

USE OF SURPLUS SCHOOL FACILITIES

Background

From time to time school facilities become surplus to Board needs.

The Board will identify facilities considered surplus to general school needs and determine their disposition through a public process or alternative use including, rental, or leasing according to the procedures listed below.

Procedures

1. The Board will decide, in each individual case, whether a school facility is to be made available to an outside group for longer than one year. Any granting of a lease for a term (defined to include all options and rights of renewal, the "Term") of ten (10) years or more will only be made in accordance with the Board's Policy 21 Disposal of Real Property.
2. Priority consideration will be given to using the facility for the expansion or introduction of new Board programs or for providing space for other Board requirements including, without limitation, kindergarten to grade 12, early learning or adult education.
3. If the building is not required for other Board use, then the Board will determine if the facility should be:
 - 3.1 Rented on a contractual basis, by way of license to occupy without a grant of an interest in land, for a Term of up to one (1) year less a day for general licenses and up to three (3) years less a day for child minding / daycare operations.
 - 3.1 Leased for a Term of up to five (5) years less a day.
 - 3.2 Leased for a Term of five (5) years or more, but less than ten (10) years.
 - 3.3 Sold or leased for a Term of ten (10) years or more, in accordance with the Board's Policy 21 Disposal of Real Property.
 - 3.4 Retained for other purposes.
4. A school facility will not be considered surplus unless it is so declared by the Board.
5. The Board is not required to make a surplus Facility available for public or any other use. If the Board approves of such other use, then the Board shall offer the use of the Facility in a public tender or other competitive bidding process, unless the Board proposes, in its absolute discretion, to offer the Facility to any one or more of the following transferees, who shall not have any right to require such an offer, or any priority between themselves:

- 5.1 a not for profit corporation,
 - 5.2 a public authority,
 - 5.3 a person who, as part of the consideration for the disposition, will exchange land or an improvement with the Board,
 - 5.4 a person under a partnering agreement that has been the subject of a process involving the solicitation of competitive proposals, or
 - 5.5 an owner of adjoining land for the purpose of consolidating the lands.
6. The Board may only dispose of an interest in a surplus Facility through a public process as follows:
- 6.1 If the disposition is to a person referred to in Section 5, then the Board may only proceed with the disposal after it has passed a bylaw at a public meeting of the Board approving the disposal, provided that the Board has published, on its publicly accessible website or in some other public manner, notice of its agenda at least seven days prior to the meeting, and the notice includes:
 - (a) a description of the land or improvements,
 - (b) the person or public authority that is to acquire the property under the proposed disposition, and
 - (c) the nature and, if applicable, the term of the proposed disposition.
 - 6.2 For all other dispositions, the Board shall post at the Facility a sign visible from a public street indicating the nature of the proposed disposition, and the Board shall publish a notice in a local newspaper for at least two consecutive weeks that includes:
 - (a) a description of the land or improvements,
 - (b) the nature and, if applicable, the term of the proposed disposition, and
 - (c) the process by which the land or improvements may be acquired.
7. Any proposed transferee or lessee of a Facility must satisfy the Board that it has the ability to meet its financial obligations to the Board, and the Board must be satisfied that the disposition of the Facility is at fair market value.
8. If a Facility is to be leased for period of up to ten (10) years less a day:
- 8.1 Administration will be directed to issue a Request For Proposals (RFP) for lease of the facility unless exempted under Section 5.
 - 8.2 The following criterion will be included in the Request For Proposals document: *"The District will not lease any school facility to a Proponent to operate a charter or private school where in the assessment of the Board such a school could cause an adverse impact on District student enrolment."*
 - 8.3 Staff will review RFP responses and take them forward to the Board for direction.

- 8.4 The Board may choose to waive issuing an RFP at their discretion.
(Example: To assist another school district with temporary space requirements; to assist a municipality or public agency; or where there is not sufficient time available to prepare, issue and evaluate an RFP.)
- 8.5 Proceeds from leases of five (5) years less a day may be allocated to either capital or operating revenues, whereas a lease with a term of five (5) years or more up to ten (10) years less a day shall be allocated to capital revenues.
- 9. If an existing license or lease for a previously closed school comes due, Administration may either issue an RFP (as noted in Section 6) or recommend to the Board that a new license or lease be granted directly to the existing tenant.
 - 9.1 If renewal of a license or lease is approved in principle by the Board without an RFP, then Administration will advertise the intended license or lease renewal through a public Notice of Intent. At a subsequent Board meeting, the Board will review any responses to the Notice of Intent prior to considering final approval of a license or lease renewal.
 - 9.2 The Term of any renewed license or lease will not exceed five (5) years less a day.
 - 9.3 Tenants with existing school leases as of November 1, 2007 may be exempted from Section 9.2 at the discretion of the Board.
- 10. If a facility is to be leased for a Term of ten (10) years or more or sold; then Policy 21 Disposal of Real Property will be followed.
- 11. A disposition bylaw will be required for any disposal of an interest in land or improvements including, without limitation, any fee simple sale, road dedication, lease, easement, covenant or right of way, but excluding a contractual license to occupy.
- 12. Rental agreements that constitute only a license to occupy and that are for a Term of one (1) year or less, for other than a complete school facility, and terms of up to three (3) years less a day for child minding / daycare operations, will be arranged directly by staff and do not require a disposition bylaw.
- 13. School grounds and facilities will not be rented, licensed or leased to organizations that offer programs in competition with the public school system.

Reference Policy 21 – Disposal of Real Property
Section 65, 85, School Act
Ministerial Order 233-07 Disposal of Land or Improvements Order

Last reviewed: June 2021