

MEMORANDUM TO: Directors of Education

FROM: Nancy Naylor
Assistant Deputy Minister

DATE: TBA 2009

SUBJECT: Encouraging Facility Partnerships

The purpose of this memo is to outline a new policy to encourage school boards to work with their community partners in order to share facilities to the benefit of boards, students and the community, and to optimize the use of public assets owned by school boards.

This memo explains the objectives and parameters of the new policy, which focuses on opportunities to share facilities with community partners when building new schools and undertaking significant renovations, and when considering the use of unoccupied space in schools. This policy 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 partnerships 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, colleges and other entities that enable them to reduce facility costs and/or improve educational opportunities. The Ministry is encouraging boards and their community partners to build on that success in a way that is transparent, sustainable and supports student achievement.

It is the responsibility of all levels of government to make the best use of public assets. The twin challenges of declining enrolment and the need to make the best use of education funding to support student achievement both create an incentive to maximize the use of our school board facilities. At the same time, they provide an opportunity to strengthen the role of schools in communities and provide a place for programs and services to locate that may facilitate the coordination of, or improve access, to services.

Several of the Declining Enrolment Working Group recommendations focussed on the importance of encouraging more partnerships between boards and community partners for the benefit of boards and students. This new facility partnership policy responds to those recommendations and to a broader public imperative to use our education infrastructure wisely. The Declining Enrolment Working also identified key principles for partnerships that have guided this policy. The report can be viewed at:

The intent of this new facility partnership policy is to:

- 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 through stronger links among programs and services.

The policy has five components:

1. The identification of facility partnership opportunities in board planning
2. The development or re-examination of board facility partnership policies
3. Processes to notify community partners
4. The consideration of opportunities for co-building with community partners
5. The consideration of opportunities for sharing unused space in schools with community partners

Boards currently have the authority to co-build schools with other entities and enter into a variety of facility partnerships 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*. Boards will continue to follow Ontario Regulation 444/98 regarding the disposition of surplus assets, including schools or parts of schools, where appropriate. Through the above sections of the *Education Act*, boards are also currently able to make available space that has not been declared surplus through a license or joint use agreement. Boards may choose to do this in open and operating schools where enrolment may fluctuate due to population, boundary or program changes or where the space is small. The notification process outlined in this policy is intended to complement the circulation process prescribed in Ontario Regulation 444/98 in order to increase the frequency of co-building, the joint use of schools and the use of currently unused space in schools.

This policy is not intended to address space that is or will be used for Community Use of Schools, which is space that may only be available after school hours. It is expected that boards will retain space for Community Use of Schools where needed. Boards may consider their Outreach Coordinators that are engaged in the promotion of Community Use of Schools as a valuable resource for their facility partnership initiatives, including community meetings and outreach to community partners.

This memo focuses on facility partnerships and does not deal with the service or program partnerships 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.

1. Facility Partnerships and Board Planning

School boards are expected to have capital plans that address the future needs of their students, including enrolment projections, operational funding 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 schools may have unused space for the next 2-5 years; and which schools may be candidates for closure or long-term lease opportunities. 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.

Boards are to create a list of space that is suitable for community facility partnership and a list of potential co-building opportunities based on their facility partnership policies (see below). This is the information that will be provided to potential partners through Ontario Regulation 444/98 and through the new notification process outlined below.

2. Facility Partnership Policies

Boards are expected to develop partnership policies that will identify:

- Partnership principles and criteria
- 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.

At a minimum, board partnership policies are expected to reflect the Ministry's guideline outlined in Appendix A attached.

The Ministry encourages the sharing of facilities and co-building, between co-terminous school boards where boards are able to better utilize existing space and protect the integrity of their programs. Regarding new construction, boards typically work together on a case-by-case basis, sometimes facilitated by the Ministry. The memo assumes that board-to-board facility sharing remains a priority for our school boards, since school facilities are best suited for use by students.

3. Notification Process

Boards are to post on their website information regarding their intention to build new schools and additions, undertake significant renovations and the availability of space in existing schools. This information should be reviewed or 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 expected to notify potential partners on their notification list about this information and follow the process outlined in Ontario Regulation 444/98, where required. Boards are also expected to post on their website the name and contact information of someone at the board who will respond to questions throughout the year. Boards may want to consider identifying their Outreach Coordinators as this contact person.

Boards are expected to establish an accessible way to notify entities on the notification list when this information is updated. For example, they may email entities on the list and inform them of the updated information on the website, or send them the updated information.

Boards are expected to hold a community meeting at least once a year to discuss potential facility partnership opportunities with the community and to listen to what needs or plans community partners may have. Boards are expected to notify the entities on

their notification list and the general public about the meetings. Boards that cover a large geography may want to consider holding meetings in more than one community. The Ministry recognizes that this process will be most effective when community partners notify boards in a timely manner when they are looking for space or considering new construction.

The Ministry expects that a board's first public meeting will be held prior to March 31, 2010 and that the first information regarding available space is posted on board websites as soon as possible but no later than February 28, 2010.

4. Co-building with Community Partners

The construction of new schools, major 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 identify funding sources. As part of the board planning process, when considering building a new school or undertaking a major addition or renovation, boards are expected to notify the entities on their notification list 1 to 3 years prior to the potential construction date. The notification should be supported by a board resolution. Boards should provide as much information about their plans and the site as possible, to support potential partners in determining the project's suitability for their purposes. Examples of information would be size and location of the site; size, grades and facilities of the school; timeline; and any anticipated site or facility restrictions.

Once notified, entities may express their interest in co-building with the board. The board will then evaluate the expressions of interest to determine whether there is a suitable partner(s) and select partner(s) based on their partnership policy. The board may then enter into an agreement. The Minister's approval may be required depending on the provision under the *Education Act* authorizing the agreement.

The Ministry prefers that boards and facility partners have ownership of their respective portions of the facility, where the portions are sizeable. For example, a small child-care centre may be a tenant of the board, while a municipality may own the community centre space.

Boards will not need to have an identified source of funding or Ministry approval when they notify their partners of their plan or intention to build. Requests for Ministry funding and requests for transfer from reserve approvals are expected to reflect that boards have already solicited interest from partners.

Community partners are encouraged to notify boards of their consideration or plan to build their own new facilities at least during the annual community meeting. An accommodation review process, where an Accommodation Review Committee may be considering options that include the construction of new facilities, is another opportunity for community partners to identify their plans.

5. Sharing Unused Space in Existing Schools with Community Partners

As outlined above, as part of facility planning, boards are expected to identify unused space in schools that is suitable for use by other entities, based on their partnership

policy. If available for the long-term, boards may consider declaring it surplus and circulating it through Ontario Regulation 444/98. If the board does not believe the space is surplus for the long-term, the Ministry's expectation is that it will be offered through the new notification process outlined in this memo.

In determining a facility's suitability for partnership, the Ministry's expectation is that boards will review facilities that are 60 percent utilized or less for two years and/or have 200 or more unused pupil places. Boards will review these, and potentially other facilities, for their suitability for partnerships, based on their partnership policies and will finalize the list of space. Where the space is surplus, the space must be circulated through Ontario Regulation 444/98.

Where the space is not surplus, boards are expected to provide entities on its notification list with the list of available space and a description of the space (location, facility amenities, required renovations, etc). This notification should be supported by a board resolution. Entities may express their interest in using the space. Boards will then evaluate the expressions of interest to determine whether there is a suitable partner(s) and select partner(s) based on their partnership 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* authorizing the transaction. Boards are expected to include facility partnership information in school information profiles when undertaking accommodation review processes.

Funding and Cost-Recovery

School boards will be expected to remove the capacity of space occupied by community partners from their on-the-ground capacity. The Ministry expects that rent or fees will cover the operations and capital cost of using the space borne by the board, net of available top-up funding. In co-building, partners will be required to pay for their share of construction.

Where there are additional costs to perform minor renovations to protect student safety, provide appropriate washrooms, and otherwise make the space suitable for use by facility partners, the Ministry expects that cost to be borne by the partners.

Providing Feedback

For questions about this memo, please contact Amy Olmstead at 416-326-9921 or Amy.Olmstead@Ontario.ca or Nancy Whynot at 416-325-4030 or Nancy.Whynot@Ontario.ca.

Sincerely,



for

Nancy Naylor
Assistant Deputy Minister

Ministry of Education Facility Partnerships Guideline for Boards

A board's Facility Partnerships Policy should reflect the following considerations at a minimum:

Facility suitability:

- Schools and administration buildings should be considered.
- The current and future use and occupancy for providing educational programming.
- The impact of full-day learning for four and five year olds.
- The ability to separate the leased space from the school and other factors that make the school suitable for sharing during the school day.
- Zoning restrictions and other considerations regarding appropriate site use.

Partner suitability:

- Health and safety of students must be protected.
- Partnership must be appropriate for the school setting.
- Partnership must not compromise the student achievement strategy.
- Partner should expect to pay the full operational and capital cost.

Notification list for transactions that do not involve surplus property:

- List will reflect the entities listed in Ontario Regulation 444/98 – Disposition of Surplus Real Property. Boards are not required to prioritize their notification list.
- If child care operators and government-funded agencies ask, they will be added to the notification list.
- Boards may circulate to any other entity based on their facility partnership policy.
- Boards may enter into partnerships with non-profit and for-profit entities.
- Ineligible entities are those 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.