

David and Goliath

This community was able to stop its school board — for a time — from closing its school.

By Charlie Smith

I am going to tell you the story of our high school and the battle to keep it open. And in telling this story, I will emphasize the things that people need to do if they are going to have a chance at winning, at least for a while, a similar battle.

In the early part of March, 1998, the Huron Board and the Perth Board had just amalgamated, forming the new Avon-Maitland District School Board. One of the new board's very first acts was to form an ad hoc committee of trustees to decide where the new headquarters was going to be.

The trustees came back with the suggestion that they close the Seaforth high school and use it as the administrative building for the new board. It was only by a quirk of fate that we in Seaforth heard about this plan, and at that it was only something like four hours before the vote about closing our school was to be taken.

A few Seaforth citizens, including the school council chair, went to the meeting that night and, by one vote, the matter was deferred for two weeks. That gave the town a little time to spring into action.

Start raising money right away.

The first correct decision that we made was to start raising money right away. Even at that early date we knew that in all likelihood we would have to go to court some day, and we were aware that it would take quite a bit of time to raise enough money to pay for a good knowledgeable lawyer.

I donated \$5000, and we made a big deal of that, getting lots of publicity and making arrangements for people to be able to make donations to our Save Seaforth School fund.

Two weeks went by, and the community rallied, and there were all kinds of delegations to the board, and they said all of the things I'm sure you would say if you stood in front of your school board and said, "Don't close my school." But nobody at the board seemed to care very much.

Keep copies of everything.

The school council chair presented a petition with several hundred signatures on it to the school board staff, but the trustees never saw it. In fact, that was the last that was ever seen of our petition. If you're going to give the bureaucrats a piece of paper, you have to keep a copy.

Don't trust the bureaucrats.

Only a few hours before the crucial second meeting was to take place, we got a call from the school board saying that the motion wasn't going to be made that night and so it wasn't necessary to bring our delegation forward. Well, we weren't very trustful of the bureaucrats by that time, and so we went anyway.

Sure enough, the trustees did vote on closing our school that night, and once again, by one vote the matter was deferred until the fall.

Over the summer, they took away a portion of our school and built a small addition, and they moved their administrative offices and about two-thirds of the administrative employees into Seaforth High School.

Go to all the meetings.

If you are anticipating that you may need to take your school board to court some day, you've got to go to all the board meetings, because you've got to collect the paper. All the agendas, with the minutes and the reports — these things will be very difficult to get out of the board at a later date.

Study the documents.

Familiarity with the documentation is important. I happened to notice that the amount of money that would be saved by closing our school had been overestimated by several hundred thousand dollars. Even after the error was pointed out to staff, however, they still hid it from the trustees.

One way and another, the vote to close our school was put off for two years, but eventually, inevitably, our school was voted closed, and we went to court.

Get an experienced lawyer.

Every time you go to a law firm, some of your money is spent bringing lawyers up to speed about your particular issue. Someone who has already participated in the process, especially if he was successful, will make your odds of success greater. Our lawyer was Fred Leitch of Thomas, Soule, Gage of Hamilton.

You can help by presenting your lawyer with a well organized, tabbed stack of papers, so that he or she doesn't have to spend hours sorting.

When we went to court, we could contest our board's decision only on the question of procedural fairness. The court has no jurisdiction over or interest in whether the decision was right or wrong, only whether it was arrived at fairly.

In our particular case, the judges felt that it was unfair that the trustees had not been told of the mistake in calculating the savings. As well, the judges didn't think that our community had had a fair chance to give input into the closure decision. They ruled that our school must stay open.

But the school board was still determined to close our school, and made another attempt in 2002. Although we went back to court, we were unsuccessful the second time.

It is difficult to win in court even once, due to the narrow legal scope; it is almost impossible to win a second time. To make things even more difficult, the boards have a heightened awareness of legal issues the second time around. To this point, no community has won twice.

Going to court was not a waste since it bought us two years' time, time which another school community might use for pursuing a long-term strategy for keeping its school open.

(Adapted with permission from Charlie Smith's talk at OQE's Nov. 2 AGM. Mr. Smith was elected to the Avon-Maitland board in 2000, but is outvoted on school closure matters.)