

EDMONTON PUBLIC SCHOOLS

December 11, 2007

TO: Board of Trustees

FROM: Trustee D. Colburn, 2006-2007 Planning and Policy Committee
Trustee D. Fleming, Chair 2006-2007 Planning and Policy Committee
Trustee S. Hansen, 2006-2007 Planning and Policy Committee
Trustee W. Keiver, 2006-2007 Planning and Policy Committee

SUBJECT: Review - Board Regulation FEE.BR - Site Acquisition and Disposal

ORIGINATOR: T. Parker, Assistant Superintendent

RESOURCE
STAFF: Jenise Bidulock, Michael Ediger, Roland Labbe, Lorne Parker

RECOMMENDATION

That the replacement of Board Regulation FEE.BR - Site Acquisition and Disposal with new Board Policy FEE.BP - Site Acquisition and Disposal be considered for the third time and approved.

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This report was introduced and considered for the first and second reading on November 13, 2007.

The intent of the proposed Board Policy FEE.BP - Site Acquisition and Disposal (Appendix II) is to replace the current Board Regulation FEE.BR - Site Acquisition and Disposal (Appendix I). Board regulations are being systematically reviewed for consistency and clarity. In accordance with the board's policy approval process, a recommendation for the replacement of Board Regulation FEE.BR, Site Acquisition and Disposal Board Regulation and replacement with a new Board Policy FEE.BP, Site Acquisition and Disposal has been developed.

Board Regulation FEE.BR Site Acquisition and Disposal was last reviewed in 1990. The proposed Board Policy FEE.BP - Site Acquisition and Disposal clarifies district rights and responsibilities in the area of school site acquisition and disposal, as enabled through the *School Act*, the accompanying Disposition of Property Regulation, the *Municipal Government Act* (Part 17, Divisions 7 to 9) and the accompanying Subdivision and Development Regulation. A supporting administrative regulation has been developed and will be brought forward to the Superintendent for approval after the policy has been approved (Appendix III).

The proposed policy addresses situations where the district or the City of Edmonton hold reserve-dedicated land for a future school building which may no longer be required for a future district school, as well as the sale and disposition of closed schools and sites which

were acquired prior to land dedication legislation. The intent of the proposed policy is: to ensure the policy is clear and understandable; to ensure compliance with district beliefs and practices; to make reference to the appropriate current legislation and regulations; and, to clearly define the roles and parameters with regard to the policy.

A policy review web-survey was conducted in accordance with board policy review procedures and was open for input from April 17 to May 15, 2007. Key stakeholder organizations and partners were notified of the policy review process and survey. The administration has taken into consideration the advice and input received from parents, staff, and community members in the proposed site acquisition and disposal policy. A copy of the web-survey bar graph indicating the results and comments provided through the web-survey questionnaire (Appendix IV) and written feedback submitted through the process (Appendix V) are included as supplementary information.

REL:gm

- Appendix I Existing Board Regulation, FEE.BR Site Acquisition and Disposal
- Appendix II Proposed Board Policy FEE.BP Site Acquisition and Disposal
- Appendix III Proposed Administrative Regulation FEE.AR Site Acquisition and Disposal
- Appendix IV Web-Survey Bar Graph
- Appendix V Web-Survey Questionnaire Results

**EXISTING BOARD REGULATION
FEE.BR –SITE ACQUISITION AND DISPOSAL**

**Edmonton Public Schools
Board Policies and Regulations**

CODE: FEE.BR
TOPIC: Site Acquisition and Disposal

EFFECTIVE DATE: 25-06-1990
ISSUE DATE: 06-09-1990
REVIEW DATE: 06-1995

1. Acquisition of School Sites

School sites shall be acquired from the reserve dedication land provided under the Alberta Planning Act and within the terms of the Joint Use Agreement with the City of Edmonton.

2. Disposal of School Sites

- a. Each sale or exchange of land shall have board approval.
- b. Where applicable, the sale of school sites shall be transacted within the terms of the Joint Use Agreement with the City of Edmonton.
- c. The declaration of surplus sites shall require board approval.

Reference(s):

**PROPOSED SITE ACQUISITION AND DISPOSAL POLICY FEE.BP
DISPLAYS PROPOSED EDITS FOLLOWING CONSULTATION**

**Edmonton Public Schools
Board Policies and Regulations**

CODE: FEE.BP
TOPIC: Site Acquisition and Disposal

EFFECTIVE DATE:
ISSUE DATE:
REVIEW DATE:

The Board is responsible for public education service delivery to resident students of the district and the Board has the authority 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 district.

A. SCOPE AND AUTHORITY

The authority of the Board, in regard to acquiring, owning and disposing of school sites, is derived from the School Act (Part 7) and the accompanying Disposition of Property Regulation, and the Municipal Government Act (Part 17, Divisions 7 to 9) and the accompanying Subdivision and Development Regulation.

B. ACQUISITION OF SCHOOL SITES

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 district Capital Reserve funding.

C. DISPOSAL OF SCHOOL SITES

1. The declaration of lands dedicated for district use at no cost to the district, as surplus to district need, shall require Board approval.
2. Each sale, transfer or exchange of land titled to the district shall have Board approval.
3. Each Board approved sale, transfer or exchange of land titled to the district shall comply with provincial legislation and regulations.
4. Where applicable, the sale of school sites shall be transacted within the terms of the Joint Use Agreement with the City of Edmonton.

D. SCHOOL SITE ACQUISITION AND DISPOSAL IN DEVELOPING AREAS

The board authorizes the administration to determine the need for, or the relinquishing of need for, school sites and land in newly developing areas where site lands have not yet been fully dedicated.

Reference(s):

School Act (Part 7)

Disposition of Property Regulation

Municipal Government Act (Part 17, Divisions 7 to 9)

Subdivision and Development Regulation



EDMONTON PUBLIC SCHOOLS

PROPOSED ADMINISTRATIVE REGULATION - SITE ACQUISITION AND DISPOSAL**Edmonton Public Schools
Board Policies and Regulations**

CODE: FEE.AR
TOPIC: Site Acquisition and Disposal

EFFECTIVE DATE:
ISSUE DATE:
REVIEW DATE:

1. The district administration will plan for future school site needs in newly developing areas through the City of Edmonton's land development review and approval process.
2. Sites will be acquired through the land dedication process and held by the City of Edmonton on the district's behalf, in accordance with the Joint Use Agreement for the acquisition and development of school and park sites.
3. The district administration will determine the need for, or the relinquishing of need for, school sites and land in newly developing areas where site lands have not yet been fully dedicated, through the City of Edmonton's land development review and approval process.
4. The district administration will obtain Board approval for each sale, transfer or exchange of land titled to the district.
5. For vacant lands dedicated as future school sites, the district administration will obtain approval from the Board of Trustees to declare a site as surplus to district need.
6. The district administration will develop a plan with input from communities affected by school closures prior to the re-use or disposition of surplus school buildings and associated lands titled to the district.
7. For sites acquired directly by the district prior to reserve dedication legislation, the district administration shall obtain approval from the Board of Trustees to declare a site as surplus to district need and to dispose of the site and building.

Reference(s):

FEE.BP - Site Acquisition and Disposal

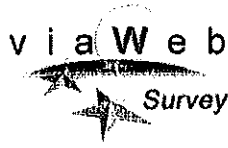
School Act (Part 7)

Disposition of Property Regulation

Municipal Government Act (Part 17, Divisions 7 to 9)

Subdivision and Development Regulation

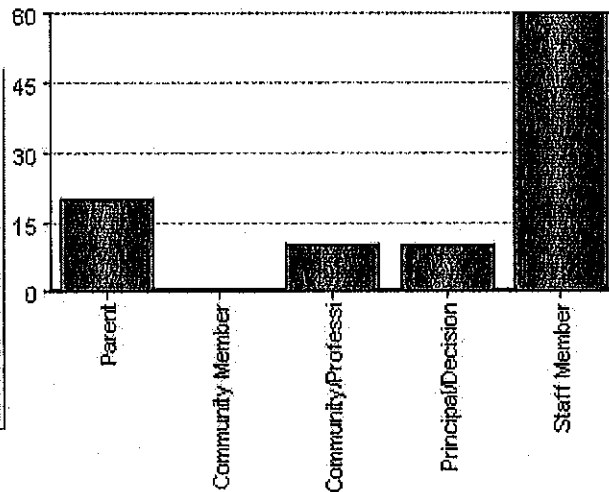
WEB-SURVEY BAR GRAPH



FEE.BP - Site Acquisition and Disposal

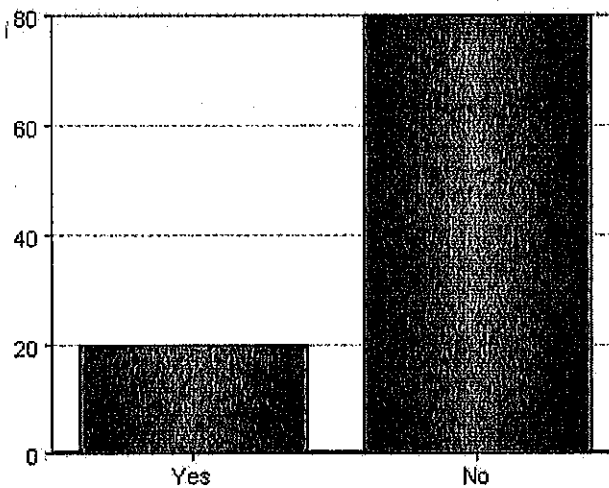
Question 1: Please select the one identifier that best describes the perspective from which you are providing feedback: (N=10)

Choices	Count	Percent
Parent	2	20.0
Community Member	0	0.0
Community/Professional Organization	1	10.0
Principal/Decision Unit Administrator	1	10.0
Staff Member	6	60.0



Question 2: Are there any aspects of the policy which require clarification? (N=10)

Choices	Count	Percent
Yes	2	20.0
No	8	80.0

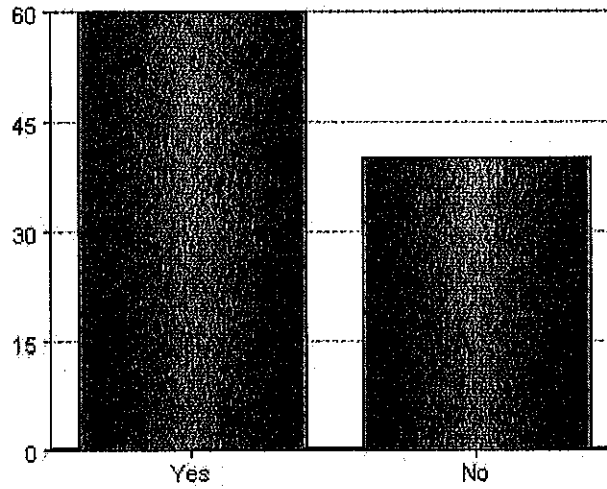


Show "If yes, please list below."

Question 3: Are there elements which should be added in this policy? (N=10)

Choices	Count	Percent
Yes	6	60.0
No	4	40.0

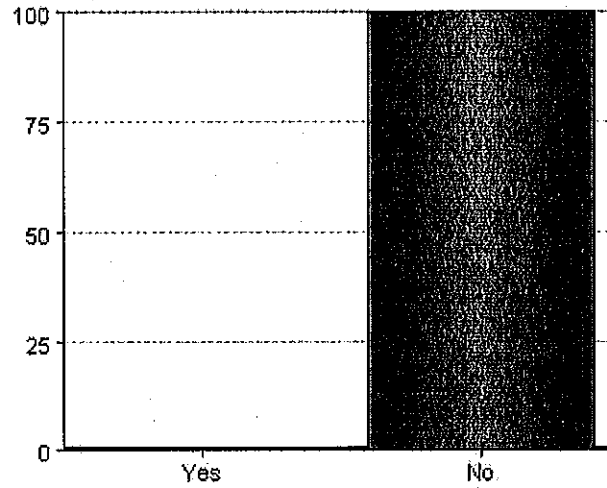
Show "If yes, please list below."



Question 4: Are there elements which should be deleted from this policy? (N=9)

Choices	Count	Percent
Yes	0	0.0
No	9	100.0

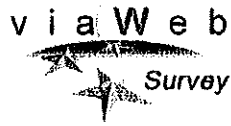
Show "If yes, please list below."



Question 5: May we contact you if we require further clarification?

Show Text for Question 5

WEB-SURVEY QUESTIONNAIRE RESULTS



FEE.BP - Site Acquisition and Disposal

Written Feedback and Responses to Questions from the Web Survey

Question #2

Are there any aspects of the policy which require clarification? If yes, please list below.

- When disposing of schools and property, which "act" takes precedent, Joint Use Agreement or the School Act? (Staff Member)
- What happens if the two conflict? (Staff Member)
- I'm not sure what the point of item c (4) is. Shouldn't the sale of school sites ALWAYS BE transacted within the terms of the Joint Use Agreement with the City of Edmonton? (Staff Member)

Question #3

Are there elements which should be added in this policy? If yes, please list below.

- Should the Joint Use Agreement be a Reference? (Community/Professional Organization)
- The policy should indicate how disputes are recognized and addressed. (Parent)
- I don't think that a site should be disposed of unless there is ample room at another school with in a reasonable distance in case of future need. (Parent)
- Many of my parents want the sale of the old school sites that have gone through the closure process to be included in this policy. They want to know what will happen to their school land and building when it has gone through closure. (Principal/Decision Unit Administrator)
- Sale (disposition) of district property should guarantee fair market value or more back to the district. (Staff Member)
- Should there be some reference to the school board's role and responsibility in sustainable urban development and growth? (Staff Member)

Question #4

Are there elements which should be deleted from this policy? If yes, please list below.

- No feedback

Question #5

Additional Comments:

Point C of the policy as worded talks about land, but what about the buildings that are on the land -- i.e. lands that house closed schools? While rental of said buildings is covered in the Utilization of Surplus Space policy, I can't seem to find any EPSB policies related to sale or complete disposal of the land plus building. I see it is covered under the School Act to a certain degree. If I haven't looked thoroughly enough at the policies and have missed this, please let me know. But, if I am correct, is "disposal" an option for a closed school and should that be reflected somehow in this policy? I ask this because I heard several comments during the School Closure procedures this year expressing concern over what would happen to the building if the school was closed.

My other comment is related to Points C and D. If the Board authorizes the Administration to determine the need for, or the relinquishing of need for, school sites and land in newly developing areas where site lands have not yet have been fully dedicated (point D), presumably it would be fair to authorize them to do this same for the disposal of already dedicated school sites (with no schools yet built). In either case, I wonder if the Board needs to direct the Administration to consult with communities, fellow school boards, and the City in advance of those decisions so the very best locations for schools can be chosen. (Community Member)

If so, that spirit of cooperation and collaboration could be reflected in the opening preamble of the policy as per the following suggested changes (insertions and deletions made using WORD's tracking function):

i.e. The Board is responsible for public education service delivery to resident students of the district, and has the authority to decide how and where to deliver this service within the means available to it. The Board ~~has the authority to~~ authorizes the Administration, as part of its ongoing Capital Planning work, to recommend ~~make decisions regarding~~ school site acquisition and disposal decisions in both developing and established areas of the city (on an annual? Bi-annual? basis). Recognizing that schools play important roles in building communities, said recommendations will include records of the advice and opinion of community residents (maybe through their leagues, for example? Or through area councils?), the City, and fellow school boards so trustees may make an informed decision. ~~which are key determinants in where public education service delivery can be situated within the district.~~