



# Board Policy 19

## Disposition of Property

When land and buildings or other property become surplus to needs, the Board of Trustees shall arrange for the effective disposal of these items.

In accordance with the Education Act and accompanying Regulations, the Board of Trustees is responsible for the use of school facilities. The Board of Trustees may make recommendations or set priorities of replacement, modernization or new capital investment for submission to the Ministry of Education. Further, the Board of Trustees may make decisions regarding closure of schools or programs and disposition of property.

### **Procedures:**

1. The Board of Trustees shall dispose of land and buildings in the best interest of the community and of the students in the Division, pursuant to existing government legislation and regulation.
2. Disposal of surplus land and buildings requires the approval of the Board of Trustees.

### **Board policy respecting use of school buildings (AR 181/2010 – Section 2)**

3. The following criteria shall be used to determine whether the Board of Trustees has use for a school building that has been closed pursuant to the Closure of Schools Regulation:
  - a. Demographic factors and enrolment trends within the area intended to be served by the school reserve, municipal and school reserve or municipal reserve.
  - b. Consultation with other publicly funded school boards with respect to their needs for the school building.
  - c. Any other criteria the Board of Trustees considers necessary.

### **Board policy respecting surplus reserve land (AR 181/2010 – Section 4)**

4. The following criteria shall be used to determine whether interest in a school reserve, municipal and school reserve or municipal reserve is surplus to the Board of Trustee's needs:
  - 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 of Trustees' capital plan.
  - d. Consultation with other publicly funded school boards with respect to their needs for the school reserve, municipal and school reserve or municipal reserve.
  - e. Any other criteria the Board of Trustees considers necessary.



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### **Declaration of surplus reserve land (AR 181/2010 – Section 6)**

5. If the Board of Trustees is of the opinion that a school reserve, municipal and school reserve or municipal reserve in which the Board of Trustees has an interest is surplus to its needs, the Board of Trustees shall provide the Minister with a declaration to that effect.
  - a. The declaration must include the length of time that the surplus reserve land has not been needed by the Board of Trustees.

### **Municipal Government Act**

6. Where interest in a school reserve, municipal and school reserve or municipal reserve is determined to be surplus, the Board of Trustees will transfer its interest in the land to the municipality where the reserve land is located, for consideration mutually agreed upon between the Board of Trustees and the municipality, as prescribed in the section 672 of the Municipal Government Act.

### **Lease of Real Property (AR 181/2010 – Section 8)**

7. 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)**

8. 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, Education Act*.
9. If the Board of Trustees intends to sell personal property that has a value of more than \$10,000, it shall:
  - a. Obtain two or more current independent appraisals of the market value of the property,
  - b. Conduct the sale by tender or public auction, and
  - c. Advertise the sale at least twice in a newspaper circulating in the Division prior to the sale.
10. If the Board of Trustees intends to sell personal property that has a value of less than \$10,000, it shall:



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- a. Follow the procedures outline in Regulation 12 above or,
- b. Follow such other procedures as may be approved by the Superintendent of Schools or designate.

### **Sale of Real Property (AR 181/2010 – Section 10)**

11. 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, Education Act*.

#### Legal Reference:

- Education Act, S. 192
- Alberta Regulation Disposition of Property Regulation 181/2010
- Municipal Government Act 672