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MEMORANDUM TO: Directors of Education

FROM: Gabriel F. Sékaly
Assistant Deputy Minister
Business and Finance Division

Jim Grieve
Assistant Deputy Minister
Early Learning Division

DATE: **July 29, 2011**

SUBJECT: **Full-Day Early Learning Kindergarten Program (FDK)
– Municipal Approvals for Capital Projects**

As the Full-Day Early Learning Kindergarten Program (FDK) continues to be phased in across all Ontario elementary schools and school boards undertake required capital construction to accommodate the additional students, the Ministry of Education is aware of the various municipal approvals school boards will require in advance of any construction of additions or major renovations.

Approximately 2,100 schools will require major capital work before FDK is fully implemented by September 2014. Nine hundred of these schools are scheduled for completion for September 2012. The Ministry appreciates that FDK capital projects for September 2012, 2013 and 2014 school years have tight timeframes to plan, design, obtain municipal approvals for and construct the required space.

Since many school boards advise that Site Plan Approval is taking them longer than it has in the past, the Ministry of Education is working with the Ministry of Municipal Affairs and Housing (MMAH) and the Association of Municipalities of Ontario (AMO) to identify ways of monitoring and streamlining the current process. The Ministry's goal is to:

- raise awareness of FDK and how municipalities play a critical role in facilitating its successful delivery;
- identify practices that school boards and municipalities can implement to positively affect the timeliness of site plan approvals;
- provide municipalities with an opportunity to identify issues from their perspective that may affect timely municipal approvals;
- immediately start a dialogue between school boards and municipalities to assist the two sectors in working together more effectively on all capital projects (not just FDK projects); and
- if possible reduce the costs and time for school boards to receive municipal approvals for capital projects.
- Based on the Ministry's preliminary discussions with MMAH, AMO and some school boards, set out below is information and some suggestions on timely completion of school capital construction projects:
 - "Development" under the *Planning Act* has been defined to include, "an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof..." Municipalities have been provided with the discretion to define what is subject to site plan control; therefore, school boards should confirm if their FDK projects are exempt from site plan control.
 - For school boards that have not requested municipal approval recently, particularly Site Plan Approval, school boards should pro-actively request a meeting with senior staff at their municipal planning department to enquire about the municipality's site plan approvals process well in advance of submitting applications. Enquire to see if your municipalities have a checklist on what information is required for Site Plan Approval and whether they have developed a modified and expedited process to facilitate implementation of FDK.
 - Now that Year 3, 4 and 5 FDK sites are known school boards should develop preliminary concepts by school about how they might proceed with these projects. At the meeting with municipal planning staff, school boards should be providing the affected municipalities with a list of schools, floor and site plans corresponding to the successive phases of the program and request the planners to identify on an expedited basis any municipal planning issues that could impact on the timeliness of approval, particularly issues related to Site Plan Approval and any other issues that may arise (e.g., zoning restrictions, setback requirements). As soon as school boards have determined their target FDK project construction dates this information should be shared with municipalities.
 - Explore the possibility for a streamlined site plan approvals process with municipalities. This process could include designated staff on both the part of the

school board and municipality to collaboratively expedite approvals and to act as the single point of contact to process school board planning applications.

- Prior to the school board submitting its site plan approvals package, request a meeting with municipal staff to confirm the contents of the site plan approvals package is complete. Subsection 41(3.1)(a) of the *Planning Act* requires municipalities to have this meeting should it be requested by applicants (ss. 114(4)(a) in *City of Toronto Act*). If there are particular departments (e.g., Transportation) who the school board expects may have issues with the project be sure to confirm that staff from that department will be in attendance.
- Submit your site plan approvals package to the municipality as soon as possible. Subsection 41(4) of the *Planning Act* (ss. 114(5) of the *City of Toronto Act*) outlines what information municipalities can request as part of the site plan approvals process. Once school boards have submitted this information municipalities have 30 days to approve the plans and drawings (ss.41(12) of the *Planning Act*; ss. 114(15) *City of Toronto Act*).
- Once applications are submitted school boards should have their Architect and Board Project Manager monitor the municipal review to ensure that incomplete information is quickly identified and communicated to school boards. Some school boards have decided to have regular meetings, at a political and/or staff level, to guide school board capital construction projects through municipal approvals.

The Ministry's on-going discussions with MMAH and AMO will only be effective if school boards regularly keep us abreast of developments as they proceed through the municipal planning process. Therefore, the Ministry would appreciate knowing about specific FDK capital construction project delays stemming from the municipal approvals process. We would ask that this information be populated using the template found on the attached link [FDK - Capital Construction Project Delay Reporting Template](#) (see attachment for sample template) and e-mail it to Cindy Ryder-Davis, Senior Policy Advisor, Capital Policy Branch at Cindy.Ryder-Davis@ontario.ca and copy your ministry capital analyst. We are also interested in hearing from school boards who are securing their municipal approvals in a timely manner. There may be an opportunity for other school boards and municipalities to benefit from successful practices implemented elsewhere.

We want to continue building on the current success of FDK so that communities benefit from the successful implementation of this program in a timely and effective manner. We look forward to continuing to work with you as we move forward implementing Ontario's FDK initiative.

If you have any questions regarding this issue, please contact:

Ministry Contacts

Topic	Name	Contact
Director of the Capital Policy Branch	Grant Osborn	416-325-1705 or Grant.Osborn@ontario.ca

Original signed by:

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Attachment: Sample FDK Capital Construction Project Delay Reporting Template

cc: Superintendents of Business