

<b>Date of Issue</b>	April 2021
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<b>Subject</b>	<b>FACILITY PARTNERSHIPS</b>
<b>References</b>	<a href="#">Policy 2345 – Community Planning and Partnerships</a>
<b>Contact</b>	Facility Services

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## 1. Purpose

This Administrative Procedure Memorandum (APM) provides information with respect to entering into facility partnerships with community organizations in order to share facilities to benefit students and the community, and to optimize the use of public assets owned by the board.

## 2. Definitions

- 2.1. Facility partnership means mutually beneficial relationships developed to improve services and supports available to students, and to maximize the use of school board facilities.
- 2.2. Facility partner means any group deemed suitable by the board as potential partners.
- 2.3. Co-building means capital projects in which the board and community partner(s) have agreed to share in the cost and ownership of their respective portions of the facility.
- 2.4. Unused space means portions of a facility that are unoccupied and not deemed surplus.

## 3. Identification of Opportunities - Board Planning

- 3.1. The board's capital planning process will be used to identify facilities suitable for facility partnerships with respect to new construction, including significant renovations, unused space in schools and in administrative buildings. Suitable space for partnerships may also be identified through other circumstances.
- 3.2. Unused space anticipated to be underutilized or remain unoccupied for an extended period of time may be considered eligible for facility partnerships.
- 3.3. Where unused space is available for a partnership, or where the partnership opportunity involves new construction, the information will be provided to potential partners through the notification process outlined in section 4.3.
- 3.4. In the event that the board is presented with a facility partnership offer, the following guidelines will apply.

**4. Guidelines**

## 4.1. Partner Suitability

4.1.1. Staff will determine what entities are suitable and not suitable facility partners by taking into consideration the value of the partnership to student achievement and well-being. When considering partner suitability, staff will consider the following:

4.1.1.1. health and safety of students and staff;

4.1.1.2. appropriateness for the school setting;

4.1.1.3. student achievement strategy; and,

4.1.1.4. for-profit and non-profit entities.

4.1.2. Potential partners will be required to demonstrate how the partnership will support student achievement and well-being.

4.1.3. In the event more than one potential partner expresses interest in the same space in a board owned facility, priority will be given to the partner which, in the opinion of the Director of Education, in consultation with the school superintendent and the local trustee(s), provides the greatest opportunity for enhancement of the student experience, measured against the board's primary responsibility for student achievement and well-being.

4.1.4. Potential partners will be required to demonstrate that they are in good financial standing and able to cover all costs associated with a potential partnership.

4.1.5. Entities that provide competing education services such as tutoring services, JK-12 private schools or private colleges and credit offering individuals and organizations that are not government funded are not eligible partners and will not be considered for facility partnerships.

## 4.2. Facility Suitability

4.2.1. Staff will consider enrolment projections, school capacity, school utilization, renewal needs/facility condition, zoning and site use restrictions, potential consolidations and the construction of new schools, and additions or renovations when determining facility suitability.

4.2.2. Staff will also consider issues related to student safety, the board's student achievement and pupil accommodation strategies, 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 when determining facility suitability.

## 4.3. Notification Process

4.3.1. Staff, through the annual Capital Plan, will identify the board's intention to build new schools, to undertake significant renovations and/or additions and information regarding unused space in open and operating board facilities that are available for facility partnerships. The board will provide information about the available space, including but not limited to size, location, facility amenities and, if needed, required renovations.

4.3.2. Staff will inform potential partners on a notification list when information posted on the website is updated. The notification list, which may be prioritized, will include:

4.3.2.1. the entities listed in Ontario Regulation 444/98 – Disposition of Surplus Real Property;

- 4.3.2.2. childcare operators and government agencies which request to be added to the notification list; and,
- 4.3.2.3. any other potential partner the board has approved and which complies with section 4.1.
- 4.3.3. Through the board's Community Planning and Partnerships annual meeting, staff will discuss potential facility partnership opportunities with the community and potential partners and/or to listen to what needs or plans community partners may have. Entities on the notification list, and the general public, are to be notified of the date, time and location of the meeting by written invitation and media release.
  - 4.3.3.1. Staff will enable potential partners to provide information during the public meeting regarding their plans or proposals to build their own new facilities.
  - 4.3.3.2. Staff will provide clear timelines to potential partners regarding capital projects.

## **5. Co-building with Facility Partners**

- 5.1. Where a board motion directs staff to pursue facility partnerships related to the shared development, renewal and use of school facilities the following steps shall be taken where appropriate:
  - 5.1.1. The board will invite submissions through a Request for Expressions of Interest (RFEI) process with a minimum waiting period of 30 days from the date of the board motion. The RFEI shall be reviewed by the Purchasing Department and posted on an electronic public purchasing tendering website(s) for an appropriate period of time.
  - 5.1.2. Written notification to entities on the notification list and a media release shall be prepared and posted with detailed information on the RFEI.
  - 5.1.3. Staff will evaluate and assess all submissions and expressions of interest for financial viability, suitability and appropriateness.
  - 5.1.4. Where further clarification is needed, staff may arrange meetings with respondents.
  - 5.1.5. Where applicable, Requests for Proposals (RFP) will be prepared and issued. The RFP shall be reviewed by the Purchasing Department and posted for an appropriate period of time.
  - 5.1.6. If a suitable partner(s) is found through the RFP process, staff will bring forward a recommendation for board consideration and approval.
  - 5.1.7. Where applicable, Ministry of Education approval will be sought and received prior to proceeding with a capital project.
- 5.2. In the event that a potential partner expresses an interest in co-building, staff will evaluate and assess that submission, and make recommendations as appropriate.

## **6. Sharing Unused Space in Existing Schools with Facility Partners**

- 6.1. The board will review underutilized open and operating schools and administrative facilities. The board will consider facilities that:
  - 6.1.1. have been 60 percent utilized or less for two years and/or have 200 or more unused pupil places; and,
  - 6.1.2. are otherwise suitable for partnerships based on the needs of the entities and in which partnerships would not adversely affect:

- 6.1.2.1. the current and future use of the facility and occupancy for providing educational programming;
    - 6.1.2.2. other Ministry of Education initiatives; and,
    - 6.1.2.3. the ability to separate space used by partners from space used by students and other factors that make the school suitable for sharing during the school day.
  - 6.2. Staff will follow the notification process outlined in section 4.3 if the space is suitable for facility partnerships but is not surplus to the board's needs.
  - 6.3. Staff will evaluate expressions of interest.
  - 6.4. If a suitable partner(s) is found, staff will bring forward a recommendation for the Board of Trustees consideration.
  - 6.5. Where applicable, Ministry of Education approval will be sought and received prior to proceeding with the transaction.
- 7. Facility Partnership Agreements and Cost-Recovery**
  - 7.1. The board will provide clear instructions to potential partners regarding their rights and responsibilities.
  - 7.2. Facility partnerships should be based on a full cost-recovery basis for the board. Operations, administrative and capital costs resulting from a partnership are expected to be borne by the partner.
  - 7.3. Additional costs relating to major and minor renovations, protecting student safety and otherwise making the space suitable for use by facility partners, shall be borne by the partners.
  - 7.4. In co-building, partners are required to pay for and finance their share of construction, including a proportional share of shared space.
  - 7.5. Facility partnership agreements that require substantial capital investment in facilities, exceed a term of one year, and/or require space in excess of two regular classrooms, will be supported by a Board of Trustee resolution.
  - 7.6. Information received from potential partner(s) will be held in confidence in accordance with the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act* and the *Broader Public Sector Accountability Act*. Potential partners must indicate implicitly or explicitly that the information supplied was supplied in confidence.
  - 7.7. Where a facility partnership agreement exists, it may be the responsibility of the facility partner to organize, manage and operate use of board facilities during after-school hours by issuing rental contracts for public use.

- 7.8. Partners that have entered into facility partnership agreements may not be eligible for the reduction of rates from the Community Use of Schools Program (CUS-Program) for the facility where the agreements exist.

## **8. Standard Terms and Agreements**

- 8.1. The board reserves the right to terminate partnership agreements upon breach of any covenants contained in the agreement.
- 8.2. Standard terms of all partnership agreements will include, but are not limited to:
- 8.2.1. the partnership will not compromise the board's student achievement strategy;
  - 8.2.2. compliance with other board policies that govern use of facilities.
  - 8.2.3. timely payment of fees;
  - 8.2.4. full compliance with health, building code, fire code regulations and all other municipal, provincial and federal laws and regulations;
  - 8.2.5. partner agreement for responsibility of leaseholds, repairs and general maintenance as set out in the agreement;
  - 8.2.6. the partner shall communicate, cooperate and consult with board administration and school principals regarding services and/or programs offered by the partner; and,
  - 8.2.7. the partner shall meet board minimum insurance coverage requirements.
- 8.3. The board reserves the right to terminate an agreement if an Accommodation Review results in a school closure and/or consolidation of schools in which a facility partner is located.
- 8.4. The board reserves the right to terminate an agreement if the space occupied by a partner is required for the accommodation of students due to:
- 8.4.1. an Accommodation Review;
  - 8.4.2. attendance area changes;
  - 8.4.3. increases in student enrolment; and,
  - 8.4.4. need in case of emergency.

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