



Real Property Governance (RPG)-School Ownership

Discussion guide

Background

Bill 50 Municipal Affairs Statutes Amendment Act, 2025, and Bill 51 Education Amendment Act, 2025, received royal assent on May 15, 2025, enabling the province to own all new Kindergarten to Grade 12 (K-12) real property related to new or replacement school projects. The real property includes land, buildings, playgrounds, sports fields, and parking lots. New schools also include buildings that are repurposed as a new school. The legislation will take effect for projects announced in Budget 2025 and onwards.

Infrastructure will assume ownership of all new and replacement K-12 school real property and then lease the property to school jurisdictions (including public, separate, francophone, and charter schools) for operation and maintenance. The transfer of ownership will occur once provincial funding to design and/or build the school is secured, and written notice is provided by the Minister of Infrastructure.

Infrastructure will be responsible for overseeing the transfer of ownership and managing leasing these properties, ensuring better oversight, transparency, and strategic use of assets in alignment with broader government priorities. The separation of ownership and operations allows Infrastructure to use its expertise in real estate, construction, and managing public infrastructure, allowing school jurisdictions to focus on delivering education and maintaining the schools with their specialized knowledge.

Through discussions with impacted stakeholders, Infrastructure is seeking to better understand the potential impacts related to the implementation of the new ownership model. While Infrastructure will own school real property, school jurisdictions will continue to be responsible for the operation and maintenance of the properties through a leasing arrangement.

The legislative amendments introduced through the Municipal Affairs Statutes Amendment Act, 2025 (Bill 50), and the Education Amendment Act, 2025 (Bill 51), provide the framework to implement the new ownership model for all new and replacement K–12 schools.

Bill 50 amendments:

- Clarify definitions including, “Crown”, and align with terms in the *Education Act*.
- Define “school building project” and “school division” consistent with the *Education Act*.
- Exclude Crown land (with school board leasehold interest) from off-site levies.
- Exempt land transfer from school boards to the Crown from public hearing requirements.

Bill 51 amendments:

- An approved new school project provides scope of the project types:

- new and replacement schools; and
- repurposing of an existing building into a new school
 - All other school building projects are out of scope, including modernizations and renovation.
- New school real property refers to the parcel of land that will be transferred to the province.
 - The Minister of Infrastructure is required to provide written notice of transfer when transfer conditions are met.
 - Upon transfer to the province, the registrar removes the reserve designation from title.
 - The Minister must offer a leasehold interest in the new school to the appropriate board.
- Regulatory Authority is provided to the Minister of Infrastructure as required:
 - ownership transfer of newly built school properties;
 - compensation related to transfers; and
 - leasing school properties to jurisdictions.

The legislative changes do not alter the educational responsibilities of school authorities, which will continue to deliver education programming and operate schools. The legislative changes do not impact existing schools or properties owned by school authorities. They apply only to schools that received capital funding in Budget 2025 and onward.

Site servicing, day-to-day implementation and other operational frameworks of the agreements will continue to be between municipalities and school boards. Joint Use and Planning Agreements (JUPAs) will continue to be developed between municipalities and school jurisdictions as required under legislation.

This session will provide stakeholders with information regarding ownership and leasing changes, clarify roles and responsibilities, and allow Infrastructure to understand potential impacts and consequences that will need to be considered throughout implementation.

This guide outlines background and context, the key elements of RPG School Ownership and a framework for discussions. The guide is meant to support stakeholders' understanding in preparation for the session.

Objectives:

- Communicate the change in school real property ownership for new and replacement K-12 schools beginning in 2025 and going forward.
- Understand implementation challenges/concerns and identify opportunities for an effective and seamless implementation of the new ownership model that does not impact the operations or maintenance of schools.

What is Changing?

- Infrastructure will own all new K-12 school real property (land, buildings, parking lots, playgrounds, sports fields) and lease to school jurisdictions for operation and maintenance.
- The transfer of ownership will occur once provincial funding to design and/or build the school is secured, and written notice is provided by the Minister of Infrastructure.

- The ownership policy is **not retroactive**; existing school properties and school capital projects that received capital funding approval prior to Budget 2025 will remain unaffected.

Key Discussion Themes

As Infrastructure transitions to the new model for K-12 school ownership, we aim to gather feedback and insights to inform the implementation process. The goal is to ensure that the transition to the new ownership model is smooth, efficient, and in alignment with broader government objectives regarding the management of the public real estate portfolio.

The following themes are designed to better understand the practical implications of the transition and guide the development of a successful implementation strategy. We encourage stakeholders to reflect on each theme to help us identify key considerations and potential challenges as we move forward.

Ownership Changes:

This ownership model will not remove the ability for school jurisdictions to operate, hire teachers, plan for future school sites, and assess the education needs for the children of Alberta.

We anticipate questions and discussion on:

- future planning and reserve designations
- scope and timing of the ownership changes, including the written notice provided by the Minister of Infrastructure
- impacts on school construction process
- partnership space ownership and funding responsibilities

Leasing:

Infrastructure will manage lease agreements with school jurisdictions, offering a leasehold interest structure. The lease will include provisions around operations, maintenance, usage, and other responsibilities.

We anticipate discussion and questions on:

- Maintenance and renewal funding
- Insurance and liability responsibilities
- Length and termination provisions
- Joint usage or ability to sub lease

Legislative and other amendments to enable ownership model:

Amendments to the *Education Act* and *Municipal Government Act* enable the proposed change in ownership and provide the overall framework to operationalize the new ownership model. These changes will require further consideration to ensure the appropriate scope is implemented.

We anticipate discussion and questions on:

- the definitions of new school real property
- compensation

- Joint Use and Planning Agreements (JUPAs) between school jurisdictions and municipalities

Overall implementation:

This guide is not intended to be exhaustive of all the implementation requirements. If you wish to submit additional themes for discussion in advance of the session, please email at infra.policy@gov.ab.ca by June 12, 2025. Additional time will also be provided during the session to address further implementation considerations related to the new ownership model.

Thank you for reviewing this guide prior to our session.