



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	Jun 21 2016 10:15AM - Regular School Board Meeting
AGENDA ITEM	OPEN ITEMS
CATEGORY	CC. BOARD POLICIES
DEPARTMENT	Facility Planning and Real Estate

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input checked="" type="radio"/> Yes <input type="radio"/> No

ITEM No.:
CC-4.

TITLE:
Final Adoption of Revisions to School Board Policy 1341, Use of Broward County School Facilities for Non-School Purposes

REQUESTED ACTION:
Adopt the final revisions to School Board Policy 1341, Use of Broward County School Facilities for Non-School Purposes.

SUMMARY EXPLANATION AND BACKGROUND:
School Board Policy 1341 governs the use of Broward County school facilities for non-school purposes by other groups or organizations. On November 3, 2015, The School Board of Broward County, Florida (SBBC) adopted revisions to the Policy. See Supporting Docs for continuation of Summary Explanation and Background. This revised Policy has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication

FINANCIAL IMPACT:
There is no financial impact to the School District; therefore, this item does not require a Collaboration Form from the Capital Budget Department.

EXHIBITS: (List)
(1) Summary Explanation and Background continued (2) Executive Summary (3) Revised School Board Policy 1341 with underlines and strike throughs (4) Revised School Board Policy 1341 Clean Copy (5) Summary of Recommended Changes (6) Summary of Rental Policies for Non-Profit Organizations Regarding Lease of Certain Florida School District Facilities

BOARD ACTION:
ADOPTED AS AMENDED
(See Amendment Attached)
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Chris O. Akagbosu	Phone: (754) 321-2162
Name:	Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Leslie M. Brown - Chief Portfolio Services Officer

Approved In Open Board Meeting On: JUN 21 2016

Signature
Leslie M. Brown
Wednesday, June 08, 2016 11:41:17 AM

By: *Abby M. Freedman*
School Board Chair

Summary Explanation and Background continued:

Key revisions to the Policy included significant changes to provisions governing the use of school facilities by School Allied Groups (SAG), and the requirement that entities categorized as Non-Profit Corporations and 501(c)(3) Organizations shall commence paying rental fee to utilize District school facilities. On this point, the SBBC deferred the effective date for payment of the rental fee for six months. Thereafter, the rental fee shall become effective on May 4, 2016. However, during adoption of the Policy, the SBBC directed that the Policy should be rescheduled before it to make certain corrective measures to address issues pertaining to the provisions governing the use of school facilities by SAG, and to further revisit the payment of rental fee by Non-Profit Corporations and 501(c)(3) Organizations; most specifically, if this fee can be discounted.

The issues regarding SAG are primarily twofold; 1. To ensure that personnel costs such as custodial costs are addressed each and every time SAG utilizes District school facilities; 2. To ensure that third party vendors utilized at school event(s) conducted by SAG must obtain and submit a Certificate of Insurance (COI) for such event(s) to the District's Risk Management Department prior to the commencement of the event(s). Revisions presented herein proposes the following solution: 1. That the SAG shall be denied use of school facilities if the custodial costs triggered by SAG's use of the facility are not addressed. However, if the SAG proposes to pay such anticipated costs, it could be permitted to utilize the facility. This proposal is consistent with the position taken by certain Board members during adoption of the Policy. 2. All third party vendors utilized by SAG at school event(s) conducted by SAG, must obtain a COI that indemnifies the SBBC, and submit the same to the District's Risk Management Department prior to the commencement of the event(s).

The issues regarding Non-Profit Corporations and 501(c)(3) Organizations relates to concerns that requires these entities to commence paying rental fee, after not paying such fee since 2005, would create undue financial burden on the entities. To address these concerns, revisions presented herein proposes that rental fee due to the entities should be discounted by twenty-five percent (25%). It should be noted that of the major Florida urban school districts examined, only Palm Beach County School District (PBCSD) provides discounts (fifty percent) to Non-Profit Organizations for use of its facilities (See Exhibit No. 6). Thus, the twenty-five percent (25%) discount recommended herein is based on providing a discount that is half of what PBCSD provides.

This revised Policy has been reviewed and approved as to form and legal content by the Office of the General Counsel.

CC-4 Amendment June 21, 2016 Regular Meeting

Motion to Amend (Carried)

Motion was made by Mrs. Rich Levinson, seconded by Ms. Korn and carried, to amend page 3, under 5. a. School Allied Groups, 2. If the school principal or facility director determines that event(s) planned, organized, or sponsored by SAG may create additional expenses to the school, and/or if school personnel such as custodian is needed for the event(s), the school principal or facility director ~~can deny the SAG's request to utilize the school facility. However, if the SAG prefers to pay for the total~~ will work with the SAG to minimize or eliminate any anticipated expense to the school, ~~then the school principal or facility director could proceed to allow the SAG to utilize the school facility.~~

**USE OF BROWARD COUNTY SCHOOL FACILITIES FOR
NON-SCHOOL PURPOSES**

THE RENTAL OR USE OF PUBLIC SCHOOL FACILITIES SHALL BE PERMITTED WHEN NOT IN CONFLICT WITH THE REGULAR OR EXTRACURRICULAR SCHOOL PROGRAM.

NO GAMBLING, ALCOHOLIC BEVERAGES, WEAPONS, ILLEGAL SUBSTANCES OR ILLEGAL ITEMS SHALL BE ALLOWED AT ANY PUBLIC SCHOOL FACILITY.

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 (SBBC).

IF AT ANY TIME IT IS DETERMINED THAT INACCURATE OR MISLEADING INFORMATION IS PRESENTED BY A PARTY RENTING OR USING PUBLIC SCHOOL FACILITIES, THE SBBC RESERVES THE RIGHT TO IMMEDIATELY TERMINATE THE LEASE WITHOUT REFUND.

THE USE OF SBBC LICENSED FACILITIES SHALL AT ALL TIMES BE IN COMPLIANCE WITH THE APPLICABLE LAWS OF THE STATE OF FLORIDA AND SBBC POLICIES.

THE RENTAL USE OR ENJOYMENT OF PUBLIC SCHOOL FACILITIES OR SERVICES BY ANY GROUP OR ORGANIZATION WHICH DISCRIMINATES ON THE BASIS OF AGE, COLOR, DISABILITY, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, MARITAL STATUS, RACE, RELIGION, SEX OR SEXUAL ORIENTATION WILL NOT BE PERMITTED, EXCEPT AS PROVIDED BY LAW OR COURT ORDER.

LEGAL AUTHORITY: Section 1001.41(1), F. S.

HISTORY:

Adopted: 4/29/70

Readopted: 9/5/74; 1/25/11

Amended: 8/25/71; 9/5/74; 1/6/77; 12/18/80; 7/1/82; 7/1/82; 6/2/83; 6/16/88; 12/15/88; 1/20/98; 1/15/02; 3/16/04; 1/25/11; 11/3/15, 6/21/16

DEFINITIONS

1. **"School Days"** refer to normal operational hours when custodial staff is present. This includes days that the public school facility is open and in-session, and employee planning days. Normal operational hours vary from one public school facility to another. The School Day begins when the custodian opens and unlocks the public school facility's doors and ends when the custodian turns off the lights and locks the public school facility's doors.
2. **"After School Hours"** and on **"Non-School Days"** refer to periods when District school staff presence is required. **"After School Hours"** refers to the time after the lights are shut off, air conditioning is set back and the custodians lock the public school facility doors. The time varies from one public school facility to another. **"Non-School Days"** refers to the days when the public school facility and the School District's administrative offices are closed. Non-School Days include weekends and School Board recognized legal holidays, spring break, winter recess, and Fridays in the summer during the period of the four (4) day work week. Under Rule 3, a School Board employee, typically a member of the custodial staff must open, remain on duty throughout the program and close the public school building(s).
3. **"School-Allied Groups"** are groups such as the Parent Teachers Association (PTA), Parent Teacher Student Association (PTSA), Parent Teacher Organization (PTO), School Advisory Council (SAC), School Advisory Forum (SAF), Partners In Education (PIE), as defined below, and Booster Clubs, such as band, orchestral,

choral, and athletic programs or as otherwise referenced in this Policy.

4. **“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 school or department.
5. **“Groups and Organizations that Charge Fees”**: Any group or organization that charges participants an activity fee to attend the program offered by such group or organization.
6. **“Non-School Purposes”** refers to use of public school facilities by outside agencies, groups or organizations.
7. **“Lease Application”** shall refer to the school district form entitled “Lease Application for Use of Public School Facilities”.
8. A **“Certificate of Insurance”** (COI) is a document provided by an insurance company stating the limits of coverage for bodily injury and property damage insurance in effect during the use of the public school facility.
9. **“Rental Fees”** refers to the fees charged for the use and enjoyment of a specific public school room or facility. A group or organization using more than one (1) room will be charged separately for each room. The School Board of Broward County, Florida charges for the rental of its public school facilities for Non-School Purposes or such fees as specified in the lease agreement for use of the public school facility.
10. **“Utilities Costs”** include lighting, air conditioning, and electrical power in support of the operation of the public school facilities. Utilities Costs should not be applied for use of outdoor public school facilities, unless such facilities are used after dark and outdoor lighting is provided.
11. **“Custodial Costs”** include opening the public school facility, remaining on duty throughout the program (After School Hours only) cleaning the public school facility following use and closing the public school facility. Custodial Costs are not charged on School Days during normal operational hours, unless the principal or facility director determines that an additional custodian must be brought in to assist. Under the terms of the custodians’ labor contract, a custodian brought in After School Hours and on weekends must be paid a minimum of four (4) hours, regardless of whether the custodian works one (1) or four (4) hours.
12. **“Personnel Costs”** 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 minimum cost of an off-duty detail officer is set by the local law enforcement agencies.
13. **“Consumable Items”** are items such as restroom toilet paper, paper towels, soap, etc.
14. **“School Function”** 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).

RULES

Public school facilities may be used for Non-School Purposes in accordance with the following provisions:

1. Each user/applicant of public school facilities may make application for use in the administrative office of the requested facility. School district staff will enter pertinent information regarding the application into the Facility Usage database, 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. 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.

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 with school programs (such as extracurricular school activities or other previously scheduled activities). 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.
3. An employee of the SBBC, approved by the school principal or facility director, must open and close the public school facilities and remain on duty throughout the meeting or program. Use of public school facilities will be denied if school district staff is unavailable.
4. Final approval of the Lease Application shall be granted or denied by the Chief School Performance and Accountability Officer or Superintendent's designee 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 Facility Planning & Real Estate Department for preparation of a lease agreement to be submitted to the SBBC for approval. 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.
5. The following four (4) categories shall be used to describe applicants that request the use of public school facilities for Non-School Purposes. 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 Fee Schedule and Category Charges Matrix are appended to this Policy as Exhibits 1 and 2 respectively. The Superintendent or designee shall review the Fee Schedule periodically (no less than annually), and any changes to the Fee Schedule shall be recommended to the School Board for approval.
 - a. **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. 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 district's online Facility Usage database and reflected in the school or facility's calendar.
 1. 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.
 2. If the school principal or facility director determines that event(s) planned, organized, or sponsored by SAG may create additional expenses to the school, and/or if school personnel such as custodian is needed for the event(s), the school principal or facility director will work with the SAG to minimize or eliminate any anticipated expense to the school, to allow the SAG to utilize the school facility.
 3. If it is determined by SBBC that student(s) are 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.
 - b. **Government Organizations:** Government organizations must fulfill the Lease Application requirements and meet the insurance requirements as outlined under Rule 11 – Insurance – Property

Damage which will cover the SBBC for any property damages associated with the Government Organization's use of a public school facility.

1. 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. However, Government Organizations shall pay Consumable Items Costs, Personnel Costs, as incurred including, without limitation, any required security.
2. After School Hours or on Non-School Days when custodial staff presence is required, Government Organizations shall pay Custodial Costs, Consumable Items Costs, Utilities Costs and Personnel Costs, as incurred including, without limitation, any required security.
3. Regardless of school days, normal operational hours, after school hours, or non-school days, 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.
4. All fees shall be based on the current established Fee Schedule (appended to this Policy as Exhibit 1).
5. This Policy is not applicable if a separate agreement exists between the SBBC and another governmental entity for the use of school facilities. Those agreements shall stand upon their own terms.

- c. **Non-Profit Corporation:** An entity which represents itself as a Non-Profit Corporation and is registered and recognized as a Non-profit Corporation in the State of Florida, shall fulfill the Lease Application requirements, all insurance requirements set forth in this Policy, and submit a copy of its State of Florida issued Certificate of Status (or State of Florida document(s) confirming status as a Non-Profit Corporation) prior to each and every use of public school facilities

Section 501(c)(3) Organization: A Section 501(c)(3) Organization shall fulfill the Lease Application requirements, all insurance requirements set forth in this Policy, and provide a 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.

1. On School Days, a Non -Profit Corporation or a Section 501(c)(3) Organization shall pay nominal charges for electricity and administrative costs, Consumable Items Costs, 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, a Non -Profit Corporation or a Section 501(c)(3) Organization shall also pay Rental Fees, Custodial Costs, Utilities Costs and Personnel Costs, as incurred including, without limitation, any required security. However, the total Rental Fees due shall be discounted by twenty-five percent (25%).
3. All fees shall be based on the current established Fee Schedule. In addition, any use of equipment shall be subject to Rental Fees, but the total Rental Fees due for such equipment shall be discounted by twenty-five percent (25%).

- d. **Other Organizations:** Other Organizations are entities that were not named or listed in Rule 5a, 5b and 5c. Other Organizations shall fulfill all Lease Application and insurance requirements necessary for each use of public school facilities.

1. On School Days, Other Organizations shall pay Rental Fees, Utilities Costs and any Personnel Costs that are incurred including, without limitation, any required security, or additional custodial staff.

2. During After School Hours or on Non-School Days, when custodial staff presence is required, Other Organizations shall pay Rental Fees, Custodial Costs, Utilities Costs and any Personnel Costs as incurred including, without limitation, any required security.
3. All fees are based on the current established Fee Schedule (appended to this Policy as Exhibit 1).
6. This Policy will not apply to vendors who are awarded contracts as a result of a Request for Proposal (RFP) process issued by the SBBC including, but not limited to, any entities that provide before and after school child care or before and after tutorials, etc. Any use of public school facilities by such entities shall be governed by the specific contracts or agreements existing between such entities and the SBBC.
7. The basic Rental Fees and Custodial Costs, Consumable Items Costs, Utilities Costs and Personnel Costs for all public school facilities shall be reviewed periodically (no less than annually) by the SBBC Policy 1341 Committee which will recommend any changes to the Superintendent for approval by the SBBC. Any revised Fee Schedule shall become effective on the date of its approval by the SBBC and shall apply to all subsequent Applications.

Fees are based on utility costs, personnel costs and labor contract standards. Rental Fees, Utilities Costs, Custodial Costs, Consumable Items Costs, and other Personnel Costs may be adjusted at the minimum with the preceding 12 month Consumer Price Index figures (via monthly report obtained from the United States Department of Labor, Bureau of Labor Statistics).

With the exception of government organizations that charge participants for activities, custodial charges shall only apply 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.

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 jurisdiction, respectively. Additionally, the minimum cost of an off-duty detail officer is set by the local law enforcement agencies.

8. The school principal or facility director shall require the use of regular food service workers when fixed kitchen equipment is used in connection with food preparation, service and clean-up during use of a public school facility rental. The group or organization shall pay the cost of the food service worker(s) involved, according to the adopted School Food Services salary schedule, including retirement and other fringe benefits. A separate check made payable to The School Board of Broward County, Florida shall be given to the Cafeteria Manager for such food services.
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 SBBC 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. Parties can only enter into leases up to one (1) year.
10. Any group or organization that intends to charge students and/or adults for any type of service/activity during the usage of public school facilities/equipment must provide the SBBC with a letter addressed to the Superintendent stating that the organization will report to the Internal Revenue Service (IRS) all salaries and applicable taxes and all fees exceeding \$600.00 paid to School Board employees, a copy of which will be provided to the IRS by the SBBC.

11. INSURANCE

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 subject to applicable law.

The user of a public school facility must furnish a Certificate of Insurance to the Risk Management Department of the SBBC 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:

- (a) A statement certifying that there is in force a general liability insurance policy naming the SBBC as an additional insured; and
- (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:

Bodily Injury -	\$200,000 each person \$300,000 each occurrence
Property Damage - (Damage to Rented Premises)	\$500,000 each occurrence \$500,000 aggregate

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.

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.

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.

12. 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:

- (a) The school principal or his/her designee shall be in attendance in a supervisory capacity.
- (b) Third party vendors participating in an event conducted by a School-Allied Group must furnish a Certificate of Insurance to the Risk Management Department of the SBBC at least seven (7) working days prior to the event, and the Certificate of Insurance must contain the following provisions:
 - 1. Certificate of liability insurance with coverage of \$1,000,000 from the vendor providing the amusement activities. The certificate must name The School Board of Broward County, Florida as additional insured.
 - 2. Automobile Insurance with coverage of \$1,000,000 for business-owned vehicles.
 - 3. Workers' Compensation insurance. If a vendor has less than four employees, an affidavit is available from the Risk Management Department.
 - 4. Invoice listing planned amusement activities and photos.
- (c) 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, such food truck vendors must comply with all applicable state, local and School Board requirements (checklist available from the Risk Management Department).

(d) All such activities hosted by groups other than School-Allied Groups must comply with all of the provisions of this Policy.

13 This Policy shall become effective upon approval of the SBBC.

LEGAL AUTHORITY: Section 1001.41 (1), F. S.

HISTORY:

Adopted: 4/29/70

Readopted: 9/5/74; 1/25/11

Amended: 8/25/71; 9/5/74; 1/6/77; 12/18/80; 7/2/81; 7/1/82; 6/2/83; 6/16/88; 12/15/88; 1/20/98; 01/15/02; 3/16/04; 1/25/11; 11/3/15, 6/21/16