Surplus Property. The link below provides the proposed language:

[The Better Schools and Student Outcomes Act, 2023 - Regulation Amendment: Disposition of Surplus Property \(ontariocanada.com\)](https://www.ontariocanada.com/the-better-schools-and-student-outcomes-act-2023-regulation-amendment-disposition-of-surplus-property)

And

[New Regulation under The Education Act: Schools on a Shared Site](#)

**Conclusion:**

Staff have prepared the attached letter (Appendix A) to the Ministry outlining the concerns and will send it prior to the October 19, 2023 deadline.



**Matthew Gerard, MBA, CPA**  
 Associate Director, Business Services and Treasurer  
 Hamilton-Wentworth District School Board  
 20 Education Court, P.O. Box 2558  
 Hamilton, ON L8N 3L1

Wednesday, October 18, 2023

Ministry of Education  
 Via email: [capitalpolicy.feedback@ontario.ca](mailto:capitalpolicy.feedback@ontario.ca)

To whom it may concern,

Thank you for the invitation to provide feedback on the proposed changes to Ontario Regulation 444/98.

During the last 10 years, Hamilton Wentworth District Schoolboard (HWDSB) has disposed of more than 20 properties through this process and appreciate the opportunity to share our experiences and perspectives.

**Property Disposal Process:**

Referring to the text, *“the current surplus property disposal process for school boards is unable to meet the changing needs of the province in a timely manner.”*

**HWDSB staff have the following comments:**

The current circulation process starts with a 90-day timeframe for preferred agencies to express an interest in the process. The delays most often occur when having to sell on the open market as the Ministry must be informed of a decision by the Board and agree that staff have followed regulation 444/98 with a circulation to preferred agencies. This process can take several months to be completed. Streamlining the overall approval process could reduce timing

**10-Year Planning Horizon**

Referring to the text, *“changes to Ontario Regulation 444/98 would streamline and standardize the process for boards to dispose of property not required by school boards to meet current pupil accommodation needs or the board's pupil accommodation needs of the next 10 years.”*

**HWDSB staff have the following comments:**

A board's planning horizon is much longer than 10 years. This time horizon should be at a minimum the same time frame as the Education Development Charges bylaws or the Ministry's Capital Priorities submissions which both have a 15-year planning horizon. Issues related to intensification, and secondary units as Municipalities respond to changes to Provincial legislation could modify the 'need' for a property greatly and extend this planning horizon beyond even the 15-year window in the documents identified above.

# HWDSB

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## **Sale, Lease or Disposal Circumstances**

Referring to section three text and items listed,

*“Pursuant to section 193 of the Education Act, regulation 444/98 amendments would:”*

- *Prescribe the circumstances in which a board may make or shall make a sale, lease or disposition.*
- *Detail the conduct of a sale, lease, or disposition.*
- *Prescribe the circumstances in which a board shall give notice to the Minister of a sale, lease or disposition or obtain the approval of the Minister for the sale, lease, or disposition.*
- *Identify to whom school sites or parts of school sites or property may or must be offered.*

## **HWDSB staff have the following comments:**

HWDSB recommends the addition of a public information meeting to inform the public of both the board’s plans to sell, the process it must follow, and potential future uses under existing Official Plan and Zoning regulations on the property. HWDSB practice of holding a public information session with board planning staff and a professional planner in attendance has provided the affected community with a better understanding of the process and potential future uses of the site.

Current regulations require boards to inform the Ministry of Education that it wishes to dispose of a property on the open market and provide confirmation that all requirements for circulation to preferred agents has been completed. Sales prior to open market are through a prescribed process that circulates the property to the province and many other public institutions/governing bodies.

Are there intentions to modify the existing list of preferred agencies? In addition to the broader public education system, municipalities must continue to be included in the list of preferred agencies to whom the property could be sold/circulated.

## **Potential of Future-Use of Surplus Land**

This section deals with the potential use of surplus lands for critical provincial priorities such as long-term care and affordable housing. It also identifies that if it is not required for public education or other provincial priorities that school boards would then be able to dispose of the property on the open market.

# HWDSB

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**HWDSB staff have the following comments:**

It is not evident from the summary if existing preferred agencies are still going to be offered an opportunity to acquire a site. If there is not an opportunity to include municipalities in a process that provides them an option to acquire lands before the lands are placed onto the open market it could create animosity/stress on board/community relations if a municipality was to not be the highest bidder in an open market situation.

**Schools on shared use sites:**

Staff do not have any comments on this regulation at this time and do not anticipate shared use/high rise developments, as referenced.

As this is a high-level summary of the topics to be reviewed under the new regulations, HWDSB staff would like to thank you for the opportunity to provide feedback. Also, if any such opportunity exists in the future, we would welcome the opportunity to participate.

Thank you,

Matthew Gerard, MBA, CPA  
Associate Director, Business Services and Treasurer of the Board  
Hamilton Wentworth District School Board

**Date:** September 21, 2023

**Memorandum to:** Chairs of District School Boards  
Directors of Education  
Secretaries/Treasurers of School Authorities

**From:** Kate Manson-Smith  
Deputy Minister of Education

**Subject** Ontario Regulatory Registry Posting: Disposition of Surplus Property and Schools in Shared Sites

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*The Better Schools and Outcomes Act, 2023* (the Act) sets the stage for several transformative changes to maximize capital assets to build modern schools faster, better utilize current school capacity and enhance accountability and transparency.

The ministry is committed to engaging key sector partners to support successful implementation of the Act. This includes consulting on new or amended regulations.

Further to our memo on June 21, 2023 regarding the posting of information for three priority regulations on Ontario's Regulatory Registry, we want to let you know that information related to the following will be posted on Ontario's Regulatory Registry for public comment by October 19, 2023:

- Regulation amendments for the disposition of surplus school board property – comments can be provided through [capitalpolicy.feedback@ontario.ca](mailto:capitalpolicy.feedback@ontario.ca)
- Development of new regulations for schools on shared use sites – comments can be provided through [CapitalProgramBranch@ontario.ca](mailto:CapitalProgramBranch@ontario.ca)

### **Disposition of Surplus School Board Property**

The regulation amendments would provide a framework for property not required by school boards to meet current pupil accommodation needs or pupil accommodation needs of the next 10 years, to better leverage surplus school board property for public education and other provincial priorities, such as long-term care homes and affordable housing.

The posting on the registry can be accessed using the website: [Link](#)

### Schools on Shared Use Sites

The proposed regulation would set out any requirements that a school board must meet to acquire a school site for pupil accommodation where the site would be shared with an entity other than another school board, a municipality or child care centre.

To support this proposed regulation, the Ministry of Education is consulting on a new regulation to be made under subsection 195(1.6) of the Act.

The posting on the registry can be accessed using the website: [Link](#)

As always, we want to thank you for your continued collaboration and ongoing commitment to the students of Ontario.

Sincerely,

Kate Manson-Smith  
Deputy Minister of Education

- c: Senior Business Officials  
 President, Association des conseils scolaires des écoles publiques de l'Ontario (ACÉPO)  
 Executive Director, Association des conseils scolaires des écoles publiques de l'Ontario (ACÉPO)  
 President, Association franco-ontarienne des conseils scolaires catholiques (AFOCSC)  
 Executive Director, Association franco-ontarienne des conseils scolaires catholiques (AFOCSC)  
 President, Ontario Catholic School Trustees' Association (OCSTA)  
 Executive Director, Ontario Catholic School Trustees Association (OCSTA)  
 President, Ontario Public School Boards' Association (OPSBA)  
 Executive Director, Ontario Public School Boards' Association (OPSBA)  
 Executive Director, Council of Ontario Directors of Education (CODE)  
 President, Association des enseignantes et des enseignants franco-ontariens (AEFO)  
 Executive Director and Secretary-Treasurer, Association des enseignantes et des enseignants franco-ontariens (AEFO)  
 President, Ontario English Catholic Teachers' Association (OECTA)  
 General Secretary, Ontario English Catholic Teachers' Association (OECTA)  
 President, Elementary Teachers' Federation of Ontario (ETFO)

General Secretary, Elementary Teachers' Federation of Ontario (ETFO)  
President, Ontario Secondary School Teachers' Federation (OSSTF)  
General Secretary, Ontario Secondary School Teachers' Federation (OSSTF)  
Chair, Ontario Council of Education Workers (OCEW)  
Chair, Education Workers' Alliance of Ontario (EWAO)  
President of OSBCU, Canadian Union of Public Employees – Ontario (CUPE-ON)  
Co-ordinator, Canadian Union of Public Employees – Ontario (CUPE-ON)  
Executive Director, Association de directions et directions adjointes des écoles franco-ontariennes (ADFO)  
Executive Director, Catholic Principals' Council of Ontario (CPCO)  
Executive Director, Ontario Principals' Council (OPC)



## EXECUTIVE REPORT TO FINANCE AND FACILITIES COMMITTEE

**TO:** FINANCE AND FACILITIES COMMITTEE

**FROM:** Sheryl Robinson Petrazzini, Director of Education

**DATE:** October 17, 2023

**PREPARED BY:** Matthew Gerard, Associate Director, Business Services and Treasurer  
David Anderson, Senior Manager, Facility Services  
Amie Myszkowski, Manager, Capital Projects

**RE:** Sherwood Secondary School Update

**Action**                      **Monitoring X**

### Background:

At the March 28, 2022 Board meeting, Trustees approved the following motions:

**RESOLUTION 22-58:** That the Board proceed with a temporary move of student to the Barton site in September 2022, perform renewal and secondary benchmark work at the Sherwood site and move students back when the work is complete.'

In addition, Trustees also approved the following at the same meeting:

**RESOLUTION 22-59:** That the Sherwood students remain on the Barton site for the shortest duration possible and that there will be no displacement of students until the Sherwood renovation project has been tendered, awarded and a start date has been set and started.

And;

That a Transition Committee be struck as soon as possible (and no later than May 2022) and that it be inclusive of, but not limited to, Sherwood students, parents/guardians, and staff, who will support the transition of students between sites throughout the duration of the Sherwood renovation project, through:

- a) Regular updates (no less than bi-monthly)
- b) Be advised of any material status changes and impacts, anything that will change timelines and scope;
- c) Committee members provide feedback on the transition planning, transportation/safe routes to school, school traditions and celebration dates, opportunities to tour sites and communications to the wider school community
- d) Be kept informed on how Sherwood students are being engaged and how student voice is being gathered about the Sherwood renovation project and transition planning.

And;

That the Sherwood student body be engaged and student voice be gathered with regards to the Sherwood renovation project and transition planning, such as, but not limited, visual aspects of the renovation project plans, colours / branding; school traditions and celebration dates; opportunities to tour sites with enhanced consideration for tour/transition planning for students with special needs.

Since that time, the Sherwood Transition Committee has met regularly, with information also being shared through the public Sherwood website here:

<https://www.hwdsb.on.ca/sherwood/transition/>

In addition, the abatement and revitalization construction projects proceeded, as indicated below:

Asbestos Abatement Project:

Consultant Procurement	April 2022
Abatement Specifications	April, May 2022
Contractor Procurement	June 2022
Abatement Work	July 2022 – October 2022

Revitalization Project:

Consultant Procurement	April 2022
Design and Approvals	May – November 2022
Contractor Procurement	October, November 2022
Construction Start	December 2022

Students were relocated to the temporary Sherwood site at 75 Palmer Road in September 2022 (previous Barton location) and continue to attend that site.

**Construction Update:**

The original completion date within the construction documents was identified as July 2023. This was an extremely aggressive timeline and in May 2023 the Substantial Performance date of the construction contract was revised to December 2023.

At the end of September 2023 the General Contractor submitted a schedule request revising the Substantial Performance date to Spring 2024, citing delivery delays related to HVAC material and controls and custom fire dampers, as well as revised estimates for delivery and installation. Staff have continued to meet regularly with the General Contractor and explored opportunities to minimize the extension, but also recognize that other work is delayed as a result of the HVAC components.

With the latest extension to the schedule, staff will now take advantage of the summer months to relocate Sherwood (temporary) back to Sherwood (permanent) in preparation for a targeted September 2024 re-opening.

The information has been shared with the transition committee and school community. Please see attached Appendix A.

**Conclusion:**

Sherwood (permanent) is now targeted to accept students in September 2024.

## Sherwood Transition Update Letter – October 2023

Dear students and families of Sherwood Secondary School,

We would like to share the most recent update on the construction progress for the Sherwood Secondary School permanent (High Street) site.

Throughout this transition, construction at the permanent (High St) site has been led by four Guiding Principles:

- Completing the work within the quickest timelines possible,
- Ensuring the ability to have the necessary permits and occupancy,
- Meeting all the required Health & Safety requirements, and
- Ensuring the school has the ability to have a full academic program.

Due to a supply chain concern with a vendor, the new HVAC controls and custom fire dampers for the air handling units have been delayed. These elements are necessary to ensure the health and safety of all students, staff, and visitors to the school. The parts involved are highly specialized and attempts to find alternative vendors or solutions to the supply issue have been unsuccessful thus far.

As the delay in receiving these critical elements unfortunately impacts the capacity to occupy the building, we are unable to commit to a target move date at the permanent (High Street) site this winter break.

We understand that this news will be disappointing to students, staff, and families, in part because of the ambitious timeframe we hoped to achieve with this project. Though the initial proposal stated a possible two-year period for construction, many were hopeful that an expedited timeline could be achieved. However, given this unexpected supply issue, an expedited timeframe is not possible.

Construction progress is being constantly reviewed and this project remains a priority for HWDSB.

We are committed to providing timely and transparent updates on this project at the end of semester one in early 2024. We are currently targeting September 2024 as the return date for staff and students at the permanent (High Street) site.

More information about the transition can be found on the Sherwood Transition page at <https://www.hwdsb.on.ca/sherwood/transition/>.

We thank you for your patience and understanding as we work through the supply chain issues and the challenges they present with this project. We look forward to seeing the continued progress of the Sherwood permanent site and appreciate the understanding from the Sherwood community as it moves forward.

Sincerely,



Simon Goodacre  
 Superintendent of Student Achievement