

SUMMARY OF RECOMMENDED CHANGES

DATE: 11/3/15

POLICY #: 1341

POLICY TITLE: School Board Policy 1341 - Use of Broward County School Facilities for Non-School Purposes

Page (Item)	Recommended Change/Addition/Deletion	Rationale
1, General Provisions	<p>THE RENTAL OR USE OF PUBLIC SCHOOL FACILITIES SHALL BE PERMITTED WHEN NOT IN CONFLICT WITH THE REGULAR OR EXTRACURRICULAR SCHOOL PROGRAM.</p> <p>NO GAMBLING, ALCOHOLIC BEVERAGES, WEAPONS, ILLEGAL SUBSTANCES OR ILLEGAL ITEMS SHALL BE ALLOWED AT ANY PUBLIC SCHOOL FACILITY.</p> <p>ANY GROUP OR ORGANIZATION PROVIDING INFORMATION, PRODUCTS AND SERVICES UPON PUBLIC SCHOOL FACILITIES MUST NOTIFY ALL ATTENDEES, IN WRITING, THAT THE INFORMATION, PRODUCTS AND SERVICES OFFERED ARE NOT ENDORSED, SPONSORED OR RECOMMENDED BY THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA.</p> <p>IF AT ANY TIME IT IS DETERMINED THAT INACCURATE OR MISLEADING INFORMATION IS PRESENTED BY A PARTY RENTING OR USING PUBLIC SCHOOL FACILITIES, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA RESERVES THE RIGHT TO IMMEDIATELY TERMINATE THE LEASE WITHOUT REFUND.</p> <p><u>THE USE OF SCHOOL BOARD LICENSED FACILITIES SHALL AT ALL TIMES BE IN COMPLIANCE WITH THE APPLICABLE LAWS OF THE STATE OF FLORIDA AND SBBC POLICIES.</u></p> <p>THE RENTAL USE OR ENJOYMENT OF PUBLIC SCHOOL FACILITIES OR SERVICES BY ANY GROUP OR ORGANIZATION WHICH DISCRIMINATES ON THE BASIS OF AGE, RACE, COLOR, DISABILITY, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, MARITAL STATUS, NATIONAL ORIGIN <u>RACE</u>, RELIGION, <u>SEX</u> OR SEXUAL ORIENTATION WILL NOT BE PERMITTED, EXCEPT AS PROVIDED BY LAW OR COURT ORDER.</p>	<p>To require that use of District school facilities shall comply with applicable state laws, and to add language regarding non-discrimination for consistency with applicable School Board non-discrimination policy.</p>
2, Definition 4	<p>“Partners in Education”: For purposes of this Policy, Partners in Education (“PIE”) can be considered a School-Allied Group once it has a one-year history of supporting the needs of a</p>	<p>To provide clarity in language and intent.</p>

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	school or department. Partners who are Not for Profit Section 501(c) (3) Organizations shall follow the guidelines specifically outlined for Not for Profit Section 501(c) (3) Organizations.	
2, Definition 7	<u>"Lease Application"</u> shall refer to the <u>school district form entitled "Application and Lease Application for Use of Public School Facilities"</u> which is a School Board form used to document the use of public school facilities.	To specify the form that must be completed by lessees to lease District school facilities.
2, Definition 12	<u>"Personnel Costs"</u> are charged, as incurred, for the services of a technician (supervisor and crew) for the media center or auditorium, standby electrician or stadium manager for the athletic stadium. The school principal or facility director reserves the right to require police officers, or as applicable, designated security personnel and to determine the number of such police officers or security personnel necessary for any event. The <u>minimum</u> cost of an off-duty detail officer is set by the local law enforcement agencies.	To specify the minimum cost for an off-duty detail officer.
2, Definition 13	<u>"Consumable Items"</u> are items such as restroom toilet paper, paper towels, soap, etc.	To specify what items are considered as consumable.
2, Definition 14	<u>"School Function"</u> is a function that is sponsored by a school and approved by the school's principal or facility director to utilize a public school facility to enable the function; and when conducting such function, the school shall be exempt from: (1) signing a Lease Application, (2) paying Rental Fees, (3) paying Utilities Costs, (4) Custodial Costs, (5) Personnel Costs as incurred, and (6) shall not provide a Certificate of Insurance (COI).	To define function sponsored by schools when utilizing a public school facility and delineate provisions of the Policy that do not apply to the schools.
3, Rule 1	Each user/ <u>applicant</u> of public school facilities shall <u>may</u> make application for use in the administrative office of the requested facility. School district staff will enter pertinent information regarding the application <u>into the lease Facility Usage database</u> , print the lease application and agreement, obtain the user's signature and submit the application and related back-up information to the school principal, facility director or designee for review. <u>Alternatively, each user/applicant of public school facilities may complete the lease application online in the school district's Facility Usage database and submit the completed application and related back-up information electronically to the administrative office of the requested facility.</u>	To delineate the processing of the Lease Application at the school facility site and via online.

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3, Rule 2	Upon receiving a request for use of a public school facility, the school principal or facility director shall determine if the requested use conflicts or interferes with school programs (such as regular extracurricular school programs activities or other previously scheduled activities). <u>Thereafter, the school principal or facility director may approve or deny any use of the school facility. The decision to approve or deny use of the school facility must be made by the school principal or facility director within a timely manner and transmitted to the Chief School Performance and Accountability Officer or Superintendent's designee for final approval or denial.</u>	To clarify how and when a school principal or facility director will approve/deny the Lease Application to use a District school facility.
3, Rule 4	Final approval of the Lease Application shall be granted or denied by the area superintendent <u>Chief School Performance and Accountability Officer or Superintendent's designee</u> except for an Application requesting use of school grounds at a public school facility for a circus or carnival using mechanical equipment or animal rides. Such Applications must be sent to the Real Estate and Environmental Planning <u>Facility Planning & Real Estate</u> Department for preparation of a lease agreement to be submitted to the School Board for approval. <u>However, upon receipt of the application from the school principal or facility director, the Chief School Performance and Accountability Officer or Superintendent's designee shall grant or deny the application within a timely manner and send written notice about the decision to the school principal or facility director. Thereafter, the school principal or facility director shall send written notice about the decision to the user/applicant. This written notice shall be transmitted to the user/applicant no later than twenty (20) calendar days from when the application was received by the school or facility.</u>	To reflect current title and Departmental name and state timeframe that an applicant who is intending to lease/use District school facility is informed about the approval or denial of their application to utilize the facility.
3, Rule 5	The following four (4) categories shall be used to describe applicants for that request the use of public school facilities for Non-School Purposes. <u>School principals or facility directors are required to document each and every use of their facility by outside agents through the school district's Facility Usage Database. A the Fee Schedule (appended to this policy as Exhibit 1) and Category Charges Matrix are appended to this Policy as Exhibits 1 and 2 respectively. The Superintendent or designee shall be reviewed the Fee Schedule periodically (no less than annually), and any by the Superintendent for changes to the Fee Schedule shall be recommended to the School Board for approval.</u>	To allow for a comprehensive district-wide documentation of use of District school facilities.

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3 and 4, Rule 5(a)	<p>a. School Allied Groups are exempt from the requirement of an Lease Application regarding the use of a public school facility for the conduct of their normal meetings.</p> <p>1. School Allied Groups are also exempt from payment of Rental Fees, Custodial Costs, Utilities Costs and Personnel Costs during normal operational hours.</p> <p>2. School Allied Groups will be required to pay Custodial Costs, Utilities Costs and Personnel Costs as incurred including security for events held after normal operational hours and on Non School Days.</p> <p>3. School Allied Groups may charge for fund-raising events including dinners, dances, and car washes, and not be required to pay Rental Fees to the School Board or provide a Certificate of Insurance to the School Board as long as all of the funds raised are spent to support school activities. For the purposes of this Policy fund-raising events shall not include camps (see Rule 5(a)(4). If a School Allied Group elects to charge students or parents for fund-raising purposes, the head of the School Allied Group must provide the affected school principal or facility director of the public school facility with data that depicts anticipated projected revenues from the event prior to the scheduled event and a statement of actual revenues after the event. At the end of each school year, the School Allied Group must provide a written statement to the affected school principal or facility director indicating how all of the funds raised or accumulated by the School Allied Group were expended to support District school activities. Failure to provide the information as set forth above may result in the Superintendent or designee refusing to allow the School Allied Group to use the public school facilities in the future.</p> <p>4. School Allied Groups that charge for fund-raising, conduct camps, and that are considered For Profit organizations and whose functions do not support District school activities shall be required to complete the Application, provide a Certificate</p>	Rule stricken in its entirety and rewritten to provide clarity.
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	<p>of Insurance, pay Rental Fees, Custodial Costs, Utilities Costs and Personnel Costs as incurred including without limitation, security required during normal operational hours and on Non-School Days.</p> <p>5. If it is determined that a student(s) is unable to afford attendance at a winter, spring or summer camp conducted by a School Allied Group for activities such as band and cheerleading for which fees would be required; the school principal or facility director will work with the School Allied Group sponsoring the camp to determine how to raise the necessary funds so that the student(s) may attend.</p>	
4 and 5, Rule 5(a)	<p>School Allied Groups: Any planned use of public school facilities by School Allied Groups (SAG) must first be made in writing to the school's principal or facility director and approved by the school's principal or facility director. <u>If the desired facility is available as determined by the School's principal or facility director, SAG shall be notified about the availability and permission to utilize the facility within forty-eight (48) hours of receipt of the written request, provided that the school calendar has been approved. However, prior to the date of SAG's usage of the facility, the School's principal or facility director must document the planned usage of the facility in the online district's Facility Usage database and reflected in the school or facilities calendar.</u></p> <p>1. <u>A SAG shall be exempt from: (1) signing a Lease Application, (2) paying Rental Fees, (3) paying Utilities Costs, (4) Custodial Costs, (5) Personnel Costs as incurred, and (6) shall not provide a Certificate of Insurance (COI) when the SAG is using the public school facility.</u></p> <p>2. <u>5.If it is determined by SBBC that a student(s)-is are</u> unable to afford attendance at a winter, spring or summer camp conducted by a School-Allied Group for activities such as band and cheerleading for which fees would be required; the school principal or facility director will work with the School-Allied Group sponsoring the camp to determine how to raise the necessary funds so that the student(s) may attend.</p>	To specify processes SAG must adhere to prior to its usage of District school facilities, and to further clarify exemptions given to SAG for use of District school facilities.

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5, Rule 5(b)	<p>Government Organizations: Government organizations must fulfill <u>the Lease</u> Application requirements and meet the insurance requirements as outlined under Rule 11 – Insurance – Property Damage which will cover the School Board for any property damages associated with the Government Organization’s use of a public school facility.</p> <ol style="list-style-type: none"> On School Days during the normal operational hours when custodial staff is present, Government Organizations shall be exempt from the payment of Rental Fees, Custodial Costs and Utilities Costs. <u>However, Government Organizations shall pay Consumable Items Costs.</u> After School Hours or on Non-School Days when custodial staff presence is required, Government Organizations shall pay Custodial Costs, <u>Consumable Items Costs</u>, Utilities Costs and Personnel Costs, as incurred including, without limitation, any required security. <u>Regardless of school days, normal operational hours, after school hours, or non-school days</u>, Government Organizations that charge participants for activities shall pay Rental Fees, Custodial Costs, Utilities Costs and Personnel Costs as incurred, including, without limitation, any required security. All fees shall be based on the current established Fee Schedule (appended to this Policy as Exhibit 1). This Policy is not applicable to a Reciprocal Use Agreement <u>if a separate agreement exists</u> between the School Board and another governmental agencies entity for the use of school facilities. Those agreements shall stand upon their own terms. 	<p>To specify that Government Organizations are subject to payment of the proposed Consumable Items Costs and clarify other applicable fees due during normal operational hours, after school hours, or non-school days.</p> <p>To clarify that this Policy shall not apply to Governmental Organizations that have</p>

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		Reciprocal Use Agreements with the School Board.
6, Rule 5(c)	<p><u>Non-Profit Section 501(c)(3) Corporation:</u> An <u>entity which</u> Not for Profit Section 501(c)(3) represents itself as a Non-Profit Corporation and is registered and recognized as a Non-profit Corporation in the State of Florida, Organization shall fulfill the Lease Application requirements, all insurance requirements set forth in this Policy, and provide <u>submit</u> a copy of its approved IRS Section 501(c)(3) certificate <u>State of Florida issued Certificate of Status (or State of Florida document(s) confirming status as a Non-Profit Corporation) prior to</u> each and every use of public school facilities</p> <p><u>Section 501(c)(3) Organization:</u> A Section 501 (c) (3) Organization shall fulfill the Lease Application requirements, all insurance requirements set forth in this Policy, and provide a <u>copy of its approved IRS Section 501 (c) (3) certificate (or document(s) issued by the IRS confirming status as a Section 501 (c) (3) Organization) prior to each and every use of public school facilities.</u></p> <ol style="list-style-type: none"> 1. On School Days, <u>a Non-Profit Corporation or a Section 501 (c) (3) Organizations</u> shall pay nominal charges for electricity and administrative costs, <u>Consumable Items Costs</u>, as listed in the Fee Schedule, and Personnel Costs, as incurred including security, but shall be exempt from the payment of Rental Fees and Custodial Costs. 2. During After School Hours or on Non-School Days, <u>Non-Profit Corporation or a Section 501 (c) (3) Organizations</u> shall also pay <u>Rental Fees</u>, Custodial Costs, Utilities Costs and Personnel Costs, as incurred including, without limitation, any required security. 3. Not for Profit Section 501 (c) (3) Organizations that charge participants for activities shall also pay Rental Fees and, if applicable, Custodial Costs, Utilities Costs and Personnel Costs, as incurred including, without limitation, any required security. 	<p>Due to concerns raised at the May 13, 2014 School Board workshop regarding the current Policy provisions which requires the submittal of an approved IRS Section 501(c)(3) certificate prior to the lease of District School facilities, this proposed change distinguishes between Not-for-Profit organizations and Section and 501(c)(3) organizations. Thus, organizations qualified as Not-for-Profit organizations shall not be required to submit the certificate; while organizations that are categorized as Section 501(c)(3) organizations will be required to submit the certificate. Also to specify that Not-for-Profit and Section 501(c)(3) organizations shall on school days pay Consumable Items Costs, and during after school hours or non-school days, pay rent to lease District School facilities.</p>

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	<p>4.3. All fees shall be based on the current established Fee Schedule. In addition, any use of equipment shall be subject to Rental Fees.</p>	
6, Rule 5(d)	<p>“Other Organizations”: <u>Other Organizations</u> are entities that were not named or listed in Rule 5a, 5b and 5c. Other Organizations shall fulfill all <u>Lease</u> Application and insurance requirements necessary for each use of public school facilities.</p>	To insert the words “Other Organizations” and “Lease” where appropriate.
6 and 7, Rule 7	<p>The basic Rental Fees and Custodial Costs, <u>Consumable Items Costs</u>, Utilities Costs and Personnel Costs for all public school facilities shall be reviewed periodically (no less than annually) by the <u>School Board Policy 1341 Lease</u> Committee which will recommend any changes to the Superintendent for approval by the School Board. Any revised Fee Schedule shall become effective on the date of its approval by the School Board and shall apply to all subsequent Applications.</p> <p>Fees are based on utility costs, personnel costs and labor contract standards. Rental Fees, Utilities Costs, Custodial Costs, <u>Consumable Items Costs</u>, and other Personnel Costs may be adjusted <u>at the minimum</u> in accordance with the preceding 12 month Consumer Price Index formula <u>figures</u> contained in the lease agreement during the term of each lease.</p> <p>The Rental Fees for all public school facilities includes the services of one custodian during the hours school is scheduled to be open. Custodial charges shall only be applied when either additional custodial staff is required for the activity or when custodial staff is required beyond normal working hours. The need for additional custodians shall be determined by the school principal or facility director of the public school facility.</p> <p>Utilities Costs shall be applied only for activities held on School Days after normal operational hours or on Non-School Days. Personnel Costs shall be based upon the rates established in the Broward County Salary Schedule, plus other expenses including fringe benefits. The above charges do not include the services of security or law enforcement officers. The need for and cost of these services shall be determined by the school principal or facility director of the public school facility, and the law enforcement agency having</p>	To state when the fees will be reviewed to account for cost increases to the School Board, clarify when custodian charges apply, and specify that the minimum timeframe regarding an off-duty officer is set by local law enforcement agencies.

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	jurisdiction, respectively. <u>Additionally, the minimum cost of an off-duty detail officer is set by the local law enforcement agencies.</u>	
6, Rule 9	All checks for rental of public school facilities, other than in payment for food services, as well as for payment of on-site services shall be made payable to the school or facility and shall be deposited in the Internal Accounts Trust Fund of the school or facility. These funds shall be remitted to the School Board on a monthly basis and will be added to the operating budget of the school or facility and to the School Board's utility budget for the utility expense portion. Organizations must prepay all Rental Fees before being given access to public school facilities. However, if the rental period is greater than one month, facility lease cost shall be paid on a monthly basis. <u>Parties can only enter into leases up to one (1) year.</u>	To specify the timeframe for leases governed by School Board Policy 1341.
7 and 8, Rule 11	<p>INSURANCE</p> <p>The user of public school facilities shall be financially responsible for all liability and property damage incurred during its use of facilities, if such damage occurs as a result of its use <u>subject to applicable law</u>. The School-Allied Groups are exempt from this requirement unless they charge fees as specified in Rule 5 above.</p> <p>The user of a public school facility must furnish a Certificate of Insurance to the Risk Management Department of the School Board at least seven (7) working days prior to the use of the public school facilities, and the Certificate of Insurance must contain the following provisions:</p> <p>(1) A ten day notice of cancellation provision;</p> <p>(2)(a) A statement certifying that there is in force a general liability insurance policy naming the School Board as an additional insured; and</p> <p>(2)(b) Be written by a company licensed to write this line of coverage in the State of Florida (or an approved Non-admitted Carrier). The limits of the insurance policy shall be not less than:</p>	To clarify insurance rates.

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	<p>Bodily Injury - \$1200,000 each person \$300,000 each occurrence</p> <p>Property Damage - \$ 1,000,000 <u>500,000</u> each occurrence <u>(Damage to Rented Premises)</u> \$ 1,000,000 <u>500,000</u> aggregate</p> <p><u>Lessee is not permitted to utilize stoves, ovens, microwave ovens, hot plates or any devices which have the potential to cause a fire on SBBC property.</u></p> <p><u>The user of a public school facility is required to notify the School District within two (2) business days if the above referenced insurance coverages are cancelled.</u></p> <p><u>As an alternative to the user purchasing insurance on their own, the School District offers access to a vendor who provides insurance for their events on a per day basis (subject to exclusions). Minimal premium costs are based upon the nature and duration of the event, number of participants, and level of risk associated with the event.</u></p>	<p>The reduction of insurance due for damage to rented premises is meant to ensure consistency with recent reductions made to the same requirements contained in Reciprocal Use Agreements. Additionally to prohibit entities from utilizing appliances that could potentially cause fire to District School facilities.</p>
8, Rule 12	<p>Meal Functions, Picnics and "Fun Fairs," which do NOT have mechanical or animal rides, sponsored by the school for School-Allied Groups are required to comply with the following provisions:</p> <p>(a) The school principal or his/her designee shall be in attendance in a supervisory capacity.</p> <p>(b) All food utilized must be prepared, made or sold by the School Allied Groups, students or School Board employees.</p> <p>(b) <u>Food truck vendors participating in an event conducted by a School-Allied Group may prepare, make and/or sell food directly to patrons at the event. However,</u></p>	<p>Consistent with concerns expressed by School Board members at the May 13, 2014 workshop, changes were made to allow food truck vendors utilized for events by School Allied Groups to prepare or sell food to patrons at the event.</p>

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	<u>such food truck vendors must comply with all applicable state, local and School Board requirements.</u>	
	(c) All such activities hosted by groups other than School-Allied Groups must comply with all of the provisions of this Policy.	