

**DATE:** June 23, 2020

**TO:** Board of Trustees

**FROM:** Trustee Bridget Stirling, Chair, Policy Review Committee  
Trustee Sherry Adams, Policy Review Committee  
Trustee Michael Janz, Policy Review Committee

**SUBJECT:** Board Policy EA.BP Infrastructure Planning Principles

**ORIGINATOR:** Karen Mills, Director Board and Superintendent Relations

**RESOURCE STAFF:** Marnie Beaudoin, Kim Holowatuk, Roland Labbe, Nancy Petersen

**REFERENCE:** [Trustees' Handbook](#) Section 5.4 – Caucus Committee  
[Board Policy CH.BP – Framework for Policy Development and Review](#)  
[Policy Review Committee Work Plan 2019-2020](#)  
[Board Policy EA.BP Infrastructure Planning Principles](#)  
[Education Act](#)  
[Disposition of Property Regulation: Alberta Regulation 86/2019](#)

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## ISSUE

The *Education Act* requires school boards to establish Board policies to address school closure, surplus reserve land and use of school buildings.

## BACKGROUND

- Alberta Education released the new *Education Act* and 21 provincial regulations in August 2019 effective September 1, 2019.
- The provincial *Disposition of Property Regulation 86/2019* directs school boards to establish policies to address surplus reserve land and the use of school buildings.
- Section 62 of the *Education Act* directs school boards to establish a policy to address school closure.
- The Policy Review Committee included the required work to bring Board policies into alignment with the new provincial legislation in their 2019-2020 work plan, including Board Policy EA.BP Infrastructure Planning Principles.
- Board Policy EA.BP Infrastructure Planning Principles has been revised to reflect new provincial legislation and is being presented for first, second, third and final reading. There will be no engagement related to the revised policy as changes reflect required alignment to provincial legislation.

## RELATED FACTS

- Board Policy EA.BP Infrastructure Planning Principles is an overarching policy that guides decisions related to Division infrastructure, in alignment with relevant legislation.
- To ensure compliance with the *Education Act*, the following changes were made to Board Policy EA.BP Infrastructure Planning Principles:
  - The definition of “school closure” was adjusted to align with how school closure is defined in the

### *Education Act.*

- Addition of Section 5 to address Surplus Reserve Land in compliance with *Disposition of Property Regulation 86/2019*, including:
  - A statement of alignment with the *Municipal Government Act*.
  - All criteria required by the provincial regulation to be considered when a board is determining its interest in surplus reserve land.
- Addition of Section 6 to address Retention of Closed Schools, in compliance with *Disposition of Property Regulation 86/2019*, including:
  - Criteria and process used to determine whether the Board has use for a school building.
- Addition of new content to the existing Section 7 School Closure and Re-opening to provide information about the process the Board uses to permanently or temporarily close a school or transfer students from one school building to another.
- Removal of content from existing Section 7 School Closure and Re-opening that is not in alignment with the *Education Act*, or is now addressed in the new content added to this section.
- Addition of relevant legislation to the References section, including the *Education Act*, *Disposition of Property Regulation 86/2019*, and the *Municipal Government Act*.
- Addition of the Division's Joint Use Agreements to the References section.

### **RECOMMENDED**

1. That the Board Policy EA.BP Infrastructure Planning Principles be considered for the first, second, third and final time at this meeting.
2. That the Board Policy EA.BP Infrastructure Planning Principles be considered for the first time.
3. That the Board Policy EA.BP Infrastructure Planning Principles be considered for the second time.
4. That the Board Policy EA.BP Infrastructure Planning Principles be considered for the third and final time.

### **OPTIONS**

1. Accept and approve Board Policy EA.BP Infrastructure Planning Principles, as presented for first, second, third and final readings.
2. Provide feedback and/or request changes to Board Policy EA.BP Infrastructure Planning Principles.

### **CONSIDERATIONS and ANALYSIS**

- The *Education Act* requires school boards to establish Board policies to address school closure, surplus reserve land and the use of school buildings.
- While Board Policy EA.BP Infrastructure Planning Principles currently addresses the topic of school closure, this information is not currently aligned with the requirements of the *Education Act* and requires updating to meet these requirements.
- The addition of information regarding surplus reserve land and the use of school buildings to the policy is required to ensure alignment with the *Education Act*.

### **NEXT STEPS**

Once approved, Board Policy EA.BP Infrastructure Planning Principles will be posted to the Division website.

### **ATTACHMENTS and APPENDICES**

ATTACHMENT I     Draft Board Policy EA.BP Infrastructure Planning Principles

BS:mb

**CODE:** EA.BP

**EFFECTIVE DATE:** (28-01-2020)

**TOPIC:** Infrastructure Planning Principles

**ISSUE DATE:** (29-01-2020)

**REVIEW YEAR:** (2020)

## PURPOSE

To acknowledge the Board of Trustees' responsibility and expectation for effective stewardship of the Division's infrastructure resources to deliver appropriate Kindergarten to Grade 12 education programming for the citizens of the City of Edmonton and establish a set of overarching Infrastructure Planning Principles, to guide facility, capital and student accommodation planning and operations in the Division.

These Board approved Infrastructure Planning Principles will guide the actions of the Superintendent of Schools when administrating and forming places for safe, caring, healthy, respectful, diverse, inclusive and equitable learning; allocating financial resources; recommending priorities for capital funding; maintaining, building and closing or re-opening of schools; acquiring and disposing of land and buildings; and all other infrastructure decisions.

## DEFINITIONS

**Capital Projects** are new school construction and school modernization projects identified in the Division's capital submission, which is approved annually by the Board of Trustees and submitted to Alberta Education for consideration. For each project it approves, Alberta Education establishes the budget and funding. Any contract or scope of work changes that require funding additional to the Alberta Education established capital budget requires Ministerial approval.

**Community** is a unique composition of people based on common interests, needs or geography.

**Deferred Maintenance** is capital investment in facilities that has not yet been performed and is required to keep the asset in suitable operational condition.

**High Quality Learning Environments**, from a facilities point of view, refers to the factors that impact student achievement, for example, thermal comfort, indoor air quality, lighting, acoustical control, appropriate space for program delivery, student gathering places, etc.

**Infrastructure** consists of the basic facilities, services, and installations needed for the functioning of the Division, for example, transportation services, communication systems and schools and administrative buildings.

**Infrastructure Strategy** is a strategic focus that guides future decision-making for the planning, locating, provision, use and maintenance of Division facilities.

**Joint Use Agreement (Facilities and Land)** are contracts between The Board of Trustees of Edmonton School Division, The Board of Trustees of Edmonton Catholic Separate School Division, The Board of Trustees of the regional Authority of the Greater North Central Francophone Education Region No. 2 (Conseil Scolaire Centre-Nord) and the City of Edmonton supporting the sharing of publicly funded land and facilities to maximize benefits to students and citizens of the City of Edmonton.

**Long-term Viability** is based on both the costs to operate, maintain and renovate buildings and the ability for schools to maintain an enrolment within the educational program to provide a high quality learning environment for existing and future students.

**Partner** refers to the City of Edmonton, Provincial and Federal Governments, school jurisdictions, for profit and not for profit agencies and organizations compatible with the vision of the Edmonton Public School Board.

**School Closure** is within the authority of the Board of Trustees as derived from the *Education Act* 62(1) to, only by resolution, permanently or temporarily:

- close a school, or
- transfer students from one school building to another school building.

**Stakeholders** are parents, students, staff, community members, partners and government elected officials and staff.

**Student Accommodation Planning** is governed by Board Policy HC.BP - Student Accommodation and refers to the assignment of a designated school for each student based on student residency and means that this designated school will be responsible for accommodating the student or ensuring the student's placement elsewhere.

**Whole Child** is an educational concept that refers to addressing the physical, psychological, intellectual, emotional, social and spiritual needs of students.

## **POLICY**

The Board of Trustees is responsible for the stewardship of resources placed in its trust for public education service delivery to all resident students within the City of Edmonton. The Board of Trustees acknowledges that infrastructure decisions under its jurisdiction must be in accordance with governing legislation and procedural requirements. The Board of Trustees has the authority and the responsibility to make decisions regarding:

- school site acquisition and disposal within the means available to it, which are key determinants in where public education service delivery will be situated within the Division;
- priorities for school modernization and building of new schools; and
- the closure or re-opening of a school facility.

The Board of Trustees believes that the Division's infrastructure decision-making should reflect an equitable approach to the provision of safe, high quality learning and working environments across the Division; demonstrate sound planning practices; establish equitable priorities for construction, modernization and maintenance; disclose assumptions on which plans are based; employ a collaborative approach to planning and operation through the inclusion of community, external partnerships and multiple orders of government; employ traditional and creative approaches where appropriate; and ensure expenditures of capital funding demonstrate responsible stewardship of public resources.

To achieve these objectives, the following Infrastructure Planning Principles, listed in alphabetical order, shall guide all infrastructure planning and operational decisions:

1. **Accountability:** Infrastructure decisions shall be transparent, evidence based and reflect meaningful engagement with stakeholders.

2. **Centres for Educational Excellence:** Infrastructure assets shall serve as centres for educational excellence that meet the needs of Division students, as well as their families and staff, where appropriate.
3. **Environmental Stewardship:** All decisions relating to infrastructure management shall demonstrate a commitment to environmental conservation and conform to best practices in minimizing environmental impacts.
4. **Equitable Access:** All students and staff shall have fair access to safe, welcoming, high quality learning and working environments that will increase their opportunities and decrease their vulnerabilities.
5. **Fiscal Responsibility:** Decisions on infrastructure shall consider long-term needs and current realities, and reflect effective management of Division resources.
6. **Service to Community:** Division infrastructure assets are public buildings intended to serve Division students, families and staff as well as the broader community where appropriate. Capital investment shall consider the demographics, long-term plans and needs of the community.
7. **Supports for the Whole Child:** Space shall be available to enable partnerships with shared responsibilities to provide integrated services that support Division students.

The Board of Trustees believes that implementation of the Infrastructure Planning Principles will enable the Division to:

1. Achieve equity of educational programming through acknowledging that students and communities have different needs.
2. Allow opportunities for long-term planning, operational efficiencies and coordinated services.
3. Collaborate with other orders of government, school Divisions and for profit and not for profit agencies to support students, children, families and communities.
4. Determine the long-term viability of Division assets and address the long-term deferred maintenance.
5. Engage stakeholders early in ongoing discussions with the Division, considering their perspectives, and working together to achieve positive change and outcomes that benefit students.
6. Evaluate the unique needs of communities and determine the appropriate future use of assets.
7. Maximize the use of space not required for educational purposes by providing opportunities for partnerships that support education, children or the community at no cost to the Division.
8. Minimize the Division's environmental footprint through proactive planning practices.

The Board of Trustees reserves to itself the authority to name schools. In the naming of schools, preference shall be given to the names of persons who have made a valuable contribution to education and/or to the community at large.

The Board of Trustees believes in the principles of the Joint Use Agreement (Facilities) which supports the sharing of publicly funded facilities to maximize benefits to students and citizens of the City of Edmonton. In support of this belief, the Board of Trustees encourages the use of Division buildings by the community provided there is no conflict with the Division's mandate to provide (K-12) education and the use shall be compatible with the Board of Trustees' educational aims and objectives. Surplus space may be utilized in operational and closed school buildings.

The Board of Trustees believes that the preservation of buildings with significant historic value is important to the citizens of the City of Edmonton. The Board of Trustees will consider supporting an application to Alberta Community Development for the designation of a Division building as a historic resource when doing so has no adverse impact on the provision of educational services within the building or elsewhere in the Division.

## EXPECTATIONS

1. The Superintendent of Schools shall implement this policy through establishment of a comprehensive Division Infrastructure Strategy, and appropriate administrative regulations, processes and assignment of responsibilities as required.
2. All facility, capital and student accommodation plans shall address the Infrastructure Planning Principles and Infrastructure Strategy.
3. For each capital project submitted by the Board of Trustees and approved by Alberta Education, the Board of Trustees shall be kept informed of progress.
4. School Site Acquisition and Disposal
  - a. School sites shall be acquired from the reserve land dedication provided under the *Municipal Government Act*, within the terms of the Joint Use Agreement with the City of Edmonton, or purchased using approved Division Capital Reserve funding.
  - b. The Board of Trustees authorizes the Superintendent of Schools to determine the need for, or the relinquishing of need for, school sites and land in new development areas where site lands have not yet been fully dedicated.
  - c. The declaration of lands dedicated for Division use at no cost to the Division, as surplus to Division need, shall require Board of Trustees approval.
  - d. Each sale, transfer or exchange of land titled to the Division shall require Board of Trustees approval.
  - e. Where applicable, the sale of school sites shall be transacted with the terms of the Joint Use Agreement (Land) with the City of Edmonton.
5. Surplus Reserve Land
  - a. As per the *Municipal Government Act*, if a school board holds an interest in a school reserve, municipal and school reserve or municipal reserve according to the *Municipal Government Act* and declares that the reserve is surplus to the school board's needs, the school board must transfer its interest in the land to the municipality where the reserve is located, for the consideration agreed on between them.
  - b. The Board will consider the following when determining whether its interest in a school reserve, municipal and school reserve or municipal reserve is surplus to the board's needs:
    - i. Enrolment trends within the area intended to be served by the school reserve, municipal and school reserve or municipal reserve.
    - ii. Student accommodation and transportation issues.

- iii. Whether a school on school reserve, municipal and school reserve or municipal reserve is included in the Board's capital plan.
- iv. The length of time that the school reserve, municipal and school reserve or municipal reserve has existed and has not been needed by the Board.
- v. Consultation with other boards with respect to their needs for the school reserve, municipal and school reserve or municipal reserve.
- vi. Any other criteria the Board considers necessary.

6. Retention of Closed Schools

- a. The Board will consider the following to determine whether the Board has use for a school building that has been closed:
  - i. Consideration of demographic factors.
  - ii. The length of time the school building has been closed.
  - iii. Other public educational uses for the school building.
  - iv. Any other criteria the Board considers necessary.

7. School Closure and Re-opening

- a. The Board may, only by resolution, permanently or temporarily:
  - i. Close a school(s), or
  - ii. Transfer students from one school building to another school building.
- b. Where the Board is considering the actions referred to in 6.a., the Board shall notify, in writing:
  - i. The parents of every student enrolled in the school(s) that may be affected by the action.
  - ii. Any other person, municipality or community organization who, in the opinion of the Board, may be significantly affected.
- c. When proposing the permanent closure of a school(s), the Board must provide for:
  - i. Adequate opportunity for the public to respond to the Board's proposal.
  - ii. A process to fairly consider responses from the public to the Board's proposal to permanently close a school(s).
  - iii. Consideration of future growth or decline in student enrolment.
  - iv. Consideration of possible alternative educational or community uses for all or part of the building.
- d. Where a Board decides to close a school(s) permanently, the board shall notify the Minister in writing forthwith, and include:
  - i. The name of the school(s).
  - ii. The effective date of the closure.
- e. The Superintendent of Schools shall be responsible for recommending the closure or re-opening of a school to the Board of Trustees in accordance with the Infrastructure Planning Principles.

8. Use of Division Buildings

- a. Members of the community, excluding publicly-traded companies providing day care and early education, can access surplus space through the following methods:
  - i. As a group represented by the City of Edmonton under the Joint Use Agreement: Facilities;
  - ii. As an occasional paid rental for groups not eligible under the Joint Use Agreement: Facilities;
  - iii. As a group with exclusive use of space as specified in a lease agreement;
  - iv. As a group with limited use of space as specified in a license agreement; or
  - v. As a group with shared use of space who provide support services which directly benefit the students at the school through a specific agreement with the school.
- b. Those organizations leasing or licensing space must provide evidence of recognized, acceptable, social and ethical standards through policies, practices and procedures.

- c. Leases are intended to be at no cost to the Division. Information regarding leases in the Division shall be provided to the Board of Trustees annually.
- d. Fees for paid rentals shall be determined annually by the Superintendent of Schools.

## ACCOUNTABILITY

Annually, the Board of Trustees approves the Division's Three Year Capital Plan and reviews the Division's Ten Year Facilities Plan, as required by the Government of Alberta.

## REFERENCES

AA.BP - Stakeholder Relations  
DEA.BP - Student Transportation  
DEA.AR - Transportation Services  
EECA.AR - Identification of a Building as a Historic Resource  
EF.AR - Naming of Schools  
EO.BP - Environment  
HC.BP - Student Accommodation  
IG.AR - Community Use of Division Buildings  
Edmonton Joint Use Agreement: Facilities  
Edmonton Joint Use Agreement: Land  
Education Act Sections 62, 192  
Disposition of Property Regulation 86/2019  
Municipal Government Act (Part 17)