

# SCHOOL OPENING AND CLOSURE ORDER

**Authority:** *School Act*, section 73 and 168 (2)(p)

{	Ministerial Order 194/08 (M194/08).....	Effective September 3, 2008
	Repeals 320/02	
	Amended by M88/23.....	Effective March 27, 2023
	Orders of the Minister of Education and Child Care	

## Interpretation

**1** “**alternative community use**” means alternative community use as defined in Ministerial Order 193/2008, the Disposal of Land or Improvements Order.

## Opening of Schools

**2** If a board decides to open a new school or to reopen a previously closed school under section 73 of the *School Act*, the board must, without delay, provide the Ministry with written notification of the decision containing the following information:

- (a) the school's name,
- (b) the school's facility number,
- (c) the school's address, and
- (d) the date on which the school will open or reopen.

## Closure of Schools

**3** (1) In this Ministerial Order, closing a school permanently means the closing, for a period exceeding 12 months, of a school building used for purposes of providing an educational program to students.

(2) Despite subsection (1), the closing of a school for the purposes of effecting repairs, renovations or additions to a school building shall not be deemed to be a permanent closure of the school if the board intends to reopen the building upon completion of the repairs, renovations or additions.

## Closure of Schools by Board

**4** (1) The board must develop and implement a policy that includes a public consultation process with respect to permanent school closures and this policy must be made available to the public.

(2) When considering closing a school permanently, the board must apply the policy referred to in subsection (1).

**5** (1) The public consultation process must include:

- (a) a fair consideration of the community’s input and adequate opportunity for the community to respond to a board’s proposal to close the school permanently;

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- (b) consideration of future enrolment growth in the district of persons of school age, persons of less than school age and adults; and
- (c) consideration of possible alternative community use for all or part of the school.

**6** The power of a board to permanently, close a school under section 73 of the *School Act* must be exercised only by bylaw.

**7** If a board decides to permanently close a school under section 73 of the *School Act*, the board must, without delay, provide the Minister with written notification of the decision containing the following information:

- (a) the school's name,
- (b) the school's facility number,
- (c) the school's address, and
- (d) the date on which the school will close.

### Minister Ordered Closure of Schools

**8** Sections 4 to 7 of this Order do not apply to the permanent closure of a school on land that is subject to an order of the Minister made under section 101.2 (1) of the *School Act*.

**9** If the Minister makes an order designating for transfer to a francophone education authority land that is owned by a board in fee simple, the board must follow the policies and procedures for school closure established by the Minister.