



REPORT TO

SPECIAL BOARD

REPORT OF THE GOVERNANCE AND POLICY COMMITTEE ON REVISED FACILITY PARTNERSHIPS POLICY (B.R.07)

*For I know the plans I have for you, declares the Lord, plans to prosper you and not to harm you, plans to give you hope and a future.
Jeremiah 29:11*

Created, Draft

January 27, 2016

First Tabling

February 24, 2016

Review

Maria Rizzo, Chair, Governance and Policy Committee

Caitlin Kavanagh, Sr. Manager, Employee Relations & Policy Development

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.



Members of the Committee:

Maria Rizzo, Chair
Nancy Crawford, Vice Chair
Jo-Ann Davis, Trustee Ward 9
Angela Kennedy, Ex-Officio
Frank D'Amico, Ex-Officio

A. COMMITTEE RECOMMENDATIONS

That the Board approve the revised B.R.07 for consultation at the level of 'consult' as defined in the Board's Community Engagement Policy (T.07) with the following amendments:

1. Scope and Responsibility needs to be amended to indicate that the policy applies to all TCDSB Properties.
2. Regulation 1a) to delete the words "not having been declared surplus" and insert the words "to all school sites or properties" after the word "apply".
3. Regulation 4d) to include all existing TCDSB partners local or Board wide and relevant charitable non-profit organizations.
4. Regulation 4f) to insert the words "at least 20 calendar days in advance of the meeting after the word "list".

B. ORIGIN

This Recommendation Report is on the Order Paper of the Regular Board as it recommends a policy revision.

C. EXECUTIVE SUMMARY

The Governance and Policy Committee reviewed the policy at the January 27, 2016 committee meeting. Trustees wanted to clarify the scope of the policy to ensure that it applies to all TCDSB properties, including those declared surplus. Trustees also wanted to specifically list existing TCDSB partners and charitable non-profit organizations. Trustees also wanted to ensure timelines for providing notice to the public of meetings were included in the policy.

The policy as amended was passed unanimously.

D. APPENDICES

1. Appendix A: Revised Community Planning and Partnerships Policy (B.R.07)

2. Appendix B: Report to Governance Committee on Revised Facility Partnerships Policy (B.R.07)

E. MOTIONS

1. That the Board approve the Community Planning and Partnerships Policy (B.R.07), as contained in *Appendix 'B'* of this report be approved for consultation with the following amendments:
 1. Scope and Responsibility needs to be amended to indicate that the policy applies to all TCDSB Properties.
 2. Regulation 1a) to delete the words “not having been declared surplus” and insert the words “to all school sites or properties” after the word “apply”.
 3. Regulation 4d) to include all existing TCDSB partners local or Board wide and relevant charitable non-profit organizations.
 4. Regulation 4f) to insert the words “at least 20 calendar days in advance of the meeting after the word “list”.
2. That public consultation occur at the level of ‘consult’ as defined in the Board’s Community Engagement Policy (T.07).



POLICY SECTION: BUILDING/PLANT/GROUNDS
SUB-SECTION: RENTALS/PERMITS
POLICY NAME: COMMUNITY PLANNING AND PARTNERSHIPS POLICY
POLICY NO: B.R. 07

Date Approved: January 2007	Date of Next Review: February 2019	Dates of Amendments: May 2013 February 2014 February 2016
Cross References: Ministry of Education Community Planning and Partnerships Guideline (CPPG), March 2015. Ministry of Education Pupil Accommodation Review Guideline (PARG), March 2015. School Accommodation Review Policy (S.09) – currently under review with proposed new title Pupil Accommodation Review Policy.		
Schedule A: Application for Interest in Establishing Community Planning and Facility Partnership		

Purpose:

This Policy has been prepared in accordance with the Ministry of Education's Community Planning and Partnerships Guidelines (CPPG), March 2015. The purpose of this Policy and its regulations are to provide direction, and a framework to seek out and support the development of facility partnership opportunities with community partners that are compatible with the Toronto Catholic District School Board's mandate and Multi-Year Strategic Plan, respect its values and in no way hinder the Board's ability to achieve its goals and objectives.

Scope and Responsibility:

This Policy applies to **all existing schools and properties** of the Toronto Catholic District School Board (the Board), as well as to new construction projects such as new schools and additions. The Director of Education is responsible for this Policy.



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Alignment with MYSP:

Living Our Catholic values
Strengthening Public Confidence
Fostering Student Achievement and Well-Being
Providing Stewardship of Resources

Financial Impact:

Community partnerships established through the implementation of this Policy may result in a reduction of facility operating costs for the Board. The Board is not expected to absorb additional costs to support facility partnerships. The Board can recover any costs associated with operation, maintenance, administration, renovation and capital improvements (to make space suitable for use by facility partners) arising from the community partnership.

Legal Impact:

The Board could be involved in legal proceedings if community partnerships are not established in accordance with this Policy.

The Education Act requires school boards to maintain a safe learning environment for pupils under its care. The Board must be vigilant in establishing community partnerships to ensure that the safety of students is not compromised.

Policy:

The Toronto Catholic District School Board is committed to providing the best educational opportunities and to enhancing the learning environment in its schools for the elementary and secondary school-age population of the City of Toronto. Community partnerships between the Board and community organizations have the



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potential to reduce facility operating costs and maximize the efficient utilization of Board assets. They also have the potential to improve services and supports available to students. Community partnerships can also strengthen relationships between the Board, community partners and the public, and provide a foundation for improved service delivery for communities. The Board will, in accordance with this Policy, endeavor to seek out and support community partnerships that are of benefit to the Board, its students and the wider community.

Principles:

The Board is committed to supporting responsive and responsible allocation of resources, including the provision of equitable, affordable and sustainable learning facilities. The following principles will be used as a foundation to support the mission and vision of the Board in pursuing and establishing community partnerships.

- i. The Board's primary responsibility is to support and promote student achievement as well as providing a safe and healthy environment for its students and staff.
- ii. Effective community partnerships must respect the core values of each partner.
- iii. The Board will continue to have the authority to make decisions regarding its school facilities and the use of its properties that are consistent with the Education Act.
- iv. This Policy does not prevent the Board from building, renovating or closing schools, or from disposing of surplus assets as necessary.
- v. Based on criteria contained in this Policy, the Board will have the sole discretion to identify, on an annual basis, buildings and sites that are suitable and available for community partnerships, as well as to determine which



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future new construction projects may present an opportunity for co-building with community partners.

- vi. The Board will consider, and at its sole discretion determine the eligibility of all potential partners based on criteria contained in this Policy.
- vii. At a minimum, community partnerships will be based on full cost-recovery to the Board.
- viii. The Board will continue to follow Ontario Regulation 444/98 regarding the lease or sale of assets which have been declared surplus.
- ix. This Policy recognizes that facility sharing between publicly funded school boards through co-ownership, lease or other agreements is a priority for the Ministry of Education and school boards; coterminous boards that have priority status under O. Reg. 444/98 shall not be disadvantaged under this Policy.
- x. The Board may choose to enter into a license or joint-use agreement for space that is unused but has not been declared surplus.
- xi. While this Policy focuses on facility based partnerships as opposed to those of a service or program based nature, the Board is encouraged to pursue service/program exchanges that may arise with its facility partners.

Regulations:

1. Identification of Space for Partnership Opportunities

- a) This Policy shall apply to situations in which unused space **on all existing school sites or in existing facilities**, is to be considered for community partnership purposes. This Policy shall also apply to partnership opportunities involving new construction.
- b) Based on the Board's Long Term Accommodation Plan (LTAP) and other sources of information available to staff, an annual review of the Board's property assets shall be undertaken to identify underutilized facilities that



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have suitable spaces for potential partnership opportunities, as well as potential co-building opportunities with respect to new construction.

- c) Locations identified as being suitable for facility partnerships or co-build opportunities shall be subject to Board approval.

2. Partnerships - Underutilized Space

- a) In identifying existing facilities with potential partnership opportunities, the annual review of the Board's assets shall take into consideration, but not be limited to the following factors: site size, school capacity, current and projected enrolment, facility condition, current programming and initiatives.
- b) The following criteria, where applicable, may be considered in determining the suitability of facilities for partnership opportunities. Other criteria may also be considered.
 - i. Facilities that have been at 60% utilization or less for two consecutive years or have 200 or more unused pupil places.
 - ii. Facilities with a 5-year projected utilization rate of 60% or less from the start of the partnership.
 - iii. Ability to identify and create a separate, distinct and contiguous space within the facility, without compromising or detrimentally affecting the remaining space to be used for school programming, and other Board programs or administrative purposes.
 - iv. Facility will not be required for programming purposes or other uses in the future.
 - v. Identified space can be easily accessed as required without disruption to the existing use of the facility or building.
 - vi. Site constraints and limitations.
 - vii. Compliance with planning controls such as the City of Toronto Official Plan and Zoning By-law (eg. permitted land use, parking requirements, other performance standards).



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- c) In addition to identifying underutilized facilities with potential partnership opportunities, the annual review will also provide details regarding the available space at those facilities, such as location and area of space, facility amenities, and required renovations or improvements if needed.

3. Partnerships - New Construction

- a) Construction of new schools, additions and significant renovations may be considered as opportunities for partnerships. Site size, topography and other physical constraints may limit partnership opportunities.
- b) When considering building a new school or undertaking a significant addition or renovation, the Board shall notify potential partners one to three years prior to the potential start date of construction.
- c) To support potential partners in determining the project's suitability for their purposes, the Board shall provide them with sufficient information regarding the project plans.
- d) The Board does not require an identified source of funding or Ministry approval for the project prior to notifying potential partners.
- e) Potential community partners are to be encouraged to notify the Board (by way of letter to the Director of Education) about their proposals or plans to build new facilities.
- f) Partnership opportunities involving new construction shall be evaluated on a case-by-case basis to determine if the partnership is appropriate for, and in the best interests of the Board.

4. Community Consultation and Notification Requirements

- a) The Board shall hold one public meeting annually to discuss potential partnership opportunities with the public and community organizations. The



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public meeting may be a dedicated meeting specifically for this purpose, or may be held as part of a regularly scheduled Board meeting.

- b) Additional information meetings may be held by staff and potential partners for purposes of clarification, responding to further inquiries, or to discuss supplementary information.
- c) Results of the annual review of underutilized facilities that have suitable spaces for potential partnership opportunities, as well as potential co-building opportunities with respect to new construction (Regulation 1(b)) will be used as the basis to inform the annual public meeting as well as other meetings between staff and potential partners.
- d) For purposes of community consultation and the annual public meeting, the Board shall create a notification list to include, but not limited to the public sector and community agencies identified below. The Board may, at its discretion, add other entities to the notification list, as well as prioritize the entities that appear on the list.
 - i. Agencies listed under Ontario Regulation 444/98:
 - Co-terminus School Boards
 - City of Toronto
 - Local colleges and universities
 - Provincial Government
 - Federal Government
 - ii. Agencies required under the Ministry CPPG
 - District Social Services Administration Board(s) or Consolidated Municipal Service Manager(s)
 - Public Health Boards, Local Health Integration Networks and Children's Mental Health Centres
 - Child care operators and government funded organizations (if requested by same)



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- iii. Other agencies as approved by the Board
 - To be determined, including all relevant charitable non-profit organizations as well as existing local and Board-wide TCDSB partnerships.
- e) For purposes of this Policy, the following organizations are not considered eligible partners:
 - i. entities that provide competing education services such as tutoring services, JK-12 private schools or private colleges, adult education programs similar to those run by the Board, and credit-offering entities that are not government-funded;
 - ii. political organizations;
 - iii. others deemed ineligible by the Board.
- f) The Board shall notify via email the organizations and agencies on the notification list **at least 20 calendar days in advance of the meeting** about the location and date of the annual public meeting, and post this information on the Board website for broader public access.
- g) Organizations and agencies interested in being on the Board's notification list or interested in partnering with the Board for the use of space in existing facilities, or in co-building with the Board, are to be encouraged to contact the Director of Education directly via letter, instead of waiting for the annual public meeting.
- h) For purposes of notification, the Board shall post on its website, information regarding:
 - i. its intention to build new schools and to undertake significant renovations (to be updated as necessary);



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- ii. unused space in open and operating schools, and in administrative buildings that is available for facility partnerships (to be updated at least annually); and
 - iii. contact information to assist with inquiries related to facility partnerships.
- i) The Board shall inform via email those on the notification list when important information regarding community planning or facility partnerships is updated.
- j) The annual public meeting shall be informed about:
- i. all or a portion of the Board's LTAP;
 - ii. details of any schools or facilities deemed eligible for facility partnerships; and
 - iii. relevant information available on the Board's website, and any supplementary information related to community planning and partnerships.
- k) Potential partners invited to attend the annual public meeting shall be requested to have available for the meeting relevant information such as population projections, growth plans, community needs, land-use and green space/park requirements, as applicable, and shall inform the Board of their plans and needs.
- l) The notification list, those in attendance at the annual public meeting and any information exchanged shall be formally documented by the Board.

5. Partnership Selection and Proposals

- a) The Board shall consider, and at its sole discretion, evaluate the eligibility of an applicant for purposes of establishing a community partnership with the Board.



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- b) Applicants that satisfy the selection criteria in Regulation 5(c) below, are invited to submit proposals for the use of space in existing facilities (as identified by the Board), or for partnering in new construction (co-build) projects. Application forms can be accessed from the Board website. A sample application form is provided as Schedule 'A' to this Policy.
- c) The Board shall have full discretion when evaluating applicants and in assessing their compatibility and suitability for a community partnership with the Board. Evaluation of submissions shall be based on how well the proposal satisfies the selection criteria below.

The community partner/partnership shall:

- i. respect the values of the Board and the Catholic faith, expressions and symbols;
 - ii. support the health and safety of students and staff;
 - iii. support the student achievement strategy of the Board;
 - iv. be compatible with the host facility and the Board;
 - v. not interfere with the day-to-day operations and activities of the host facility and the Board;
 - vi. not be a competing education service provider;
 - vii. at a minimum, be based on full cost-recovery to the Board;
 - viii. provide financial statements showing financial viability of its organization;
 - ix. agree to operate in accordance with Board policies;
 - x. enter into a lease, license, or joint-use/partnership agreement with the Board;
 - xi. agree to all staff working on Board premises being subject to a criminal background check;
 - xii. if it is the City of Toronto, provide population projections, growth plans, community needs, land-use and green space/park requirements.
- d) The Board may, at its discretion, consider both, for-profit and non-profit entities.



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- e) A report shall be prepared for the consideration of Trustees, which summarizes partnership applications and evaluation, and provides recommendations on whether or not to proceed with a partnership.

6. Cost Recovery

- a) Based on cost-recovery, fees charged to partners for the space they occupy shall, at a minimum, cover operating costs, capital costs, administrative costs including legal fees, and property taxes (if applicable).
- b) Costs for minor renovations and capital improvements required as a result of making space suitable for use by facility partners, such as those associated with obtaining municipal approvals, the enhancement of student safety and the provision of appropriate washroom facilities, shall be borne by partners.
- c) With respect to new construction or co-building, facility partners shall be required to pay for and finance their share of construction, including a proportional share of joint-use or shared space.

7. Partnership Agreements

- a) The Board shall provide clear instructions to potential facility partners regarding their rights and responsibilities as tenants, including maintenance standards where applicable, and the Board's user policies, such as accessibility and inclusiveness policies.
- b) With respect to new construction or co-building partnerships, partnership agreements cannot be finalized until both the Board and co-build partners have an approved source of funding.
- c) The successful partner shall be expected to enter into appropriate agreements for the use of space within Board facilities. The Board shall ensure that all legal agreements protect its rights and respect the Education Act.



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Definitions:

Coterminous Board

Refers to the Toronto District School Board, Conseil scolaire de district catholique Centre-Sud, or Conseil scolaire Viamonde.

Co-build/Co-building Partnership

Refers to a legally binding arrangement between, and of mutual benefit to, the Board and a public sector or community agency/organization, in which the Board and other public sector or community agency/organization proportionately share in the cost of new construction or significant renovations/capital improvements. Common areas are to be cost-shared on a proportional basis.

Facility

Any vacant site, or site upon which a school and/or administrative building is situated, that is owned and operated by the Board.

Facility/Community Partnership

Refers to a legally binding arrangement between, and of mutual benefit to, the Board and a public sector or community agency/organization, with respect to the use of underutilized Board owned/operated facilities.

Notification List

Refers to a list of potential organizations with which the Board could establish partnerships, including but not limited to public sector (Municipal, Provincial, Federal) and community agencies, that would be used for notification purposes for community consultation and the annual public meeting. This list would include those organizations identified in Ontario Regulation 444/98.

Utilization/Utilization Rate

Based on the Ministry rated capacity of a school building and a school's enrolment, and taking into account contractual staffing obligations, this refers to the amount of space in a school used for school purposes expressed as percentage of enrolment over capacity.



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Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the number of suitable partnerships the Toronto Catholic District School enters prior to the next review of this policy.

APPENDIX A