



OFFICE OF THE DIRECTOR

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

**Newfoundland and Labrador English
School Board Minutes**

November 21, 2020

1. OPENING

The Newfoundland and Labrador English School Board (NLESB) meeting took place on Saturday, November 21, 2020 at the District Conference Centre on Strawberry Marsh Road in St. John's, NL. The meeting was called to order by the Chair of the Board, Goronwy Price, at 2:35 PM.

Members present: Mr. Goronwy Price, Chair
Mr. Wayne Lee, Vice-Chair
Mr. Hayward Blake
Ms. Pamela Gill
Mr. Scott Burden
Mr. Thomas Kendell
Mr. Kevin Ryan
Mr. John George
Mr. Steve Tessier
Mr. Peter Whittle
Mr. Keith Culleton
Mr. Winston Carter
Mr. Raymond Bennett
Mr. Guy Elliott
Ms. Jean Butt
Mr. Eric Ayers (zoom)

Regrets: Ms. Jennifer Aspell

Also in attendance: Mr. Anthony Stack, CEO/Director of Education
Mr. Ed Walsh, Associate Director of Education (Programs and Human Resources)
Mr. Terry Hall, CFO/Assistant Director of Education (Corporate Services)
Ms. Georgina Lake, Assistant Director of Education (Student Services)
Ms. Heather May, Director of Strategic Planning, Policy and Communications
Ms. Susan Tobin, Manager of Policy
Mr. Ian Wallace, Parliamentarian
Ms. Elaine Cross, Executive Assistant

2. ADOPTION OF AGENDA

MOTION: It was moved by Peter Whittle and seconded by Kevin Ryan that the agenda be adopted as presented, with one change to the order of agenda items and begin with the Draft Audited Financials for period ending June 30, 2020, from the Finance and Operations Committee Report (item 6.2). (Carried)

Draft Audited Financials for NLESD – period ended June 30, 2020
(from the Finance and Operations Report of November 10, 2020)

Mr. Andrew St. George and Ms. Katie Hoskins of Ernst and Young provided a detailed overview of the Financial Statements, reviewed the Audit Results report and provided background on items contained within the report.

The audit of the Newfoundland and Labrador English School District (“the District”) for the year ended June 30, 2020 is substantially complete. Highlights of the District’s financial statements include:

- These financial statements are prepared based on the financial information of the District for the year ended June 30, 2020. These financial statements are prepared in accordance with the Public Sector Handbook, which constitutes generally accepted accounting principles as recommended by the Public Sector Accounting Board.
- Consolidation – the financial statements are prepared on a consolidated basis effective for the year ended June 30, 2020 and include the results of operations for school-controlled funds, the Newfoundland and Labrador Education Foundation Inc. and the Newfoundland and Labrador International Student Education Inc. The prior year comparative information is on a non-consolidated basis.
- Cash position – the District continues to maintain a stable cash position.
- Operating surplus – due to events surrounding the Covid-19 pandemic, certain expenditures were lower than budget for the fiscal year ended June 30, 2020. The overall impact to the surplus from the operating grant (not including teacher salaries) is 2.7 million as shown in schedule 9.
- Tangible capital assets – during the year ended June 30, 2020, there was approximately \$51 million in tangible capital asset additions, which include investments in new schools in Paradise, Bay Roberts and Bay d’Espoir.
- Restricted equity – a portion of the District’s equity is restricted to be used for a future purpose. The balance of restricted equity at June 30, 2020 is \$3,281,931. A portion of this restricted equity has been reserved for costs relating to the implementation of a financial management system, Cayenta. This implementation is currently underway and on track for a July 5, 2021 phase 1 go live date.

Motion: That the Board Approve the Audited Financial Statements for the year ended June 30, 2020, as recommended by the Finance and Operations Committee. (Steve Tessier /John George) *Carried.*

Mr. Hall thanked E&Y for their work.

3. MINUTES OF PREVIOUS MEETING

3.1 September 26, 2020 Minutes adopted (Winston Carter/Pamela Gill) *Carried*

4. Business Arising

4.1 No business arising.



5. Director's Report

Mr. Stack presented the Director's Report to the Board, which highlighted the Annual Report (2019-20), a Re-opening Update, and Deep Learning.

The Chair thanked the Director for his report.

6. Committee Reports

6.1 Executive Committee Report – No Report

6.2 Finance and Operations Committee Report – November 10, 2020

Chair of the Finance and Operations Committee, Trustee Tessier, provided an update to the Board from the November 10, 2020 meeting of the committee. (Details are contained in the committee minutes.)

The following motions were brought to the board for approval.

Budget Allocation 2020/2021

The operating budget for the Newfoundland and Labrador English School District (NLESB) for the period July 1, 2020 to June 30, 2021 was presented. This budget does not reflect provincial capital and special grants or Nunatsiavut government funding nor does it reflect schools' controlled funds, the operations of the Newfoundland and Labrador Education Foundation, or the Newfoundland and Labrador International Student Education Inc.

The budget as presented, reflects the operating grant from Department of Education (DOE) for this period. There have been reductions in funding amounts from the original draft operating grant allocation, which was presented to the Finance and Operations committee in September 2020. The final proposed operating budget reflects the recent reductions from the interim proposed budget. In addition to reductions in the operating grant allocation, we have revised the proposed budget to include additional one time funding anticipated to the end of the school year. Further information about the one time funding is provided. As in other years, the budget for board owned pupil transportation is based on the 2019-20 approved budget and will be adjusted when the 2020-21 budget is approved by the DOE.

The proposed budget includes onetime funding of \$20 million for technology for students and teachers. The budget also includes onetime funding of \$19 million relating to operational changes required as a result of the Covid-19 pandemic. Included are additional student transportation costs and salaries and leave relief for school custodians, student assistants, and OHS staff. All onetime funding amounts are identified separately from regular operating funding and expenditures.

For the 2020-21 fiscal year we have been requested by the DOE to use accumulated surplus to cover any shortfall from the utilities grant to the actual utilities expense. Therefore, we are budgeting anticipated utilities expenses with an offsetting contribution from surplus of \$2,013,000.

Motion: That the Board approve the Newfoundland and Labrador English School District's operating budget for the 12-month period July 1, 2020 to June 30, 2021 as recommended by the Finance and Operations Committee. (Steve Tessier /John George) *Carried.*



Bayview Primary – Nipper’s Harbour

Bayview Primary in Nipper’s Harbour has not had any students in attendance since at least the amalgamation of the Newfoundland and Labrador English School District in 2013. Maintaining ownership/control of the building and land therefore poses a liability to the District while achieving no benefit. The Town of Nipper’s Harbour has expressed interest in acquiring the building and property from the District. However, before this transfer can be executed, the school needs to be formally closed. To move this forward requires consideration of both the Schools Act and District policy. The definition of *school* under the Schools Act is not met, as outlined here:

“school” means the body of school students that is organized as a unit for the purpose of education and includes the teachers and other staff members associated with the unit and the lands and premises used in connection with the unit;

However, the District’s School Review Policy does not contain a definition of school, thus the Board is required to undertake a school review in order to meet its own stated obligations:

When the board decides to propose a school closure, at least one public meeting will be held where parents/guardians and other stakeholders are provided the opportunity to make presentations to the Board. This meeting will be held not less than 30 days after the Notice of Motion.

Therefore, the District will give Notice of Motion regarding the school closure and establish and publicize a potential public meeting. In the event that no one indicates an intent to attend a public meeting, then it would be cancelled. If there is interest in a meeting, it would be held virtually to comply with Covid-19 restrictions.

Motion: That the Board approve a Notice of Motion be brought forward regarding the closure of Bayview Primary in Nipper’s Harbour, as recommended by the Finance and Operations Committee. (Steve Tessier /Thomas Kendell) *Carried.*

Following adoption of the above motion, Trustee Tessier brought forward the following Notice of Motion:

MOTION: Bayview Primary, Nipper’s Harbour

WHEREAS: Bayview Primary in Nipper’s Harbour has not had children in attendance since at least June, 2013.

AND WHEREAS: Maintaining ownership/control of the building and land therefore poses a liability to the District while providing no benefit.

AND WHEREAS: The Town of Nipper’s Harbour has expressed interest in acquiring the building and property from the District to use for community purposes.

BE IT THEREFORE RESOLVED that:

Bayview Primary will close effective March 6, 2021.

Clarenville Primary Disposal

Per a March, 2020 Committee update, the United Church has interest in this property. The property was tendered twice with no bids the first time and only one nominal bid the second time, which was not acceptable to the United Church. District research indicates that the abatement and demolition cost of the existing school exceeds the value of the land once vacant. Given the Town needs the District to sign over a portion of the property to allow their existing and/or revised road network to exist, the District requested they consider



accepting the whole parcel. Concurrently, the District sought and obtained United Church agreement with this approach. The United Church approval was conditional on their legal counsel's review and acceptance of the final purchase and sale agreement.

The Town council recently advised that they would accept the property provided:

- There are no restrictive covenants placed by the District or the United Church, and
- The District pay all associated legal costs.

We note that Municipal Affairs approval may be required by the Town, while the District requires the approval of the Minister of Education. While paying legal costs in order to give an entity land and a building is not a typical approach, failure to divest ourselves of this property will almost certainly yield a renewed demolition order from the Town. The District will then be forced to have legal costs associated with the defense, or incur cost of hazardous materials abatement and demolition, i.e. ultimately for the District this property is a liability versus an asset, and divestiture for legal costs is the best conclusion we can reach at this juncture.

Motion: That the Board approve the transfer of the former Clarendville Primary School building and associated properties to the Town of Clarendville for nominal cost, with legal costs borne by the District, subject to Ministerial approval, as recommended by the Finance and Operations Committee. (Steve Tessier /Raymond Bennett) *Carried.*

Rate Changes for Afterschool Programs operating from schools

Through a review of rates charged to private/commercial afterschool programs in late 2018 it was discovered that charges to private afterschool programs using our schools were not in line with the District's Community Use of Schools policy.

The key point, amongst other concerns, was the policy statement:

To avoid competition with the private sector, school use agreements authorizing the use of school facilities for private use or for personal or commercial gain will only be considered if there is no suitable facility available in the community; or the person or organization is charged a rental fee comparable to the commercial rate for a similar facility.

An environmental scan circa 2019 indicated that comparable square footage of commercially available space in St. John's Metro would cost providers approximately \$1,500/month plus utilities, custodial, snow clearing, etc. Consequently the providers were notified in June 2019 that the fee for the next school year (i.e. September 2019) was \$1,500/month. Note that using a school means there is no extra charge for operating costs such as those previously noted that would be incurred through use or ownership of a commercial site.

It was noted that it was a steep increase given 3 entities in particular were only paying an average of \$500 per month in multiple school locations to operate their afterschool business. After meeting, the entities understood and most accepted the increased rate for the 2019/2020 school year. However, recently we received a request for consideration from the Department of Education to consider phasing in the increase to allow said programs to manage and not have a one-time significant impact on the families who avail of the program. The request for consideration asked that the District still attain commercial rates as per District policy but do so over a 3 year period being:

- 2019/20 school year - \$900/mth/location
- 2020/21 school year - \$1200/mth/location
- 2021/2022 school year - \$1500/mth/location



Given this revenue does go the respective schools, the District and Department of Education will work to mitigate the impact of the lost revenue for the schools where necessary.

Motion: That the Board approve the Department of Education's request to phase in the commercial rates charged to afterschool programs, as recommended by the Finance and Operations Committee. (Steve Tessier /John George) *Carried.*

MOTION: That the Board approve the Finance and Operations Committee Report of November 10, 2020 as presented. (Steve Tessier/John George) *Carried.*

6.3 Programs and Human Resources Committee Report – November 5, 2020

Chair of the Programs and Human Resources Committee, Trustee Culleton, was absent from the meeting. Therefore, Trustee Ryan provided an update to the Board from the November 5, 2020 meeting of the committee. (Details are contained in the committee minutes.)

There are two motions being brought forward for approval.

School violence away from school property

The committee asked staff to explore what the District is able to do regarding inappropriate student behaviour that occurs away from school property. In the majority of cases, the off-site behaviour issues are a carryover from an on school property incident. The District's Safe and Caring Schools Policy references student behaviours that occur off of school property and that information is captured in Review 360 as well the corresponding discipline.

Performance appraisal

Programs Human Resources staff are currently reviewing the Performance Appraisal process for all employees.

Programs/HR Work Plan 2020-2021

Committee members discussed progress on the Programs and Human Resources Committee work-plan.

ConnectEd Virtual Learning update

Committee members were presented with an overview of the ConnectEd Remote Learning initiative. This included current student enrollment, staffing as well as teaching, learning and assessment practices. There was discussion on the potential and next steps for this initiative.

Policy Respectful Workplace-Harassment Prevention and Resolution

The Newfoundland and Labrador English School District is committed to a respectful workplace through fostering prevention and prompt resolution of harassment and discrimination.

This policy is updated to reflect changes made to Occupational Health and Safety Regulations passed by the government.

Many of the requirements set out in the new OH&S Regulations were already addressed in the District's Respectful Workplace and Harassment Prevention and Resolution Policy, which now forms the basis of the District's Harassment Prevention Plan under the new OH&S Regulations.

The following is a summary of amendments to this policy.



- Policy statements have been adjusted to ensure employees are aware of their obligation to report observations of inappropriate conduct.
- Supervisors/Management/School Administrators are now obligated to intervene if they become aware of alleged harassment or discrimination.
- Employees are obligated to report observed instances of workplace harassment to their manager.
- Third party harassment (by contractor, student, parent/guardian) in the workplace will not be tolerated and employees who experience harassment will bring the issue to their immediate supervisor or school administrator.

MOTION: That the Board approve the amended Respectful Workplace and Harassment Prevention and Resolution Policy as recommended by the Programs and Human Resources Committee. (Kevin Ryan /Scott Burden) Carried.

Policy Prevention of Workplace Violence

The Newfoundland and Labrador English School District is committed to a respectful workplace through fostering prevention and prompt resolution of harassment and discrimination. The District has updated the Prevention of Workplace Violence Policy (HR-811) in accordance with amendments to the Occupational Health and Safety Regulations passed by government.

There is one change to this policy. In summary, the new policy statement highlights the District obligation to protect employees from family violence that would likely expose a worker to physical injury that may occur in the workplace.

Motion: That the Board approve the amended Prevention of Workplace Violence Policy as recommended by the Programs and Human Resources Committee. (Kevin Ryan /Pamela Gill) Carried.

MOTION: That the Board approve the Programs and Human Resources Committee Report of November 5, 2020 as presented. (Kevin Ryan/Peter Whittle) Carried.

7. New Business

7.1 Education Foundation Report – No Report

7.2 NLISE – No Report

7.3 School Milk Foundation Report – June 10, 2020

Trustee Ayers, member of the School Milk Foundation, provided a brief overview of the report from the June 10, 2020 meeting. All details are contained in the minutes, which are included in the board documentation today. Trustee Ayers noted an error on the agenda concerning the date of this meeting. It was held on June 10, 2020 and not July 10, 2020.

Main points:

School Milk Strategic Review Report



MOTION: That the Board approve the School Milk Foundation Report of June 10, 2020 as presented. (Eric Ayers/Pamela Gill) Carried.

7.4 Annual Report 2019-20

Susan Tobin, Policy Manager, presented the 2019-20 draft Annual Report for the Newfoundland and Labrador English School District for approval in principle.

This Annual Report represents the third and final year of the District's 2017-2020 Strategic Plan. As such, it is a summative document, which reports on the overall goals for all three strategic directions, as well as the objectives for 2019-20.

It was presented for Board of Trustees' approval in principle. The report will be submitted to the Provincial Government for review and subsequently tabled in the House of Assembly in March 2021. Any substantive changes will be brought back to the Board for approval.

MOTION: That the Board approve the 2019-20 draft Annual Report as presented, acknowledging that there may be some small changes proposed following Provincial Government review. (Hayward Blake/Steve Tessier) Carried.

8. Correspondence sent to the District

- 8.1 Trustee Appointment Zone 11 – Jean Butt
- 8.2 Trustee Appointment Zone 3 – Guy Elliott
- 8.3 NLESD Operating Grant Allocation 2020-21
- 8.4 Continuation of School Board for 2020

9. Correspondence sent from the District

- 9.1 Ministerial Request for Land Purchase – Exploits Valley High
- 9.2 Ministerial Request for Land Transfer – Roncalli Elementary
- 9.3 Ministerial Request for Land Swap – Town of Port aux Basques

10. Adjournment to Closed at 3:50 pm by a motion from Trustee Raymond Bennett.

Chair

Recording Secretary

