

Ministry of Education Facility Partnerships Guideline



MINISTRY OF EDUCATION FACILITY PARTNERSHIPS GUIDELINE

Purpose

The purpose of the *Facility Partnerships Guideline* is 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 *Guideline* is intended to assist boards in establishing more facility partnerships with community partners, specifically in new and existing school facilities where students are being taught. Boards are expected to revise or develop their own facility partnerships policies that are consistent with this *Guideline*.

This new *Guideline* 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. 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 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 and other entities that enable boards to reduce facility costs and/or improve educational opportunities. The Ministry is encouraging boards and their community partners to build on that success by expanding the number of partnerships in a way that is 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 our school board facilities. 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 this new *Facility 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 five components, outlined below:

1. The identification of facility partnership opportunities in board planning.
2. The development or review of board facility partnerships policies.
3. The development of a process 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.

School boards have the authority to make decisions regarding their school facilities and the use of their facilities 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 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.

The Ministry recognizes that encouraging 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. Facility Partnerships and Board Planning

School boards are expected to have capital plans that address the future needs of their students. 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. 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.

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.

Boards are expected to include facility partnership information in school information profiles when undertaking accommodation review processes.

2. Facility Partnership Policies

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

Boards are expected to develop facility partnerships 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 facility partnerships 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. 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 information posted on their websites about facility partnership opportunities is 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.
- Boards may prioritize their notification list as they see fit.
- If childcare operators and government-funded agencies request it, they will be added to the notification list.
- Boards may add any other entity to their notification list based on their facility partnerships policy.

Boards are expected to hold a public meeting once a year to discuss potential facility partnership opportunities with the community and/or 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 over time.

4. 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 childcare 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 facility partnerships 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.

When seeking Ministry approval to proceed with new construction or major renovation projects, boards are expected to demonstrate that they have considered potential partnerships. 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.

5. 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), 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 facility partnerships 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 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 facility partnerships 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.

6. 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.