

March 29, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (Our File #: EECD/030/2019)

On March 25, 2019, the Department of Education and Early Childhood Development received your request for access to the following records/information:

"House of Assembly briefing books from February 2019 on the following topics: 1.6 Kilometre Policy; Bus Safety - Cameras; NLESD Management & Fraud Issues; Provincial Libraries."

I am pleased to inform you that a decision has been made by the Deputy Minister of the Department of Education and Early Childhood Development to provide access to the requested information.

You may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that this letter will be published following a 72 hour period after it is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the letter posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

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The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed by day 10, this letter also serves as our Advisory Response.

If you have any further questions, please feel free to contact the undersigned by telephone at 709-729-7180 or by email at garynoftall@gov.nl.ca.

Sincerely,



Gary Noftall
ATIPP Coordinator

Attachment

QP Issue Note
Education and Early Childhood Development

ISSUE: On January 16, the Official Opposition issued a news release stating that government is not listening to concerns raised by parents regarding the 1.6 kilometre busing policy and that “busing restrictions have created a real safety concern for families.” Over the past year, citizens in various regions of the province have made representation for changes to the 1.6 kilometre busing policy.

ANTICIPATED QUESTIONS:

Q: Will you conduct consultations on this issue?

Q: Will you change the 1.6 kilometre policy?

KEY MESSAGES:

- **Transportation of students is a major focus of the Department and we work with the school district, operators and the industry to ensure it is as safe as possible.**
- **We have heard from parents and have taken action to address concerns. Our current policy is comparable – and in most cases – more favourable than other provinces.**
- **To date, 166 bus routes across 47 schools have been reviewed resulting in the implementation of 72 bus stops within the 1.6 kilometre zone.**

SECONDARY MESSAGING:

- **This past fall, a review was completed and we changed the guideline so that new bus stops can be established within a 1.6 kilometre zone.**
- **School transportation is not intended to be a door-to-door service; most students have to walk some distance to get to a bus stop and there may be perceived risks along the way.**
- **There is a parent responsibility to ensure the safety of their children and I take exception to claims the department is putting children at risk when our policy is comparable, and in most cases, more favourable than other provinces.**

- **We hear from parents all the time on various issues, we have consistent dialogue with the District and we will continue to collaborate with them to address areas of concern.**

BACKGROUND INFORMATION:

Cost estimates:

To remove 1.6 kilometre:

- K-3 - approx. \$4.8 million
- K-6 - approx. \$7.9 million
- K-12 - >\$10 million (this is not finalized, could be as high as \$12 or \$14 million)

To change eligibility zone from 1.6 kilometres to 1 kilometre:

- K-6 – approx. \$3.1 million
- K-12 – approx. \$3.5 million

Busing – Quick Facts

Investment

- In 2018-19 - **\$58.6M** to bus about **50,000 students**.
- In 2012-13 - **\$48M** to bus about **50,000 students**.
- In 2004-05 - **\$34M** to bus about **57,000 students**.

Busing Eligibility

- Students who live 1.6 km or more from their zoned school are eligible for busing.
- This policy compares favourably to other jurisdictions in Canada.
- In NL, a bus will not travel up a side road unless students live greater than 500 metres from the main road; in New Brunswick the distance is 1.5 kilometres and 800 metres in Nova Scotia.
- Nova Scotia is currently reviewing their school bus eligibility distances. The conversations revert back to a review that was done in 2007, the Student Walking Distance Review, which recommended 1.6 kilometre eligibility for elementary students and 3.0 kilometres for secondary students. The report can be found at: <https://www.ednet.ns.ca/docs/studentwalkingdistance.pdf>.

Province	Maximum Non-Eligible Distance (KM)	
	K-6	7-12
Newfoundland and Labrador	1.6	1.6
Nova Scotia	1.6	3.6
New Brunswick	2.4	2.4
PEI	.5	.5
Ontario	1.6	3.2
Manitoba	1.6	1.6
Saskatchewan	1	1.5
Alberta	2.4	2.4
British Columbia	4	4.8
Quebec	1.6	2

Contracts

- **Regular buses** – Tendered 5 year contracts with a 5-year renewal option.
- Contractors receive an increase of 2/3 of the Consumer Price Index starting in year 6 of the contract.
- **Contractors also receive additional funding for fuel price increases.**

Age of Buses

- Maximum age is 12 years.
- In **2004** – average age of buses **10.3 years**. (Note: board-owned – 8.1 years; contracted – 11 years).
- In **2012** – average age of buses is **8.7 years**. (Note: board-owned – 6.9 years; contracted – **10 years**).
- In **2018** – average age of all buses is **7.8 years**. (Note: board-owned – **7.9** years; contracted – 7.7 years).

QP Issue Note
Education and Early Childhood Development

ISSUE: There have been calls by some citizens to have cameras installed on all school buses to ensure student safety.

ANTICIPATED QUESTIONS:

Q: Will government require cameras to be installed on all school buses?

Q: What are you doing to ensure the safety of students?

KEY MESSAGES:

- **The safety of students is paramount.**
- **Along with safety, we are also responsible for protecting the privacy of students. While some may welcome cameras, others may have concerns.**
- **In keeping with the guidelines and advice of the Privacy Commissioner, the decision to install a camera is considered a last resort and is done only after a number of other actions are implemented to reduce any risks.**

SECONDARY MESSAGES:

- **We have met with the Privacy Commissioner and have had discussions with the school district.**
- **We will continue to work with the school district to identify measures to increase student safety on buses where necessary.**
- **While there is a view that cameras may be a deterrent or offer evidence after an incident, they do not prevent incidents from happening and may not be fully effective in capturing evidence due to the high seatbacks of the bus.**
- **We continue to work with the OIPC, school districts and school bus camera vendors to explore options to increase safety both on and off the bus.**

BACKGROUND INFORMATION:

- **Media reported on calls to install cameras on school buses in fall 2018, following an incident at a West Coast school that resulted in a conviction and an amendment to the Schools Act.**

- An on-line petition calling for the use of cameras on schools buses is being circulated in Corner Brook by a parent who says her child has been bullied on a bus.
- There have been no media reports of the on-line petition currently circulating in Corner Brook.
- On September 27, 2018 CBC aired an interview with the province's Privacy Commissioner, Donovan Molloy, who said the Schools Act could be changed to more easily permit cameras on school buses. He says the school district has the ability right now to put cameras on school buses. **However, it has to be determined to be necessary, after other measures have been tried.** Mr. Molloy also said that the Schools Act could be amended quickly if Government wants ALL school buses to have cameras and then it wouldn't be an issue.
- On December 21, 2018 the Department of Education and Early Childhood Development met with the Privacy Commissioner specifically on the topic of cameras on school buses.
- The Office of the Information and Privacy Commissioner released guidelines for the installation of cameras on school property/buses in 2013.
- They suggest there must be an ongoing problem that cannot be addressed through other means before a camera - and the inherent privacy concerns that come with it - is installed.
- In particular, the guidelines state, "One incident, no matter how serious or severe, does not constitute a real, pressing and substantial problem...Specific, ongoing and verifiable reports of incidents of crime, public safety concerns, or other compelling circumstances are required to proceed..."

QP Issue Note
Education and Early Childhood Development

ISSUE: The Newfoundland and Labrador English School District continues to implement actions to address issues identified by the Auditor General in September 2018. The Board publically released its Action Plan in November 2018 and the Plan and associated budget request were provided to the Public Accounts Committee in January 2019.

ANTICIPATED QUESTIONS:

Q: Will government support the District's Action Plan and provide the necessary funding to address the serious issues identified by the Auditor General?

KEY MESSAGES:

- **The Department is reviewing the Newfoundland and Labrador English School Board's proposed action plan and budget request.**
- **As part of this review, we are looking at integrating the district's financial processes into government's core financial management system under a shared services model as committed to in The Way Forward.**
- **Government's current system has the capacity to address a number of issues identified with the district (e.g., centralized purchasing: accounts payable including quality controls, inventory control and asset management).**

SECONDARY MESSAGING:

- **We have engaged a consultant to work with the district and government officials to do a detailed analysis on moving the district's financial management system to core government.**
- **We are committed to working with partners in Agencies, Boards and Commissions to identify specific shared-services opportunities for implementation.**
- **The Way Forward highlights government's commitment to continue to take steps to consolidate corporate services for various accounting and finance processes. This is a fiscally responsible approach to help address these issues.**

BACKGROUND INFORMATION:

- **On November 3, 2018, the Department of Education and Early Childhood Development received a copy of a proposed action plan and associated budget**

request from the Newfoundland and Labrador English School Board. The action plan and budget request resulted from the recent findings in the Auditor General's report related to management of the procurement of goods and services.

- On November 13, 2018, The Department of Education and Early Childhood Development responded to the Newfoundland and Labrador English School Board with a commitment to review the proposed action plan and associated budget request. The request is currently being taken under consideration by government, as it continues its budget process.
- On November 29, 2018, the Department of Education and Early Childhood Development responded to the Board to advise that as part of the review, government intends to explore the feasibility of integration into government's core financial management system (Oracle) under a shared services model.
- On December 17, 2018, OCIO released a Project Requisition seeking to engage a consultant to conduct a detailed analysis and high-level project plan to migrate NLESD's financial management system into core Government. Vendor KPMG was selected in January 2019 and has been actively working with NLESD and government officials. Their work is expected to be concluded by the end of March 2019.
- On December 18, 2018 the Public Accounts Committee conducted a public hearing in the House of Assembly Chamber to review the findings of the Report of the Auditor General entitled Management of the Procurement of Goods and Services, Newfoundland and Labrador English School District.
- During the course of the meeting, some members of the Committee asked for a more formal report on the actions taken to address the issues raised by the Auditor General's report. The District submitted a full report with detailed information on each action to the Committee on January 14, 2019.

QP Issue Note
Education and Early Childhood Development

ISSUE: Some municipalities are increasing rental rates for libraries in town buildings. The Provincial Information and Library Resources Board recently requested increased funding from government to ensure the continued operations of its 94 libraries.

ANTICIPATED QUESTIONS:

Q: Will you increase funding to public libraries?

Q: Are there any plans to close libraries?

KEY MESSAGES:

- **Requests for funding increases will be considered as part of government's regular budgetary process.**
- **There are no plans at this time to close libraries.**
- **Government continues to provide the lion's share of funding to libraries – more than twice the average of provincial government's across the country and we would hope that municipalities would continue to support our libraries as they have in the past.**

SECONDARY MESSAGING:

- **The board has been moving ahead with recommendations from the review, such as looking for alternate space at a lower cost when leases expire, and exploring and implementing alternate service delivery methods, among others.**
- **Decisions related to the administration and service delivery model of the public library system are the board's to make. The board stated in its plan that it will not be implementing the recommendation to adjust the number and location of libraries.**

BACKGROUND INFORMATION:

- **The most recent media report on funding of provincial libraries occurred in the Overcast in January 2019. The article addressed the status of the report prepared by the Provincial Information and Library Resources Board (Future State Plan) in response to the review undertaken by EY, released in May 2017.**

- The Future State Plan outlines the board's proposed actions to address the recommendations of the EY review, noting the need for increased funding of \$9.8 million to implement all recommendations. The plan states the board will not take any action on the recommendation to "reassess and adjust the number and locations of public libraries in the province."