

COMMUNITY USE OF SCHOOL FACILITIES

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The school board recognizes that use of the district's facilities by outside organizations can benefit the general public of Flagler County. The superintendent may authorize the use of school district facilities by non-profit organizations, outside organizations and school based organizations as defined below.

I. Definitions

- A. Non-profit organizations - shall include civic, religious, government, or community organizations that either qualify as 501-C-3 non-profit, as defined by the Internal Revenue Service, or do not operate for commercial/private gain.
- B. Outside organizations - those organizations (including for profit organizations) whose presence benefits the school district, community interests or the education potential of children/students consistent with the education mission of the school district.
- C. School based organizations - those volunteer organizations generated by the existence of the school, including booster clubs, direct support organizations, parent-teacher organizations or associations, etc.
- D. Superintendent - superintendent or designee.
- E. Political events - include any and all meetings, fund raisers, gatherings, or other such events organized or conducted for the purpose of supporting or opposing any candidate for public office, any issue which is or may be scheduled to appear on a ballot, or any political party or organization.
- F. Political organizations- any group organized as a political action committee or political party. Facility users may be required to provide proof of their organization's purpose type.

II. Fee Structure and Use Applications

- A. All organizations using school facilities shall reimburse the board for the reasonable cost of facility usage except as allowed for under this policy.
- B. The superintendent will determine the fee structure based on a review of operational and maintenance costs.

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- C. The fee structure will differentiate between air-conditioned space and non-air conditioned space and room size including amenities.
- D. All users will be charged for any additional services provided or damages incurred as a result of their usage. Additional services may include custodial, school nutrition, security, supervision, etc.
- E. The superintendent shall designate the administrator responsible for the collection of the fees. The superintendent shall also designate how the fees will be applied to school or district budgets to cover the costs associated with the community usage.
- F. Consideration may be given by the school principal, with approval of the superintendent, to accept services, repairs, or purchase of equipment in lieu of rental fee or a portion thereof. A use agreement will be executed outlining the terms of such an agreement.
- G. Florida sales tax, when required, will be collected.

III. Insurance, Indemnification and Liability

- A. Prior to use of district facilities, the identified user must either: 1) provide a current certificate of liability (copy of insurance) which clearly states the organization's liability coverage, naming the school board as an additional named insured; 2) or purchase coverage through the School District's liability insurer ten (10) days in advance of the event.
- B. Limits of at least \$100,000.00, for injury to any one person and \$300,000.00, for any one occurrence or combined single limit of \$300,000.00 must be carried by the user.
- C. The superintendent shall designate the administrator responsible for ensuring receipt of the insurance certificates prior to use of the facility.
- D. Activities with a high potential for accidents or liability will not be permitted.
- E. The user of facilities is solely responsible for any injury or damage to persons or property while the organization is using the property and shall indemnify and hold the School District harmless from any claims related to the same.

IV. Fee and Insurance Waivers

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- A. The School Board shall approve a Facilities Use Procedures handbook that will address issues of use, fees and waivers.
- B. School based or direct support organizations may be permitted to use school facilities without providing liability insurance or completing a facility use form. This exemption applies only to activities on campus and does not extend off-campus or to transportation. This exemption applies only to activities whose proceeds directly benefit a school or the district, and cannot be assigned through a partnership or other agreement.
- C. The board reserves to itself and the superintendent the right to require provision of any payment for additional security, crowd control, custodial services, or other additional conditions as needed to ensure that use of school facilities for other purposes not detract from their primary use, education.
- D. Except for school based organizations, all organizations using school facilities must make known that neither the board nor the administration has endorsed the users' activities. Any advertisement or circular must contain language to that effect. The suggested disclaimer is "Flagler County Schools does not specifically endorse or support the program or individuals involved in _____".
- E. A school district employee approved by the principal or head facility administrator is required to be on the premises during the period of use. Any additional cost(s) for supervision and/or security services will be reimbursed by the facility user based on a fee established by the principal.
- F. One time use of facilities by an organization may be approved by the building principal or head facility administrator, as long as such use does not involve significant use of school personnel, cost, security or liability concerns. Any agreement for multiple use for one year or less, must be approved by the superintendent or his designee. Lease agreements for more than one year must be approved by the board subject to the board's discretion and availability under Section VI B. All active use agreements will remain in effect until the expiration date or a breach of contract by the lessee.
- G. Groups who advocate causes or beliefs that are unlawful or clearly hostile to the District's goals, values and curriculum shall not be granted usage.

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- H. All organizations must complete an application for use of facilities prior to usage. The superintendent shall designate the administrator responsible for distributing and maintaining the applications.

V. Code of Conduct on School Board Property

The organization using the facility shall enforce compliance with the following standards:

- A. The use of tobacco, alcohol or other drugs is not permitted on school board owned property.
- B. Parking shall only be in clearly marked parking places. Parking is not permitted on play fields or lawns.
- C. The area shall be left clean and ready for school children. Trash or debris shall be picked up and disposed of properly.
- D. The organization shall check to see if the property is secure when departing, leaving it the same as they found it.
- E. The organization shall be sure to conduct play activities in a sportsman-like manner. No fighting or roughhousing will be allowed.
- F. The organization will report any unsafe conditions to the school-based administrator as soon as noted.
- G. No weapons of any kind shall be brought onto the premises.
- H. The Code of Student Conduct will apply to students participating in the activity.

VI. Use of School Facilities

A. Prohibited Use:

- 1. programs involving any form of gambling or other illegal activity; and
- 2. programs which would be in violation of any law or School Board Rule;
- 3. programs which may require security, excessive cost or potential liability;

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4. no lease or use agreement may be assigned or subleased.

B. Availability

School facilities are primarily for public education, and their use for other purposes must not detract, either in time or depreciation, from the primary use. School based organizations shall have first priority concerning facility availability. Other organizations may be granted usage on a first come first served basis. In granting use of school facilities the Board may consider whether the not-for-profit corporation making such request would, by its nature, mission or size, typically be expected to operate and maintain its own facility. It is the Board's intention in adopting this policy that the use of school facilities should not subsidize the organization as an alternative or in lieu of such organization developing its own facility. Therefore, long term leases (leases for over one year or successive renewals that exceed one year) to such not-for-profit organizations that do not directly benefit students may not be granted.

C. Termination:

1. Any violation of the law, School Board Rules or the use agreement will be grounds for immediate termination of the lease or use agreement.
2. Any lease or use agreement may be terminated by the District upon ninety (90) days written notice to the organization.

D. Political Events:

1. No political events shall be conducted at or in any school at any time, except political forums to which the general public is invited to meet and hear, under the following conditions:
 - i) An invitation, in writing, shall be extended to all announced candidates for the specific office or offices or representatives for or against each issue. If a candidate or representative of an issue declines to attend, the forum may continue provided that the audience is made aware of each candidate's choice not to attend.
 - ii) No preferential treatment shall be afforded to any candidate or representative of an issue. in any way.

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iii) Distribution of campaign materials shall be confined to the immediate area in which the forum is being conducted.

2. School facilities may be utilized by an official or employee for the performance of duties that are related to any issue that is placed on a ballot by or at the request of the Flagler County School Board.

E. Political Organizations:

1. Political organizations, and political events that are not forums, may rent facilities at the Government Services Building (GSB) only. If facilities at the GSB are inadequate or unavailable, the Superintendent or designee may allow the use of an alternative location if available. a school site.

COMMUNITY USE OF EQUIPMENT OR PROPERTY

The school principal, or head administrator of a facility where the property is located, may allow the removal of School District equipment or property from school grounds for use in accordance with the following provisions. School District property is not to be utilized for private commercial business, personal financial gain, or for the benefit of private clubs, organizations or groups (except where allowed by Florida Statutes to assist "direct support organizations"). The School Board does recognize that use of its property by the public is often beneficial to the community. Therefore, exceptions to the foregoing may be granted upon written application to the school principal or head administrator by the person or entity requesting an exception. The application shall set forth the use of the property being requested and the reasons for the request. The school principal or head administrator may grant such an exception where it finds the request will benefit either the School District; community interests, the educational potential of children/students consistent with the educational mission of the School District; or the education/professional advancement of its employees. In granting any exception, the principal or head administrator may include any terms or conditions it deems necessary or advisable. The principal or head administrator may also consider the risk of loss in determining whether to grant any application. The denial of any application may be appealed to the superintendent.

The school principal and head administrators of a facility shall promulgate rules for the removal and return of School District property maintained in their schools and facilities and maintain records of the removal/return of such property.

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STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

LAWS IMPLEMENTED:

**106.15; 509.032; 509.232;
1001.33; 1001.43; 1001.51;
1013.10, F.S.**

HISTORY:

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