



<b>ADMINISTRATIVE PROCEDURE</b>	
<i>Approval Date</i> <b>2015</b>	<i>Replacing</i> <b>All previous procedures</b>
<i>Review Date</i> <b>2020</b>	<i>Page</i> <b>Page 1 of 10</b>
<i>Contact Person/Department</i> <b>Superintendent of Business</b>	<i>Identification</i> <b>BU - 3101</b>

## **FACILITY PARTNERSHIPS**

### **1.0 PURPOSE**

Trillium Lakelands District School Board recognizes and supports the concept of collaborative partnerships for the sharing of facilities between publically funded community organizations.

### **2.0 REFERENCES/RELATED DOCUMENTS**

- 2.1 Education Act
- 2.2 Ontario Regulation 444/98
- 2.3 Ministry of Education Community Planning and Partnerships Guideline, March 2015

### **3.0 TERMS AND DEFINITIONS**

- 3.1 Notification List – The Board notification list will include those entities listed in Ontario Regulation 444/98, and any childcare operator or government –funded agency that requests being added to the list.
- 3.2 Underutilized space - will be defined as facilities that have been at 60% utilization or less for the preceding two years, and/or have 200 or more surplus pupil places.

### **4.0 ADMINISTRATIVE PROCEDURE**

- 4.1 In order to optimize the use of facilities owned by the Board and offset operating costs, the Board will report annually at a regular public meeting on facilities that may be suitable for facility partnerships with respect to new construction and underutilized space in schools and administrative buildings. Notification of the meeting will be provided to those entities on the notification list and will be posted to the Board website.
- 4.2 Those entities invited to the annual meeting must be prepared to provide relevant planning information including, but not limited to, population projections, growth plans, community needs, land-use and green space/park requirements

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- 4.3 In considering facilities for potential partnerships, the board will also take into consideration the condition of the facility and the configuration of the space, as well as the ability to separate the space used by the partners from that space used by the students.
  - 4.4 In developing partnerships, the health and safety of students and staff must be protected at all times.
  - 4.5 Facility partnerships must be appropriate for the school setting and must not compromise the student achievement and wellbeing strategy.
  - 4.6 Facility partnerships must not interfere with any known pupil accommodation reviews.
  - 4.7 Partners must be of a not-for-profit or charitable nature, demonstrate financial viability and due regard for the policies, beliefs and values of Trillium Lakelands District School Board.
  - 4.8 Facility partnerships will not create additional costs to the Board, and will be based on a full cost-recovery basis, including all operating, capital, renovation and administrative costs, as well as any applicable taxes, subject to a legal agreement.
  - 4.9 Facility partnerships will comply with all Ministry of Education guidelines, regulations and instructions, as well as with related municipal policies, zoning and site restrictions and by-laws.
  - 4.10 In the event of multiple requests, the Board has sole discretion over the prioritization of entities for partnerships.
  - 4.11 Entities that provide competing educational services such as tutoring services, JK-12 private schools or private colleges, and credit offering entities that are not government funded are not eligible partners.
  - 4.12 When considering building a new school or undertaking a significant addition or renovation, the Board will notify entities on the notification list one to three years prior to the potential construction date.
  - 4.13 The Board will post information on its website regarding its intention to build new schools, undertake significant renovations as well as information regarding underutilized space in operating schools and administrative buildings that is available for facility partnerships. This information will be updated annually along with the name and contact information of the Supervisor of Construction, Energy and Community Use.
- 5.0 APPENDICES
- 5.1 Appendix 1 - Community Planning and Partnerships Guidelines
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**MINISTRY OF EDUCATION**  
**COMMUNITY PLANNING AND PARTNERSHIPS**  
**GUIDELINE**

March 2015

## Purpose

The purpose of the *Community Planning and Partnerships (CPP) Guideline* is to encourage school boards to reach out to community organizations to share planning information with community organizations on a regular basis. In particular, boards are encouraged to ensure that additional efforts are made to share this information with community organizations prior to commencing a pupil accommodation review.

This information sharing will allow school boards and other entities to work together to the benefit of boards, students and the community, and to optimize the use of public assets owned by school boards. This *Guideline* is intended to assist boards in establishing more facility partnerships, and to support effective planning with community partners regarding land-use and green space/park planning. Boards are expected to revise or develop their own policy/policies that are consistent with this *Guideline*.

This *Guideline* focuses on opportunities to share facilities with community partners when building new schools and undertaking significant renovations, when considering the use of unoccupied space in schools, and when considering properties associated with schools that may close and sites that may be considered for future disposition. The *Guideline* is consistent with the legal framework outlined in the *Education Act* regarding the disposition of both surplus and non-surplus property and the joint use of schools.

## Overview

Cooperative and collaborative relationships between school boards and community organizations are part of the foundation of a strong, vibrant and sustainable publicly funded education system. Around the province, school boards have successful facility partnerships with co-terminous boards and other entities that enable boards to reduce facility costs and/or improve educational opportunities. Some boards have successfully leased or sold space to their local municipality, resulting in a re-purposed local community hub or in protected public access to green space/parks. The Ministry is encouraging boards and their community partners to build on that success by putting measures in place to increase the opportunities for expanding the number of partnerships as well as long-term planning in a way that is well-informed, well-coordinated, transparent, sustainable and supportive of student achievement.

It is the responsibility of all levels of government to make the best use of public assets. The twin challenges of local enrolment changes and making the best use of education funding to support student achievement create an incentive and opportunity to maximize the use of school board facilities and properties. Offering space in schools to partners can also strengthen the role of schools in communities, provide a place for programs and facilitate the coordination of, and improve access to, services for students and the wider community.

School boards' primary responsibility is to support the achievement and safety of students. Within that context, the intent of the *Community Planning and Partnerships Guideline* is to:

- Reduce facility operating costs for school boards and government;

- Improve services and supports available to students;
- Strengthen relationships between schools boards and community partners and the public;
- Maximize the use of public infrastructure through increased flexibility and utilization; and
- Provide a foundation for improved service delivery for communities. The *Guideline* has eight components, outlined below:
  1. The identification of CPP opportunities in board planning.
  2. The development or review of board CPP policies.
  3. The development of a process to notify community partners.
  4. Planning for an annual CPP meeting.
  5. School board planning prior to a pupil accommodation review.
  6. The consideration of opportunities for co-building with community partners.
  7. The consideration of opportunities for sharing unused space in schools with community partners.
  8. Partnership agreements and cost-recovery.

School boards have the authority to make decisions regarding their school facilities and the use of their properties that are consistent with the *Education Act*. This *Guideline* does not prevent boards from building, renovating or closing schools or from disposing of surplus assets when required. Boards will continue to identify which schools will or will not be suitable for facility partnerships based on board-determined criteria.

Boards will continue to follow Ontario Regulation 444/98 regarding the lease or sale of surplus assets, including schools or parts of schools. Boards currently have the authority to co-build schools with other entities and to enter into a variety of facility partnerships through license or joint use agreement as outlined in paragraph 44 of subsection 171 (1), paragraph 4 of subsection 171.1 (2), and sections 183, 194 and 196 of the *Education Act*, although the *Education Act* requires Minister approval in some circumstances. While boards will continue to declare facilities and unused space surplus where appropriate, the Ministry recognizes that there are circumstances in open and operating schools where a board may not consider unused space to be surplus. These circumstances may be related to enrolment fluctuations, program changes or the size of space. Boards may choose to enter into license or joint use agreements for space that is unused but not surplus.

The *Guideline* is not intended to disrupt agreements with existing facility partners. The *Guideline* focuses on facility partnerships, and does not address the service or program exchanges between boards and community organizations or other entities. Strong partnerships between boards and service providers can and do exist without co-location. At the same time, experience demonstrates that the sharing of facilities may create opportunities for coordination and collaboration in service and program delivery, so boards are encouraged to build relationships with their facility partners.

The Ministry recognizes that encouraging community planning and facility partnerships will be most effective when community partners work with school boards and notify them in a timely manner when they are looking for space or considering new construction.

## **1. School Board Planning and Broader Community Objectives**

School boards are expected to have capital plans that address the future needs of their students. Areas of enrolment growth and decline should be presented. Plans should include enrolment projections, school capacity, renewal needs, potential consolidations and the construction of new schools or additions, including significant renovations.

Through this planning process, boards forecast where new schools or additions may be needed; which schools will remain well-utilized; which open and operating schools may have unused space; and which schools may be candidates for consolidation or closure. This information will assist boards in identifying facilities that may be suitable for facility partnerships with respect to new construction and unused space in schools and in administrative buildings. It also provides an opportunity to consider potential surplus properties in which community partners may be interested.

School boards are expected to share this planning information with community partners so that external entities may have sufficient time to respond to presented opportunities. These opportunities may include participation in a facility partnership or contribution to land-use or green space/park plans. Boards are expected to include information related to their CPP policy and discussions with community organizations in school information profiles when undertaking the accommodation review process.

Where unused space is declared surplus, boards will continue to follow the circulation process outlined in O. Reg. 444/98. Where the unused space in open and operating schools is not surplus, but is available for partnership, or where the partnership opportunity involves new construction, the information will be provided to potential partners through the notification process outlined in Section 3 below.

## **2. Community Planning and Partnership (CPP) Policies**

It is the role and responsibility of school boards to determine what facilities are suitable and not suitable for facility partnerships, what entities are suitable and not suitable partners, and when to enter into a partnership. The intent of the *Community Planning and Partnerships Guideline* is to ensure that these decisions are made in a way that is well-informed, well-coordinated, transparent and consistent with student achievement and safety.

Boards are expected to develop CPP policies that identify:

- Principles and criteria regarding the eligibility of partners;
- How available space in schools will be selected;
- What entities will be selected for the notification list;
- How potential partners will be notified of available space and construction plans;
- How entities will be selected for partnerships, including prioritization, if applicable.

When developing criteria regarding the eligibility of partners, boards are expected to consider the value of the partnership to students. Boards, in compliance with local bylaws, may consider both for-profit and non-profit entities, as they see fit. Boards will also incorporate the following requirements:

- Health and safety of students must be protected.

- Partnership must be appropriate for the school setting.
- Partnership must not compromise the student achievement strategy.
- Entities that provide competing education services such as tutoring services, JK-12 private schools or private colleges, and credit offering entities that are not government-funded, are not eligible partners.

At a minimum, board CPP policy or policies are expected to reflect the requirements of the Ministry *Guideline*. Where a board has more than one policy related to facility partnerships, the board is encouraged to ensure all relevant policies are accessible to and understandable by the public.

Facility sharing between publicly funded school boards through co-ownership, lease or other agreements remains a priority for the Ministry and school boards. Board facility partnerships policies should not disadvantage co-terminous boards that have priority status under O. Reg 444/98.

### **3. CPP Notification Process**

For surplus space being offered for sale or lease, boards will continue to follow the circulation process outlined in O. Reg. 444/98. For non-surplus space, boards will follow a new notification process similar to the circulation process in O. Reg. 444/98.

For the notification process, boards are to post information on their website regarding their intention to build new schools and to undertake significant renovations and information regarding unused space in open and operating schools and administrative buildings that is available for facility partnerships. This information should be updated at least once a year in the case of space in existing schools, and as needed in the case of co-building opportunities. Boards are also expected to post on their website the name and contact information of the staff member at the board who will respond to questions regarding facility partnerships throughout the year.

Boards are also expected to inform entities on their notification list when key information regarding community planning or facility partnerships is changed or updated. To create the notification list, boards will address the following requirements:

- List will reflect at a minimum the entities listed in Ontario Regulation 444/98 – Disposition of Surplus Real Property, and must specifically include:
  - All applicable levels of municipal government (single, upper, lower tiers)
  - Applicable District Social Services Administration Board(s) or Consolidated Municipal Service Manager(s)
  - Applicable Public Health Boards, Local Health Integration Networks and Children's Mental Health Centres
- Boards may prioritize their notification list as they see fit.
- If child care operators or government-funded organizations request it, they will be added to the notification list.
- Boards may add any other entity to their notification list based on their CPP policy.

#### **4. Annual CPP Meeting**

Boards are to hold **at least** one meeting per year to discuss potential planning and partnership opportunities with the public and community organizations. Additional staff-level meetings may be held to discuss additional information with relevant entities.

Boards are expected to notify both the entities on their notification list and the general public about the annual meeting.

During the annual CPP meeting, the school board will provide/present all or a portion of the board's capital plan (as described in Section 1.), details of any schools deemed eligible for facility partnerships, relevant information available on their website and any supplementary CPP information. This information should be shared either during the public meeting or during the optional staff-level meeting, as appropriate.

When inviting entities on the notification list to the annual meeting, school boards must clearly request that organizations prepare to bring relevant planning information, including but not limited to, population projections, growth plans, community needs, land-use and green space/park requirements. The school board is to listen to what needs or plans community partners may have. The invitation list, the entities in attendance at the annual CPP meeting and any information exchanged should be formally documented by the school board.

The CPP meeting may be a stand-alone meeting or may be held as part of a scheduled board meeting. Boards that cover a large geography may want to consider holding meetings in more than one community over time.

#### **5. School Board Planning Prior to a Pupil Accommodation Review**

In addition to the annual CPP meeting, school boards should continue discussions with affected municipalities and other community organizations as they explore options to address underutilized space issues in schools within specific areas of their board. These discussions will inform proposals that school board staff may present to the Board of Trustees, including recommendations to undertake a pupil accommodation review process.

As part of these discussions with community organizations, school boards should obtain a clear indication of any community planning and partnership opportunities in areas where a pupil accommodation review may take place. Additionally, school boards are to request technical information from the local municipality or municipalities where a planned pupil accommodation review will occur. This technical information is to be specified by the school board and can include, but is not limited to, population and future development projections in the area.

The *Pupil Accommodation Review Guideline* provides a full description of the pupil accommodation review process that school boards are required to undertake prior to making a pupil accommodation decision.

## **6. Co-building with Community Partners**

The construction of new schools, additions and renovations represents a significant public investment in a long-term asset. It is also an opportunity to leverage other infrastructure investments by co-building with entities that provide services and programs for children, their families and the broader community. For example, a municipality may seek to build an adjoining community centre or child care centre.

The Ministry's objective is to give potential partners enough time to evaluate their own need for a new facility and to identify funding sources. As part of the planning process, when considering building a new school or undertaking a significant addition or renovation, boards are expected to notify the entities on their notification list 1 to 3 years prior to the potential construction start date. Boards should provide as much information as possible about their plans and the site to support potential partners in determining the project's suitability for their purposes.

The notification should be supported by a board resolution. Boards do not need to have an identified source of funding or Ministry approval when they notify their partners of their plan or intention to build. Similarly, plans to build may be contingent on board decisions that have not yet been made.

Once notified, entities may express their interest in co-building with the board. The board will then evaluate the expressions of interest to select partner(s) based on its CPP policy. The Minister's approval may be required depending on the provision under the *Education Act* authorizing the transaction. Partnership agreements cannot be finalized until both the board and the partner/s have an approved source of funding. Requests for Ministry funding and requests for transfer from reserve approvals are expected to reflect that boards have already solicited interest from partners. The Ministry prefers that boards and facility partners have ownership of their respective portions of the facility, where the portions are sizeable.

Boards should encourage community partners to provide notification to the board when community partners have proposals or plans to build their own new facilities. Boards should enable community partners to provide this information directly or during the facility partnership-related public meetings held by the board. When building or renovating schools, school boards and the Ministry often have deadlines related to student accommodation needs or funding parameters. School boards are expected to make their timelines clear to potential partners and may establish policies to ensure that timelines are maintained.

## **7. Sharing Unused Space in Existing Schools with Community Partners**

The Ministry expects that boards will review underutilized open and operating schools and administrative facilities for their suitability for partnership, based on criteria outlined by the board. As a starting point, boards should review facilities that have been 60 percent utilized or less for two years and/or have 200 or more unused pupil places, and then should extend their review to other potentially suitable facilities. Boards must consider the space needs of existing educational programming and initiatives.

The Ministry recognizes that available space is not the only criteria for selecting schools for partnerships. Boards will also consider issues related to student safety, the board's student achievement and pupil accommodation strategies (including those that may result in school consolidations and closures), zoning and site use restrictions, facility condition, the configuration of space and the ability to separate the space used by partners from the space used by students, among other factors. These factors should be outlined in the board's CPP policy.

If the space is both suitable for facility partnerships and is available for the long-term, boards are expected to consider declaring the space surplus and circulating it for lease through O. Reg. 444/98. If the space is suitable for facility partnerships but is not surplus to board needs, boards are expected to follow the notification process outlined in the *Guideline*.

This notification should be supported by a board resolution. Boards are expected to provide information about the available space, including but not limited to size, location, facility amenities and required renovations, if needed.

Entities may then express their interest in using the space. Boards will evaluate the expressions of interest to select partner(s) based on their CPP policy. Boards then may enter into a license or joint use agreement. The Minister's approval may be required depending on the provision under the *Education Act* allowing the transaction.

## **8. Partnership Agreements and Cost-Recovery**

Boards are responsible for providing clear instructions to potential partners regarding their rights and responsibilities as tenants, including maintenance standards and the applicability, or the lack thereof, of board user policies, including accessibility and inclusiveness policies. Boards are responsible for ensuring proper legal agreements that respect the *Education Act* and protect their rights.

Boards are not expected to take on additional costs to support facility partnerships, although boards will continue to use their discretion in supporting partnerships based on their student achievement strategy. On a cost-recovery basis, the fees charged to partners should cover the operations and capital cost, including administrative costs and property taxes (if applicable), to the board of the space occupied by the partner. Additional costs to perform minor renovations to protect student safety, provide appropriate washrooms, and otherwise make the space suitable for use by facility partners should be borne by the partners.

Financial expectations should be made clear to potential partners in the board's policy.

In co-building, partners will be required to pay for and finance their share of construction, including a proportional share of joint-use or shared space. Boards will continue to be expected to build within Ministry space and funding benchmarks for the board portion of the facility.