



OFFICE OF THE DIRECTOR

*Chair: Goronwy Price
C.E.O./Director of Education: Anthony Stack*

**Newfoundland and Labrador English
School Board Minutes**

November 3, 2018

1. OPENING

The Newfoundland and Labrador English School Board (NLESB) meeting took place on Saturday, November 3, 2018, at District Conference Centre, 40 Strawberry Marsh Rd, St. John's, NL. The meeting was called to order by Vice Chair of the Board, Wayne Lee at 2:00 PM.

Members present: Mr. Wayne Lee, Vice Chair
Mr. John George
Mr. Peter Whittle
Mr. Lester Simmons
Mr. Winston Carter
Mr. Thomas Kendell
Ms. Pamela Gill
Mr. John Smith
Mr. Hayward Blake
Mr. Keith Culleton
Mr. Scott Burden
Mr. Hilary Primmer
Mr. Kevin Ryan
Mr. Eric Ayers
Ms. Jennifer Aspell
Mr. Raymond Bennett

Regrets: Mr. Goronwy Price, Chair

Also in attendance: Mr. Anthony Stack, CEO/Director of Education
Mr. Ed Walsh, Associate Director of Education (Acting)
Mr. Terry Hall, Assistant Director of Education, Finance & Administration
Ms. Heather May, Director of Strategic Planning, Policy and Communications
Mr. Ian Wallace, Parliamentarian
Ms. Elaine Cross, Executive Assistant

2. ADOPTION OF AGENDA

MOTION: It was moved by Ray Bennett and seconded by Lester Simmons that the agenda be adopted with the addition of Item 6.8 as requested by Trustee Aspell to discuss the creation of a Governance Committee. (Jennifer Aspell / Thomas Kendell)

There was discussion about moving an element of Item 5.3 from the October 25, 2018 Executive Committee Report to a Closed Session as it dealt with a personnel issue.

3. MINUTES OF PREVIOUS MEETING

- 3.1 August 11, 2018 Minutes (Thomas Kendell /John George) Carried
- 3.2 October 21, 2018 Minutes (John George / Eric Ayers) Carried

4. Business Arising

No business arising.

5. Committee Reports

5.1 Executive Committee Report – September 21, 2018

Trustee Lee provided an update to the Board from the September 21, 2018 meeting.

Two motions were approved by the Executive Committee on behalf of the Board, as they needed to be approved prior to the November 3, 2018 Board meeting.

2018-19 Budget Approval

The schedules summarizing the operating budget for The Newfoundland and Labrador English School District (NLESD) for the period July 1, 2018 to June 30, 2019 was brought before the Executive Committee as it needed to be approved prior to the November 3, 2018 Board meeting.

Motion: That the Executive Committee approve on behalf of the Board, the Newfoundland and Labrador English School District's balanced operating budget for the 12 month period July 1, 2018 to June 30, 2019. (Wayne Lee / Winston Carter)

Fiscal Financing Agreement – Nunatsiavut Government March 31, 2018

The audit of the Fiscal Financing Agreement – Nunatsiavut Government Funding for the year ending March 31, 2018 was brought before the Executive Committee as it needed to be approved prior to the November 3, 2018 Board meeting,

Motion: That the Executive Committee approve on behalf of the Board, the Auditor's Report and the accompanying Audited Financial Statements of the Fiscal Financing Agreement (Nunatsiavut) for the year ended March 31, 2018. (Pamela Gill / Winston Carter)

Motion: That the Board approve the Executive Committee Report of September 21, 2018 as presented. (Lester Simmons / John Smith)

5.2 Executive Committee Report – October 4, 2018

Trustee Lee provided an update to the Board from the October 4, 2018 meeting.

There was a motion passed to amend the 2018-19 Board Meeting Schedule to reflect the new AGM date as follows:



Motion: That the Executive Committee approve, on behalf of the Board, the amended 2018-2019 Board Meeting Schedule, reflecting the new AGM date of October 21, 2018. (John Smith/Pamela Gill)

Motion: That the Board approve the Executive Committee Report of October 4, 2018 as presented. (Lester Simmons / John Smith)

5.3 Executive Committee Report – October 25, 2018

Trustee Lee provided an update to the Board from the October 25, 2018 meeting.

Committee selections for 2018-2019 were discussed and decided.

A motion was passed to adopt the committees and details were distributed to all Trustees that day.

MOTION: That the Executive committee adopt the committees as listed above, with Teacher Certification Review and Teacher Certification Committee pending approval from NLSBA. (Wayne Lee / Winston Carter)
Carried

Ad Hoc Committee – Audit and Risk Management Committee

The creation of the new Ad Hoc Committee – Audit and Risk Management was discussed and the Terms of Reference were reviewed. It was recommended that the representation on this committee would serve for a two year term regardless of changes in membership on the three Board Standing Committees with the exception of the Board Chair and Vice Chair. In these cases, the representation would reflect the position at the time. The external members would be non-Trustees appointed by the Board with expertise in Finance or Legal.

There was discussion regarding the composition of the committee. It was suggested by Trustee Whittle that it be amended to include the Chair or Vice Chair of the Board, the Chair of each Standing Committee, and two Trustees at large.

MOTION: That the Board approve the establishment of an Audit and Risk Management Committee, with the amended Terms of Reference to committee composition as discussed, the role of which is to obtain reasonable assurance that the District has in place an acceptable environment of internal controls and that they are operating effectively. The appointment of this committee will be effective from date of formation and members shall be assigned for a period of two years. (Lester Simmons/ Kevin Ryan) Carried

Annual Report

The Executive was provided with a copy of the 2017-2018 Annual Report. The committee is recommending Board approval as follows:

MOTION: That the Board approve the draft Annual Report 2017-2018 as tabled, with any significant changes to come back to the Board. (John Smith / Lester Simmons) Carried

Trustee Email Commentary

Vice Chair Lee indicated that this item was included because of a procedural error. As it pertained to a personnel matter, it should be deferred to a closed meeting for discussion.



There was some discussion on the issue and whether or not it was a personnel matter or rather an issue of process. After a vote of 8-7 in favour, the item was deferred to closed.

MOTION: That the Board defer the discussion on this matter to a Closed meeting of the Board. (Lester Simmons / John Smith) Carried

5.4 Finance and Operations Report – August 17, 2018

Chair of the Finance and Operations Committee, Trustee Whittle, provided an update to the Board from the August 17, 2018 meeting. Below is an excerpt from that meeting. He also thanked past Chair, Trustee Kendell, for his work on this committee, along with Assistant Director of Education (Finance and Administration), Mr. Terry Hall.

Review of Use of District Facilities by Teachers

This item was referred back from Board to Finance and Operations Committee for further review.

Discussion surrounded whether there was a way of allowing teachers to use fitness facilities in schools after hours without going against Government and District policy. It was noted that there is a fine line between use and abuse of school facilities by staff.

Summer rentals of school facilities are controlled by the Facilities Division. School administrators have ability to set rental fees dependent on the group or organization requesting use of the school, as long as it is in line with District policy for Community Use of Schools.

District liability is high in cases where employees are using District facilities after hours for personal use and the liability for this is in place by Government for the District.

This policy applies to all District staff when it comes to use of District facilities, materials, etc. for personal use and not just to teachers. It would be difficult to restrict only certain employees and not others.

After further discussion and consideration of information provided by Terry Hall, it was decided among the Finance and Operations Committee members present that they were in agreement to keep the policy in place as it was originally passed by the Board.

Alterations and Improvements Program (Fiscal Year 2018-2019)

This item was previously termed “Repairs and Maintenance”. The Director of Facilities and Custodial Management had presented a list of projects for the District to the Finance and Operations Committee from the Department of Transportation and Works. This list included ongoing projects and those that are now recommended for funding.

This list has to be approved at the Finance and Operations Committee level and then by the Board.

Motion: That the Board approve the Alterations and Improvements Program (Fiscal Year 2018-2019) list as presented by the Finance and Operations Committee. (Peter Whittle / Pamela Gill) *Carried.*

5.5 Finance and Operations Committee Report – October 16, 2018

Chair of the Finance and Operations Committee, Trustee Whittle, provided an update to the Board from the October 16, 2018 meeting. Below is an excerpt from that meeting.



Paradise Intermediate Land Purchase

The Government of Newfoundland and Labrador approved the construction of Paradise Intermediate School in 2015. The project was deferred in 2016, but renewed in 2017 and continued in 2018. District staff engaged with the Town of Paradise and the Department of Transportation and Works with respect to site selection. The preferred site is adjacent to existing recreation infrastructure (Dianne Whalen Soccer Complex), and is in an area that is close to residential areas and along the route of planned transportation network to facilitate safe and efficient movement of the associated traffic.

The site is comprised of two parcels:

1. One owned by the Town of Paradise, which will be deeded over to the District with the roadwork undertaken by The Provincial Government as compensation.
2. The other parcel is owned by Karwood Realty, with whom a Purchase and Sales Agreement has been reached, with per acre price of \$290,000 being essentially the midpoint of asking (\$313,000/acre) and appraised (\$270,000/acre) values.

The committee is recommending Board approval as follows:

MOTION: That the Board approve the acquisition of the parcels of land required for Paradise Intermediate School from Karwood Realty and the Town of Paradise respectively, as recommended by the Finance and Operations Committee, subject to Ministerial approval. (Peter Whittle / John Smith) Carried.

Strip of Land in Gander (Land Exchange)

The redevelopment of Gander Academy involves a new school being built onto the existing 1990s-era gymnasium, and the old school ultimately being demolished. As part of this process, the existing soccer fields will be impacted by construction, and ultimately a new realigned field will be associated with the new school. The Department of Education and Early Childhood Development typically builds fields to Fédération Internationale de Football Association (FIFA) standard size of 100' x 50'. After a recent meeting between the District and the Town of Gander, the Town requested that the field be FIFA International size of 100' x 70', which is preferred for community use (e.g. hosting tournaments in the summer). Coincidentally, the survey of the property brought to light that a portion of the school site is actually owned by the Town. As a win-win solution to both issues, the District proposed to the Town and the Department of Transportation and Works (TW) that the Town deed the strip of property to the District in exchange for TW building the larger field. TW has approved this exchange, and will work with the District and the Town as required, subject to Board and Ministerial approval.

The committee is recommending Board approval as follows:

MOTION: That the Board approve the acquisition of the indicated parcel of land to complete the Gander Academy site, as recommended by the Finance and Operations Committee, subject to Ministerial approval. (Peter Whittle / Winston Carter) Carried.

Easement in Labrador for EastLink

Eastlink is a telecommunications provider, and the service provider to many District schools, that is expanding their physical network in the province. The Board recently approved an easement on Swift Current Academy site. Eastlink has also requested permission to place such a cabinet on the perimeter of Menihek High School in Labrador City, at no cost to the District and no impact to the school. There is an existing generator and utility structure there for the Town's use of the school as warming centre, and this cabinet would be on the same piece of land. District staff have no objection to allowing Eastlink to locate said cabinet on our site.



The committee is recommending Board approval as follows:

MOTION: That the Board approve an easement on the Menihek High School site for use by Eastlink, provided it is at no cost to the District and does not adversely impact the school, as recommended by the Finance and Operations Committee. (Peter Whittle / Keith Culleton) *Carried.*

Bus Purchase

Each year, the provinces of Newfoundland and Labrador, New Brunswick, Nova Scotia and Prince Edward Island undertake a joint school bus purchasing program. The tender number 0199002-20 has been awarded to Leeds Transit Inc. for purchases for delivery in the Spring/Summer of 2019.

Within the District-operated (commonly referred to as “Board-owned”) fleet of the Newfoundland and Labrador English School District, there are thirty three (33) model year 2006 buses that have to be removed from service as of June 2019 in accordance with Provincial Government policy. Additionally, there are four (4) model year 2007 buses that have been deemed unrepairable to meet Highway Traffic Act legislation and another ten (10) model year 2007 buses that are recommended for replacement due to the significant cost to repair combined with their minimal remaining useful life.

The committee is recommending Board approval as follows:

MOTION: That the Board approve, as recommended by the Finance and Operations Committee:

- a. Purchase forty seven (47) buses at a total cost of \$5,584,134 (HST included); and
- b. Borrow up to \$6,000,000.00 with an amortization period of twelve (12) years; with such approval further subject to Ministerial approval. (Peter Whittle / Ray Bennett) *Carried*

Heritage Sale

Former Heritage Academy in Greenspond, NL closed in 2016 and was recently offered for sale by public tender.

Six (6) bids were received ranging from \$5,500 up to \$42,000. The highest compliant bid received was from Alliance Builders Ltd. No denominational interest in the property.

The committee is recommending Board approval as follows:

MOTION: That the Board approve to accept the offer by public tender from Alliance Builders Ltd in the amount of \$42,000 for the sale of former Heritage Academy in the community of Greenspond, as recommended by the Finance and Operations Committee, subject to Ministerial approval. (Peter Whittle / Winston Carter) *Carried.*

Long Island Academy (Transfer to Town)

Former Long Island Academy in Lushes Bight-Beaumont was recently tendered for sale, with a closing of September 13, 2018.

When the Town was made aware that a tender was issued, they contacted the District and advised a water filtration system for the Town is located on the property.



This filtration system was installed, however there is no documentation on file and according to the Town, no agreement or papers signed.

The Town emailed the District (cc'd Minister and local MHA) requesting that the District consider transferring to the Town so property can be used for town activities.

The District cancelled the tender. Government desire is to work with the Town if possible.

No denominational interest in the property.

The committee is recommending Board approval as follows:

MOTION: That the Board provide approval for the District to convey the property to the Town for nominal consideration, as recommended by the Finance and Operations Committee, subject to Ministerial approval.

(Peter Whittle / John George) *Carried.*

Update on Morris Academy (Information purpose only)

Morris Academy is an approximately 50-year-old school in Mount Pearl that is currently heated by an oil fired boiler system. The system is end of life, so the District requested conversion to electric heat some years back. NL Power requires an easement in order to get power to the school to facilitate this work.

The land in question is owned by the Morris Estate. There are existing powerlines due to historical circumstances, installed when the Morris Estate expected the City of Mount Pearl to buy this land to extend Edinburg Drive to Roosevelt Avenue opposite the school. However, this purchase did not occur and the City has no plans to purchase it. NL Power will not place new powerlines without a proper easement, the Morris Estate has been left with unusable land so will not sign an easement. Consequently, the District's only option to get electrical service is to purchase the land. The Department of Transportation and Works advised the District they will fund this purchase to facilitate the electrical upgrade.

The District is currently in discussions with the City of Mount Pearl on potential solutions to acquire or gain access to land. Once a solution is established, recommendation will be brought forward to Committee.

Update on Clarenville Primary and Millcrest in Grand Falls (Information Purposes Only)

Clarenville Primary

There is denominational interest in this property with the United Church of Canada. The District has had interest from the Town of Clarenville and another group looking to build low-income housing but the UCC declined a transfer and wants property tendered and proceeds split.

There is a Crown Grant attached that states "For Church Use Only" which needs to be amended prior to tendering. The UCC has agreed to provide the District with a Quit Claim to allow the process to start to change the Grant.

The Town has issued a Demolition Order to the District on the property, to which the District filed an appeal. Once in a position to tender it will be tendered for sale with the Demolition Order attached.

Net proceeds of any sale will be split 50/50 with the UCC.



Millcrest

The RCEC holds a Denominational interest in Millcrest School in Grand Falls- Windsor. The Town of Grand Falls-Windsor wants to acquire the gymnasium portion of the old school for a recreation complex for their programs.

RCEC does not agree to transfer the school to the Town but is willing to sell. The District held a meeting with both parties and RCEC agreed to complete two surveys – one with just the gymnasium portion of the parking lot and one with a survey of the remaining school and lot.

If feasible, RCEC will consider selling to the Town. Remainder will be put up for tender.

Plastic Straws in Schools (Discussion Only)

There were discussions regarding the proper approach to deal with this item.

There will be a need to exempt certain students due to needs. Possible regulations to be added in the Healthy Schools Policy or Nutrition Policy.

Communications team to look at possible campaigns/ads with a tentative implementation in September of 2019.

Trustee Blake raised the previous issue of teachers' use of school facilities. There was further discussion on the liability issues and insurance. Many Trustees feel that the policy, as it now stands, is not working as it was originally intended. It was suggested that it be referred back to the Finance and Operations Committee for further review.

MOTION: That the Use of School Facilities by Teachers be referred back to the Finance and Operations Committee for further review. (Hayward Blake / Peter Whittle) Carried.

MOTION: That the Board approve the Finance and Operations Reports of August 17, 2018 and October 16, 2018. (Peter Whittle / Tom Kendell)

5.6 Programs and Human Resources Committee Report - October 25, 2018

Chair of the Programs and Human Resources Committee, Trustee Ryan, provided an update to the Board from the October 25, 2018 meeting. Below is an excerpt from the meeting.

Refusal of School Admission

This policy is as a result of a number of alleged sexual assault cases where both the alleged victim and alleged perpetrator are in same school.

Legislation to change the Schools Act, 1997, to ensure a safe learning environment in the province's more than 250 schools was passed in the House of Assembly during the 2018 spring sitting. This amendment (s. 35) provides the CEO/Director of Education /CEO of the Newfoundland and Labrador English School District with the legal authority to refuse school admission of a student where the district is of the opinion that the presence of the student in the school is detrimental to the physical or mental well-being of students or staff.

The amendment provided the authority for removal of a student but not the process to be followed.

The Refusal of School Admission policy outlines;



1. The steps the CEO/Director of Education must follow in exercising authority under the Act.
2. The criteria that the CEO/Director of Education shall use to inform a decision to exercise authority under the Act.
3. The obligation to provide alternate delivery of an educational program.
4. The expectation that the CEO/Director of Education to “review his or her decision ... at least every 15 days and determine whether the student should be re-admitted to the school”.

There were several suggestions by trustees that were incorporated into the policy.

There was discussion on the Board’s appeal process. Mr. Stack advised that the appeals process is a part of the Board By-Laws.

The committee is recommending Board approval as follows:

MOTION: That the Board approve the adoption of the Refusal of School Admission Policy as recommended by the Programs and Human Resources Committee. (Kevin Ryan / John Smith) Carried

Committee Workplan (Discussion)

There was some discussion on items listed and it was decided to add additional items. Mr. Walsh along with Committee Chair, Kevin Ryan, will review and prioritize a new list for future Committee meetings.

Mr. Walsh advised that he will engage the Department of Education and Early Childhood Development and request an update on the work of the Aboriginal Education Committee and explore the option of a Committee member participating in the Department’s Aboriginal Committee meetings.

Meeting Schedule (Discussion)

The Programs and Human Resources meeting schedule was discussed and accepted.

MOTION: That the Board accept the Programs and Human Resources Committee Report of October 25, 2018. (Kevin Ryan / Pamela Gill) Carried.

6. New Business

6.1 Board Action Plan on Auditor General Report

Mr. Stack referred to the Board Action Plan in response to the recent AG Report. This is a measured and responsible request to Government to implement the plan.

There was discussion on the plan and the cost of its implementation. Mr. Hall indicated that there is a one-time cost of approximately \$2 to \$2.5 million for setup in the first two years and a consistent \$1.3 million annually thereafter to maintain the system.

MOTION: That the Board approve the Proposed Action Plan and Associated Budget Request as presented, and direct District staff to further prepare a formal request to the Provincial Government regarding the administrative and operational resource requirements needed to succeed in implementation and mitigate operational risks. (Jennifer Aspell / John Smith) Carried



6.2 School Review of Mobile Central High School System (Discussion)

Trustee Aspell brought this forward from the April 14, 2018 Board meeting. At that time, a motion was passed to begin a school review of the Mobile Central High School System, in particular to look at reconfiguring St. Bernard's Elementary to a Kindergarten to Grade 4 school and that Grade 5 be assigned to Mobile Central High School. Trustee Aspell referred to the prepared document in the Board package and stressed that this review needs to happen this year due to the current lack of space at St. Bernard's Elementary School.

6.3 Newfoundland and Labrador School Boards Association – No Report

6.4 School Milk Foundation Report – No Report

6.5 Education Foundation Report – August 21, 2018

Committee Chair, Trustee Lee, provided a report to the Board from the August 21, 2018 meeting.

This meeting was held to approve the list of Scholarship Recipients for 2017-2018.

MOTION: Moved by John Smith, seconded by Lester Simmons, that the Newfoundland and Labrador Education Foundation approve the list of Scholarship Recipients for 2017-2018 as presented. *Carried.*

MOTION: That the Board approve the Education Foundation Report of August 21, 2018. (Hayward Blake / Kevin Ryan) Carried

6.6 NLISE Report – No Report

6.7 By-Law Discussion on Term Limits for Executive Committee

There was a discussion regarding changing the current By-Laws to limit terms for the Executive members to no more than two years. It is felt that this would provide rejuvenation and new ideas to the Board.

MOTION: That the idea of Term Limits for the Executive Committee to be limited to no more than two consecutive years be referred to the Constitution and By-Law Committee for review. (Scott Burden / John Smith) Carried.

There was further discussion on the current composition of the Constitution and By-law Committee. It now consists of the entire Board and this was thought to be too large to be effective.

MOTION: That the Board approve a new Ad Hoc Constitution and By-Law Committee to review the current Board Constitution and By-laws. (Peter Whittle / Pamela Gill) Carried.

There was discussion on who and how many would sit on the committee.



MOTION: That the new Constitution and By-Law Ad Hoc Committee be comprised of no more than seven Trustees. (John Smith/Pamela Gill) Carried

6.8 Governance Committee

Trustee Aspell brought this item to the table. It was felt that a Governance Committee would be a good way forward for the Board.

MOTION: That the Board approve the creation of an Ad Hoc Governance Committee to be comprised of no more than seven Trustees, with Terms of Reference to be developed by the Board. (Jennifer Aspell/Pamela Gill) Carried.

Composition of the committee was discussed.

MOTION: That the Board determine the composition of the new Governance Committee now and that committee will meet briefly after the November 3, 2018 meeting to elect a Chair. (Jennifer Aspell/Hayward Blake)

7 Correspondence sent to the District

- 7.1 Transportation and Works Alterations and Improvements Program 2018-19
- 7.2 NLESD Operating Grant Allocation 2018-19
- 7.3 Tuition Increase for International Students 2018-19
- 7.4 Status of the Artist Act and Fair Pay 2018-08
- 7.5 Minister Letter to Town of Port au Port Courtesy Bus Seating
- 7.6 Town of Clarenville Demolition Order former Clarenville Primary
- 7.7 Minister Response to MHA Haley – Courtesy Seating
- 7.8 Minister Response to Chair – Zone 10 Vacancy
- 7.9 St. Francis of Assisi School Oil Contamination
- 7.10 New Life Community Church use of old Clarenville Primary Building
- 7.11 Minister Appointment of Ed Walsh as Acting Associate Director of Education
- 7.12 Minister Appointment of new Trustee Eric Ayers for Zone 10
- 7.13 Minister Approval of NLESD Operating Budget for 2018-2019
- 7.14 Secondment Request – Joanne Broders

8. Correspondence sent from the District

- 8.1 Vacant Trustee Zone 10 Request
- 8.2 2018-2019 Operating Budget Submission to Minister
- 8.3 Appointment Request of Ed Walsh as Acting Associate Director of Education
- 8.4 St. Francis of Assisi School Oil Contamination Response to Town

9. **Director's Report-** Mr. Stack provided a presentation to the Board, which focused on Programs and the Deep Learning initiative.



The Chair thanked the Director for his report.

10. Adjournment to closed session at 4:10 pm by a motion from Lester Simons.

Vice Chair

Recording Secretary

