

USE OF SCHOOL BUILDING CLOSED UNDER THE CLOSURE OF SCHOOLS REGULATION AND SURPLUS RESERVE LAND

This Policy is enacted pursuant to and in accordance with the Disposition of Property Regulation (AR 181/2010).

Board policy respecting use of school buildings (AR 181/2010 - section 2)

In determining if the Board has use for a school building that has been closed under the Closure of Schools Regulation (AR 238/97) the Board will consider the following:

1. The uses described in the notice issued under section 4 (1) (b) of the Closure of Schools Regulation if any uses have been described in that notice pursuant to section 4 (3) (b) (i) of the Regulation.
2. In addition to any uses identified under #1 above the following criteria shall be considered:
 - a. Enrolment trends within the attendance area served by closed school building to determine if any reasonable future use of the school as a school can be anticipated,
 - b. other demographic factors that the board considers relevant,
 - c. Consultation with other boards, the municipalities in which the closed school building is located, and regionally proximate community agencies with respect to possible uses any of them may have for the school building related to public education or community use activities , and
 - d. Any other criteria the board considers relevant.

Board policy respecting surplus reserve land (AR 181/2010 – section 4)

3. The following criteria will be used to determine whether the Board's interest in a school reserve, municipal and school reserve, or municipal reserve is surplus to the board's need;
 - a. Enrolment trends within the area intended to be served by the school reserve, municipal and school reserve or municipal reserve,
 - b. Student accommodation and transportation issues,
 - c. Whether a school on the school reserve, municipal and school reserve or municipal reserve is included in the board's capital plan,

- d. Consultation with other boards with respect to their needs for the school reserve, municipal and school reserve or municipal reserve, or
- e. Any other criteria the board considers necessary.

Declaration of surplus reserve land (AR 181/2010 – section 6)

- 4. If the board is of the opinion that a school reserve, municipal and school reserve or municipal reserve in which the board has an interest is surplus to the board's needs, the board must provide the Minister with a declaration to that effect.

Municipal Government Act

- 5. Where interest in a school reserve, municipal and school reserve or municipal reserve is determined to be surplus, the board will transfer its interest in the land to the municipality where the reserve land is located, for consideration mutually agreed upon between the board and the municipality, as prescribed in the *Municipal Government Act*.

Lease of Real Property (AR 181/2010 – section 8)

- 6. Notwithstanding section 200(2) of the School Act, the board may, without approval of the Minister;
 - a. Lease any real property that is neither a school building nor a portion of a school building,
 - b. Lease a school building or portion of it for less than 12 months, and
 - c. Lease a school building or portion of it for 12 months or more if the lease contains a termination provision allowing the board to terminate the lease on 12 months notice.

Method of Sale (AR 181/2010 – section 9)

- 7. If the board intends to sell real property that has a value of more than \$50,000, the board must conduct the sale in accordance with the *Disposition of Property Regulation, School Act*.

Sale of Real Property (AR 181/2010 – section 10)

- 8. If the board sells real property, the board must repay all outstanding debt relating to that real property and any proceeds remaining must be distributed as prescribed in the *Disposition of Property Regulation, School Act*.

Legal Reference: Section 200(2), School Act/ Disposition of Property Regulation, School Act/ Closure of Schools Regulation, School Act/ Section 672, Municipal Government Act

Adopted: October 2011