

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.

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.

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, MARITAL STATUS, NATIONAL ORIGIN, RELIGION 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

Amended: 1/6/77; 12/18/80; 7/1/82; 6/16/88; 1/20/98; 1/15/02; 3/16/04

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, γ 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. 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.
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. **"Application"** shall refer to the Application and Lease for Use of Public School Facilities which is a School Board form used to document the 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 cost of an off-duty detail officer is set by the local law enforcement agencies.

RULES

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

1. Each user of public school facilities shall make application for use in the administrative office of the requested facility. School district staff will enter pertinent information regarding the application in the lease 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.
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 regular extracurricular school programs or other previously scheduled activities.

3. An employee of The School Board, 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 Application shall be granted or denied by the area superintendent or 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 Real Estate and Environmental Planning Department for preparation of a lease agreement to be submitted to The School Board for approval.
5. The following four (4) categories shall be used to describe applicants for the use of public school facilities for Non-School Purposes. The Fee Schedule (appended to this policy as Exhibit 1) shall be reviewed periodically (no less than annually) by the Superintendent for changes to be recommended to The School Board for approval.
 - a. **School-Allied Groups** are exempt from the requirement of an Application regarding the use of a public school facility for the conduct of their normal meetings.
 1. School-Allied Groups are also exempt from payment of Rental Fees, Custodial Costs, Utilities Costs and Personnel Costs during normal operational hours.
 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.
 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.
 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 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.
 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.
 - b. **Government Organizations.** Government organizations must fulfill Application requirements and meet the insurance requirements as outlined under Rule 10 – 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.

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.
2. After School Hours or on Non-School Days when custodial staff presence is required, Government Organizations shall pay Custodial Costs, Utilities Costs and Personnel Costs, as incurred including, without limitation, any required security.
3. 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).

This Policy is not applicable to a Reciprocal Use Agreement between The School Board and other governmental agencies. Those agreements shall stand upon their own terms.

c. **Not-for-profit Section 501(c)(3) Organizations** A Not-for-Profit Section 501 (c) (3) Organization shall fulfill Application requirements, all insurance requirements set forth in this Policy, and provide a copy of its approved IRS Section 501 (c) (3) certificate for each and every use of public school facilities.

1. On School Days, Not-for-Profit Section 501 (c) (3) Organizations shall pay nominal charges for electricity and administrative 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, Not-for-Profit Section 501 (c) (3) Organizations shall also pay 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.
4. All fees shall be based on the current established Fee Schedule. In addition, any use of equipment shall be subject to Rental Fees.

d. **"Other Organizations"** are entities that were not named or listed in Rule 5a, 5b and 5c. Other Organizations shall fulfill all 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 School Board 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 School Board.
7. The basic Rental Fees and Custodial Costs, Utilities Costs and Personnel Costs for all public school facilities shall be reviewed periodically (no less than annually) by the Lease Committee which will recommend any changes to the Superintendent or 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. Fees are based on utility costs, personnel costs and labor contract standards. Rental Fees, Utilities Costs, Custodial Costs and other Personnel Costs may be adjusted in accordance with the Consumer Price Index formula contained in the lease agreement during the term of each lease. 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. 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.
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. School-Allied Groups are exempt from this 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.
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 School Board 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 paid to School Board employees, a copy of which will be provided to the IRS by The School Board.
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. The School-Allied Groups are exempt from this requirement unless they charge fees as specified in Rule 5 above.

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:

- (1) A ten-day notice of cancellation provision;
- (2) A statement certifying that there is in force a general liability insurance policy naming The School Board as an additional insured; and
- (3) 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 -	\$100,000 each person \$300,000 each occurrence
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Property Damage -	\$ 1,000,000 each occurrence \$ 1,000,000 aggregate
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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) All food utilized must be prepared, made or sold by the School-Allied Groups, students or School Board employees.
- (c) 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 School Board.

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

HISTORY:

Adopted: 12/17/70

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

FEE SCHEDULE

SCHEDULE A

NOT-FOR-PROFIT ORGANIZATIONS FOR SCHOOL DAYS	
Fee Category	Cost Unit
Nominal charge for electricity, materials and administrative costs	\$25.00 per meeting, not to exceed \$250.00 per school/per fiscal year.

SCHEDULE B

RENTAL FEES	
Fee Category	Cost Unit
Auditorium Fee	\$100.00 Per hour of rehearsal or setup \$600.00 Per performance (3 hour period) \$50.00 Per each additional hour (or part thereof) of performance
Cafeteria Fee – excludes kitchen	\$30.00 Per hour (minimum 5 hours)
Classroom Fee	\$10.00 Per hour (minimum 5 hours)
Multi-Purpose Room Fee (i.e. Media Center)	\$10.00 Per hour (minimum 5 hours)
Swimming Pool	\$50.00 Per hour (minimum 3 hours)
Athletic Fields, Baseball, Tennis Practice and associated parking	\$40.00 Per hour (minimum 3 hours)
Gymnasium	\$50.00 Per hour (minimum 3 hours)
Regional Athletic Stadium for Athletic Competitions	\$750.00 Per day (or any part thereof not to exceed 8 hours). This fee would include the use of the stadium, track, field and associated equipment and parking. Does not include field lining, security & operational costs.
Parking Lot only	\$30.00 Per hour (minimum 3 hours)

UTILITIES COSTS AND CUSTODIAL COSTS	
Fee Category	Cost Unit
Energy (Light, Cooling and Power)	\$30.00 Per hour
Water	\$25.00 Per day. This fee would be required for activities using more than the standard facility use such as car washes.
Refuse	\$25.00 Per day. This fee would be required for activities using multiple trash cans requiring disposal.
Custodial Services	\$44.00 Per hour (minimum 4 hours)

PERSONNEL COSTS	
Fee Category	Cost Unit
Technical Supervision	\$44.00 Per hour
Technical Crew	\$44.00 Per hour
School Security	\$44.00 Per hour
Off-duty detail officers	* Per hour (minimum 4 hours)
Stand-by-Electrician	\$60.00 Per hour
Stadium Manager (Athletic Director or designee)	\$60.00 Per hour

* Cost is set by the local law enforcement agencies. School principal or facility director reserves the right to require police officers and determine the number necessary for any event.

Category Charges Matrix

CATEGORIES	APPLICATION	COI	RENTAL	UTILITIES	CUSTODIAL	PERSONNEL
SCHOOL-ALLIED GROUPS						
School Days	Yes ¹	No	No	No	No	No
After School Hours and Non-School Days	Yes	No	No	Yes	Yes	As Incurred
Fund-raising Events	Yes	No	No	Yes*	Yes*	As Incurred
GOVERNMENT ORGANIZATIONS²						
School Days	Yes	Yes	No	No	No	As Incurred
After School Hours and Non-School Days	Yes	Yes	No	Yes	Yes	As Incurred
Activity Fees Charged to Participants	Yes	Yes	Yes	Yes*	Yes*	As Incurred
NOT-FOR-PROFIT ORGANIZATIONS						
School Days	Yes	Yes	No	Nominal	No	As Incurred
After School Hours and Non-School Days	Yes	Yes	No	Yes	Yes	As Incurred
Activity Fees Charged to Participants	Yes	Yes	Yes	Yes	Yes*	As Incurred
OTHER ORGANIZATIONS						
School Days	Yes	Yes	Yes	Yes	No ³	As Incurred
After School Hours and Non-School Days	Yes	Yes	Yes	Yes	Yes	As Incurred

Notes: * If Applicable (After Hours)

¹ Excluding normal meetings.

² Government Organizations without Reciprocal Use Agreement's (RUA's).

³ Rental includes only one custodian during normal operational hours.