

Community Use of School Board Facilities

School Board Policy 320

Adopted 07.23.24, Last revision: 09/15.98, 9/8/2012; 7/7/2015

Statutory Authority: 1001.41; 1001.42, F.S.

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, fundraisers, gathering, or other such events organized or conducted for the purpose of supporting or opposing a candidate for public office, an 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.

G. Employee - An employee is a person who receives a check from Flagler County Public Schools for employment in the district that is not a subcontractor or one that receives a 1099 form (excluding all temporary and part time at-will employees i.e. substitutes).

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.

C. Flagler County School employees in conjunction with the Use of Facility agreement, will pay; according to Use of Facility Handbook and by the School Board.

- The employee fee is assessed for practices and/or scrimmages that are not in excess of 4 hours per day.
- Competitions, paid event(s), paid parking for event(s), or any event that the spectators are having to pay to view, park or watch are not included in the employee fee.
- If a paid event occurs, the employee will be charged the normal fee rate based on the fee table set forth in the Use of Facility handbook and approved by the School Board.

D. The fee structure will differentiate between air-conditioned space and non-air conditioned space and room size including amenities.

E. All users will be charged for any additional services provided or damages incurred as a result of their usage. Additional services may include custodial, food services, security, supervision, etc. The district's reservation platform is responsible for collecting fees and verifying the Certificate of Insurance. The superintendent may designate how the fees will be applied to the school or district.

G. Consideration may be given by the superintendent, to accept services, repairs, or purchase of equipment in lieu of rental fee or a portion thereof. A use agreement shall be executed outlining the terms of such an agreement.

H. 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

A. The School Board shall approve a Facilities Use Procedures handbook that will address issues of use, fees and waivers annually.

B. School based or direct support organizations may be permitted to use school facilities without providing liability insurance by completing a facility usage agreement. 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. Any existing agreements between the School Board, a booster or volunteer group, or governmental agency shall govern facility usage as stated in the agreement and can only be terminated as provided within the agreement. The use of a school district facility by a booster or volunteer group, or governmental agency cannot be assigned through a partnership or other agreement to a third party. Waived fee and Limited Use Clients will be reviewed by the School Board annually.

D. The use of a school district facility by the County of Flagler as an emergency shelter shall not require a fee.

E. 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 does not detract from their primary use, education.

F. 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 ' _____ '."

G. A school district administrator or designee ~~is~~ may be required to be on the premises during the period of use. Any additional cost(s) for supervision will be reimbursed by the facility user based on the fee schedule. All events with one hundred (100) or more in attendance are required to have security. The superintendent or designee must be informed when there is an event of one hundred (100) or more in attendance.

H. An agreement for single use or multiple use must be approved by the superintendent or designee. All active use agreements will remain in effect until the expiration date or a breach of contract by the lessee.

I. 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.

J. All organizations must complete an application for use of facilities prior to usage. The superintendent or designee shall be responsible for distributing and maintaining the applications.

V. Code of Conduct on School 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 or designee as soon as noted.
- G. No weapons of any kind shall be brought onto the premises. Florida Statute 790.06(13) exemptions apply.
- 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 beyond the scope of typical usage;
- 4. No lease or use agreement may be assigned or subleased.

VII. Availability

A. 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 a 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.

B. The School Board shall grant access to District facilities to the Boy Scouts of America and other identified patriotic groups as required by 34 C.F.R. 108.9 (Boy Scout Act).

VIII. Termination

A. Any violation of the law, School Board Rules or the use agreement will be grounds for immediate termination of the lease or use agreement.

B. Any lease or use agreement may be terminated by the district upon ninety (90) days written notice to the organization.

IX. Political Events

A. 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:

1. 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.

2. No preferential treatment shall be afforded to any candidate or representative of an issue.

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

B. 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.

C. School facilities may be utilized by the Supervisor of Elections for Flagler County as polling locations during elections. The School District does not permit political advertising on School Board property. On Election Day, the School District will allow political signs to be placed on

the property of a polling location in designated areas. Signs may only be placed on the property on Election Day, and must immediately be removed following the election. The School Board retains the right to remove any signs placed outside the designated area or left on their property after the election.

X. Political Organizations

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

Community Use of Equipment or Property

The superintendent, school principal, head administrator or designee 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 superintendent's designee 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 superintendent's designee 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 superintendent's designee may include any terms or conditions it deems necessary or advisable. The superintendent's designee 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 superintendent's designee shall promulgate rules for the removal and return of School District property maintained by the schools and/or facility and maintain records of the removal/return of such property.