



VIA E-BOARD

Our Ref: 127526

September 4, 2008

To: All Secretary-Treasurers
All Superintendents
All School Districts

The Honourable Gordon Campbell, Premier, has announced government's vision for education in British Columbia—one where schools and community organizations can create neighbourhoods of learning in which people can access educational and community services under one roof. A press release and backgrounder is available online (www.news.gov.bc.ca).

Three school districts will be participating in the pilot project. The Vancouver School District will be the first district to create Neighbourhoods of Learning models. Three schools will include onsite services to benefit students and other community members. Two other participants will be rural districts where a scheduled new or replacement school will be designed under the Neighbourhoods of Learning model. The Ministry of Education and school districts will also work together to incorporate elements of these Neighbourhoods of Learning models into existing capital projects.

Under a new provincial capital policy, boards of education must consider potential needs for surplus or underutilized school space and must consult with local governments, community organizations and the public on alternative uses. This consultation process must include consideration of future enrolment growth, including K–12, adult programs and early learning, and provide community members with adequate opportunity to respond to a board's plans for a school.

A board must seek the Minister's approval before selling property unless it is being sold for educational purposes to another board of education, including the Conseil scolaire francophone, or an independent school. Schools and their lands are considered vital community assets and may only be disposed of in exceptional circumstances.

Two Ministerial Orders pertaining to school closures and the sale of school property, and the new capital policy document are attached for your reference. Ministry staff look forward to working with boards on this important new initiative.

Sincerely yours,

James Gorman
Deputy Minister

Attachments

**Ministry of
Education**

Office of the
Deputy Minister

Mailing Address:
PO Box 9179 Stn Prov Govt
Victoria BC V8W 9H8

Telephone: (250) 387-2026
Facsimile: (250) 356-2011

To: All Secretary-Treasurers
All Superintendents

On September 4, 2008, I wrote to you regarding two amended Ministerial Orders and a new Ministry of Education capital policy pertaining to school closures and the sale of school property. In my letter, I advised that under the amended Disposal of Land or Improvements Order, a board of education must seek ministerial approval before selling property unless it is being sold for educational purposes to another board of education, including the Conseil scolaire francophone, or to an independent school. I also noted that the School Building Closure and Disposal Policy provides that a board should consider the permanent disposition of school property only in exceptional circumstances.

Since that time, only fifteen outstanding disposal requests have been approved by government. The types of property sales receiving approval were quite restricted, mostly involving either a small portion of an existing school site for a community purpose (e.g., road improvements, public utilities) or a non-school property (e.g., maintenance yards, bus garages, industrial sites). Otherwise, approval was specifically granted for the long-term lease of an undeveloped property for community park use and for the sale of a closed school for community use in meeting a prior government commitment.

In contrast, the proposed sales of seventeen closed schools or undeveloped school sites did not receive government's support. In these situations, boards of education were instead advised to retain the properties or to explore potential long-term lease arrangements with interested local government or community groups.

These decisions by government underscore its strong belief that publicly funded school lands acquired by boards of education must be retained for public use. In particular, there is a clear desire to preserve the capital asset base of the public education system in support of emerging Neighbourhood Learning Centres, instituting full day kindergarten for five-year-olds, expanding opportunities for three- and four-year-olds, and an anticipated return of enrolment growth over the coming years.

In previous years, the Ministry has encouraged school districts to dispose of surplus property in order to generate restricted capital and local capital funds, which could be contributed towards the overall cost of approved capital projects. While districts will still be expected to use such available capital resources to defray project costs, the disposal of surplus property will not be a major driver for obtaining Ministry support for requested projects. The priority ranking of

.../2

projects will continue to be based on facility needs established under each board's comprehensive school district facility plan pertaining to enrolment growth, building condition, seismic vulnerability, and the integration of neighbourhood needs and provision of critical community services in support of BC families.

As a result of the change in government policy with respect to the disposal of school property, it is recognized that some boards of education may be unable to meet outstanding capital funding commitments made under an existing Capital Project Funding Agreement. In these cases, Capital Management Branch staff will consult with school district officials on how best to resolve such financial obligations.

Given government's expectations, I must emphasize that the permanent disposition of board-owned property will only be considered under exceptional circumstances. School districts are therefore advised to first contact Capital Management Branch staff to discuss potential property disposals prior to embarking on broad consultation with education and community partners regarding the alternative community use of a school or non-school property.

Sincerely yours,



James Gorman
Deputy Minister

pc: All Board Chairs

SCHOOL OPENING AND CLOSURE ORDER

Authority: *School Act*, section 73 and 168 (2)(p)

{ Ministerial Order 194/08 (M194/08)..... Effective September 2, 2008
{ Repeals 320/02

Interpretation

1. “**alternative community use**” means alternative community use as defined in Ministerial Order 193/2008, the Disposal of Land or Improvements Order.

Opening of Schools

2. If a board decides to open a new school or to reopen a previously closed school under section 73 of the *School Act*, the board must, without delay, provide the Ministry with written notification of the decision containing the following information:

- (a) the school's name,
- (b) the school's facility number,
- (c) the school's address, and
- (d) the date on which the school will open or reopen.

Closure of Schools

3. (1) In this Ministerial Order, closing a school permanently means the closing, for a period exceeding 12 months, of a school building used for purposes of providing an educational program to students.

(2) Despite subsection (1), the closing of a school for the purposes of effecting repairs, renovations or additions to a school building shall not be deemed to be a permanent closure of the school if the board intends to reopen the building upon completion of the repairs, renovations or additions.

4. (1) The board must develop and implement a policy that includes a public consultation process with respect to permanent school closures and this policy must be made available to the public.

(2) When considering closing a school permanently, the board must apply the policy referred to in subsection (1).

SCHOOL OPENING AND CLOSURE ORDER

5. (1) The public consultation process must include:
 - (a) a fair consideration of the community's input and adequate opportunity for the community to respond to a board's proposal to close the school permanently;
 - (b) consideration of future enrolment growth in the district of persons of school age, persons of less than school age and adults; and
 - (c) consideration of possible alternative community use for all or part of the school.
6. The power of a board to permanently, close a school under section 73 of the *School Act* must be exercised only by bylaw.
7. If a board decides to permanently close a school under section 73 of the *School Act*, the board must, without delay, provide the Minister with written notification of the decision containing the following information:
 - (a) the school's name,
 - (b) the school's facility number,
 - (c) the school's address, and
 - (d) the date on which the school will close.
8. This Order comes into effect on September 3, 2008.

DISPOSAL OF LAND OR IMPROVEMENTS ORDER

Authority: *School Act*, sections 96(3) and 168(2)(t)

{ Ministerial Order M193/08 (M193/08)Effective September 3, 2008
{ Repeals 233/07

Interpretation

1. In this Order:

“a lease of 10 years or more” means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease,

“alternative community use” means a use by a community agency or organization for land or improvements owned by a board, other than for the educational purposes of the board,

“board” means a board as defined in the *School Act* and includes a francophone education authority,

“dispose” means dispose as defined in the *Interpretation Act*,

“independent school” means an independent school as defined in the *Independent School Act*.

Application

2. This Order does not apply to grants of Crown land described in section 99 of the *School Act*.

Disposal of land or improvements

3. Boards must not dispose of land or improvements by sale and transfer in fee simple or by way of a lease of 10 years or more unless such disposal is to another board or an independent school for educational purposes or is approved by the Minister in accordance with section 5.

4. Boards may dispose of land or improvements by way of lease, other than a lease of 10 years or more, if such disposition is to an agency or organization for an alternative community use.

5. Despite section 3 and 4, the Minister may approve, with any terms and conditions, a disposition of land or improvements.

Policies and procedures

6. Boards must develop and implement policies and procedures with respect to the disposal of land or improvements under section 96(3) of the *School Act*, consistent with this Order, and make these policies and procedures publicly available.

DISPOSAL OF LAND OR IMPROVEMENTS ORDER

Bylaws

7. A board's bylaw made pursuant to section 65(5) of the *School Act* relating to a disposition in accordance with sections 3, 4 or 5, must include:
 - a. confirmation that the board will not require the land or improvements for future educational purposes,
 - b. the name and the facility number, if any, and
 - c. the address and legal description.
8. A copy of a bylaw referred to in section 7 must be provided to the Minister without delay.

Notification

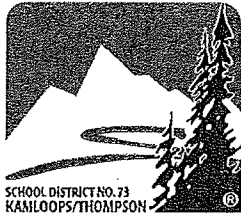
9. When a board disposes of land or improvements, the board must, without delay, provide the Minister with written notification of the disposition and allocation of the proceeds as required under section 100(2) of the *School Act*.
10. This Order comes into effect on September 3, 2008.

Cambridge, Janice EDUC:EX

From: EDUC DM EDUC:EX
Sent: Friday, March 5, 2010 11:19 AM
To: 'l_educ_st@lists.gov.bc.ca'; 'l_educ_superintendents@lists.gov.bc.ca'
Cc: 'l_educ_chair@lists.gov.bc.ca'
Subject: Letter from Deputy Minister Gorman



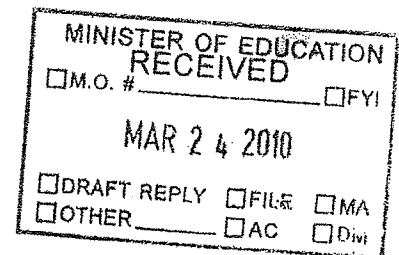
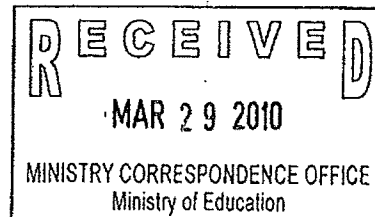
137046 Land
Disposal outgoi...



SCHOOL DISTRICT No. 73 (KAMLOOPS/THOMPSON)

1383-9th Avenue, Kamloops, B.C. V2C 3X7 • Telephone: (250) 374-0679 • Fax: (250) 372-1183

138438



March 22, 2010

Ministry of Education
Office of the Minister
P.O. Box 9045 Stn Prov Govt
Victoria, B.C. V8W 9E2

The Honourable Margaret MacDiarmid

Dear Minister MacDiarmid:

Pursuant to the "School Opening and Closure Order", I hereby provide written notification of the Board of Education's decision to close the following four schools, effective July 31, 2010.

- 1) Ralph Bell Elementary School, 1764 Valleyview Drive, Kamloops, BC V2C 4B8, Facility #7324033
- 2) John Tod Elementary School, 435 McGowan Avenue, Kamloops, BC V2B 2P2, Facility #7324024
- 3) George Hilliard Elementary School, 985 Holt Street, Kamloops, BC V2B 5H1, Facility #7324028
- 4) Pineridge Elementary School, 1770 Springview Place, Kamloops, BC V2E 1X9, Facility #7324065
(Beattie School of the Arts – Pineridge)

By copy of this letter, the appropriate *School Closure Bylaws* were filed with the Capital Management Branch of your Ministry.

Yours truly,

Kelvin Stretch, CMA, MBA, FCMA
Secretary-Treasurer

KS:eb

cc: E. Strueby, Planning Officer, Capital Management Branch



B.C. Home Education Policy School Building Closure and Disposal Policy

Policy Site: School Building Closure and Disposal Policy. - B.C. Ministry of Education - Province of B.C.



Ministry Policy Site

Policy Document: School Building Closure and Disposal Policy.

This page sets forth the Ministry policy entitled "School Building Closure and Disposal Policy".

[More](#)

POLICY STATEMENT

If a Board of Education no longer requires property for educational purposes, the Board must seek the approval of the Minister prior to disposing of the property by sale and transfer or by a lease of 10 years or more, unless the Board is selling or leasing land or buildings to another board (including the Conseil scolaire francophone) or independent school for educational purposes.

Boards of education must engage in broad consultation and in enhanced planning regarding underutilized school buildings and

→ Contents

- [School Act](#)
- [Glossary](#)
- [Contact](#)
If you have questions relating to the school building closure and disposal of school property, contact the Director, Capital Management. Ph. 250-356-7814
- [Resources](#)
- M320/02, the School Opening and Closure Order; the Disposal of Land or Improvements Order; *School Act*, sections 73, 168(2) (p) (t), and 96(3)

other property owned by boards prior to property disposition.

RATIONALE

The Ministry of Education and boards of education have an expanded mandate for early learning. Government made a 2008 throne speech commitment to study the possible implementation of all-day kindergarten for five year old children and optional all-day programs for three and four year old children. Future school space requirements related to these new initiatives must be considered prior to disposing of currently underutilized or surplus property.

School buildings and property are also valuable public assets that can become centres for delivering education and community services that meet the vital needs of the community. Available school space should be available for alternative community use; for example, early learning, child care services, adult and industry training education programs, family resource centres, seniors' centres, public libraries, health care and therapy services, local social services, community recreation programs.

LEGISLATION/ REGULATIONS

School closures and disposal of school board property are guided by two Ministerial Orders: The School Opening and Closure Order and the Disposal of Land or Improvements Order. These Orders are made under the authority of the School Act, sections 73, 168(2) (p)(t), and 96(3).

ADDITIONAL DEFINITIONS

"Educational purposes" means a use for delivering the k-12 educational program as well as any new educational initiatives such early

learning.

“Alternative community use” means a use by a community agency or organization for land or improvements, owned by a board, other than for the educational purposes of the board.

“A lease of 10 years or more” means a lease of 10 years or more, including the cumulative total of all options and rights to extend or renew the lease.

POLICY

The policy outlines the terms and conditions that the Minister will consider in the approval of a board of education's request to dispose of real property. The disposal of real property includes the sale, exchange or lease of 10 years or more of land or improvements or both.

Boards of education must consider potential space needs for early learning programs in the future. Available school space will be needed to accommodate these and other programs.

School buildings are a valuable asset where communities may find new uses, now and in the future. Boards of education must consider potential needs for alternative community use.

With respect to surplus or underutilized school space, the board must consult with local government, community organizations and the public on alternative community uses. This consultation process must include:

- Consideration of future enrolment growth in the district, including Kindergarten to Grade 12, adult programs, and early learning;
- Consideration of alternative community use of surplus space in school buildings and

other facilities; and

- A fair consideration of the community's input and adequate opportunity for the community to respond to the board's plans for the school.

Only in exceptional circumstances should a board consider permanently disposing of school property. Without the approval of the Minister, a board may only sell land or buildings to another board (including the Conseil scolaire francophone) or independent school for educational purposes. A board may lease property for under 10 years according to its own policies and procedures to an entity for an alternative community use.

The Minister may approve a sale or lease of 10 years or more to an entity for use other than alternative community use. When such exceptional circumstances occur, a board must confirm that the board will not require the land or improvements for future educational or community purposes.

School property disposed of to an entity for use other than an educational or alternative community use must be sold through public tender or other competitive bidding process to ensure fair public access and market value is obtained.

School property disposed of to: another board (including the Conseil scolaire francophone) or independent school for educational purposes; or local government or community organization for alternative community use, may be sold at less than market value.

PROCEDURES

Details of required procedures, including bylaw

requirements and notification to the minister, are set out in the two Ministerial Orders listed above.