

USE OR RENTAL OF SCHOOL FACILITIES

School facilities, including buildings and grounds, are designed and constructed to support the educational programs of the schools of this division. The School Board recognizes that school facilities may be used by others at times when such uses do not conflict with their primary use in ways that will enhance the overall quality of life in the community. While wishing to facilitate such other uses, the School Board must balance this with its responsibilities to properly maintain the facilities, to recoup the additional costs associated with additional uses, and not to compete with the private sector for uses that typically would occur in private facilities.

To these ends, the use of school facilities by other entities is controlled and conditioned in accordance with Regulation 6170-R that accompanies this policy. The School Board, upon the recommendation of the Superintendent, may grant variances to the requirements and limitations contained in the regulation where such is determined necessary to meet the general principles stated above.

Revised: September 13, 2011
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Legal Ref.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ 22.1-79.3, 22.1-131, 22.1-132.

Cross Ref: 6100/6100-R Political Activities
6141 School Visitors
6142 Public Conduct on School Property
6170-R Use or Rental of School Facilities

[VSBA: KG]

USE OR RENTAL OF SCHOOL FACILITIES

A. Definitions

The following words and terms, when used in this regulation, shall have the following meanings, unless the context clearly indicates otherwise:

“Affiliated non-profit organization” means a non-profit organization affiliated with the Division or a particular school and created for the purpose of benefiting or supporting the Division as an entity, a specific school, and/or the students enrolled in any of the Division’s schools or educational programs. This classification is further defined to include educational activities or programs created by other educational institutions or governmental agencies for the exclusive benefit of the Division, its employees or its students. Examples of this classification include, but are not limited to, school booster clubs, Parent-Teachers’ Associations, school/community advisory councils, and other school affiliated groups created for the exclusive benefit of the Division, its students, employees, or educational programs.

“Government” means local, state, regional, public higher education, or federal government agencies other than Chesterfield County Public Schools.

“Large activity” means an activity or event that is expected to attract more than 100 people or that requires additional personnel support or use of specialized equipment irrespective of the number of people expected.

“Non-profit organizations” means any civic, service, political, non-profit higher education, religious, or charitable agency, corporation, association, organization, or partnership which is described in Internal Revenue Code § 501(c) and that is based in and primarily serves the residents of Chesterfield County.

“Non-school use” means the use of school facilities for an activity by government or non-profit organizations. Extracurricular activities as defined in Policy 4070, entitled *Extracurricular Activities*, are not included in this definition.

“School facilities” means buildings and grounds, parking lots, playing fields and fixed equipment under the control of the Division.

“School Use” means the use of school facilities for authorized educational purposes under the direct control and management of the Division including extracurricular activities as defined in Policy 4070, entitled *Extracurricular Activities*. Other entities may participate in school use activities as approved at the sole discretion of the Division. However, other entities may not, for the purpose of circumventing this regulation, use the approval of participation in a school use activity for the purpose of conducting an activity not under the direct control and management of the Division.

“Small activity” means an activity or event that is expect to attract less than 100 people and does not require additional personnel support or use of specialized equipment.

B. General Information

The following shall apply to all applicants desiring to use school facilities. The principal is responsible for seeing that this regulation is followed, and that maximum security and safety are maintained during the use period.

The principal of the individual school has administrative authority to schedule the use of school facilities for school purposes. Non-school use of school facilities must be in compliance with the following:

1. School use clearly takes precedence over non-school use.
2. Scheduling of non-school use of school facilities starts with the school principal's recommendation and ends with the approval/disapproval by the Superintendent or the Superintendent's designee. Additionally, use by public higher education and non-profit higher education organizations shall be approved by the Department of Staff Development.

C. Allowed Activities

Unless otherwise specifically permitted herein, allowed activities are limited to:

1. Non-school use activities by government or non-profit organizations, whether or not admission is charged. Those activities for which admission is charged shall be open to the public; and
2. Activities that promote the organization's civic, service, political, governmental, religious, or charitable purposes.

D. Application

The applicant shall be one of the following:

1. A responsible citizen of the County who is a member of the organization making application, or
2. An officer of an applicant organization which is headquartered in Chesterfield County.

Reservations for use of facilities are confirmed only after the application has been recommended by the principal and approved by the Department of Facility Services.

Applications for small activities must be submitted to the facility principal or the principal's designee at least two (2) weeks prior to the date(s) for which use is requested. Applications for large activities must be submitted to the facility principal or the principal's designee at least four (4) weeks prior to the date(s) for which use is requested. Exceptions may

be granted by the Superintendent or the Superintendent's designee where circumstances warrant and preparations can be made without undue burden on staff.

E. Application Approval/Disapproval

The Superintendent reserves the right to approve or disapprove, at any time, any application for use of school facilities. Principals or principal's designees shall recommend approval/disapproval and the Director of Facility Services will approve/disapprove applications as the Superintendent's designee. Advance payment of fees, if any, will be refunded if an application is disapproved.

F. Admission Charges; Fund Raisers

Only an organization approved to use the school facility may charge any admission to an activity. Admission charges shall include those collected prior to the activity or at the door. The organization may not assign the right to collect admission charges to any person not a member of the organization or to any other entity. Rental fees shall not be waived because admission charges or proceeds from fund raisers will be used to support school regular or extracurricular activities.

G. Rental Rates and Charges

Rental rates will be established and revised from time to time as deemed appropriate by the Superintendent. Rental rates are intended to reimburse the Division for incremental expenses which would not be incurred if the school facilities were not being used by a non-school organization. No rental charges shall apply for school uses, however, when school uses occur at times when custodial staff is not present and the principal determines that custodial staff is necessary for the use, the school shall pay for the cost of the additional time of the custodial staff.

Rental rates may vary by category of non-school use organizations, the particular facility space being used, the number of people attending the activity, and other relevant factors that affect expenses to the School Board. Rental charges will not apply to the use of school facilities by organizations for small activities held between 7:30 a.m. and 10:00 p.m. on those days when the facility is being used for school purposes and custodial staff is present. Rental rates may be modified or waived by the Superintendent. Current rental rates are available by contacting the Department of Facility Services, that department having the responsibility and authority to interpret this regulation and determine the charge for each activity, accordingly.

When a facility rental is charged, the following will apply:

1. Custodial charges for small activities will include thirty minutes before and thirty minutes after the scheduled event. Custodial charges for large activities shall be determined by the Department of Facility Services based upon an estimate of the number of and time period for staff members required for each activity.

2. When special lighting and/or the public address system is to be used by the applicant, arrangements must be made directly with the school. This equipment must be operated by trained school personnel. Organizations authorized to use the lighting or public

address system will be charged for its use. Payment will be made directly to the school which will arrange payment to the school's operator. The custodial staff does not perform this service.

3. Whenever a kitchen is rented, a member of the school food services staff must be present during the authorized time of rental. The Food Service Department must be contacted directly by the applicant. A separate fee will be charged for this service.

4. When lighted athletic fields are requested, the details of which areas can be used must be arranged directly with the school. A fee to defray the cost of lighting will be established by the Department of Facility Services and paid as a part of the rental charge.

H. Rental Payment

The full rental amount is due within 30 days from the date on invoice. Checks should be made payable to the Chesterfield County School Board. Those organizations using facilities on a regular basis will be rendered monthly bills. If the rental charge is not remitted as required, no future use will be granted until payment is made and without prepaid remittance for future activities.

Interdepartmental transfers will be processed for local governmental agencies when rental charges apply.

I. Priority of Applicant Authorization by Category for Non-School Use

1. Affiliated non-profit organizations –first priority
2. Government –second priority
3. Other non-profit organizations – third priority
4. Children's performances held by for-profit organizations – fourth priority

Priority within the same category will be on a first-come-first-serve basis. Except for the period of time between July 1 and September 15 of each fiscal year when higher priority non-school uses may displace lower priority users, higher priority non-school users may not displace lower priority users once a reservation has been approved and all obligations are met. Displacement of a non-school user by a school-use activity once a reservation has been approved and all obligations are met by the non-school user shall occur only upon the approval of the Superintendent's designee upon documentation that the displacement is absolutely required to fulfill the educational mission of the school facility. When the same space at the same time is being sought by more than one organization, the principal and the Director of Facility Services shall attempt to identify time and space alternatives to alleviate the conflict.

J. Liability

The group to whom the facility is rented shall:

1. Have adequate third-party liability coverage as determined by the Department of Facility Services;
2. Be held responsible for the proper conduct of persons in attendance;
3. Be held responsible for the proper care of the facility;
4. Be held responsible for missing personal property;
5. Leave the buildings/grounds free of trash, debris, etc., and in similar conditions to those which existed prior to authorized use. Specifically, all smoking debris which may be thrown down at entrances to schools must be removed. Failure to comply with this provision may be cause for revocation of approval for future dates or denial of requests for future use; and
6. Except for use by government when prohibited by controlling law, hold the Division harmless from any damage or claims arising from the action of the permit holder, his/her employees, patrons, or others while the facility is in use.

K. Occupancy Limitations

Occupancy is limited to the number of persons, seat for seat, that the facility is designed to accommodate, and as posted Applicants shall include on the application the number of people anticipated to attend the activity.

L. Illegal Substance/Weapons

Neither alcoholic beverages, except for wine when used by religious congregations for sacramental purposes only, nor drugs are to be brought, consumed or used on school property. Possession or use of illegal weapons is prohibited. Violators will be reported to the proper authorities. (See Policy 4010, Rights and Responsibilities; Regulation 4010-R, Standards for Student Conduct; Policy 4160, Drug Free Schools; Policy 5380, Drug and Alcohol-Free Workplace; and Regulation 5380-R, Regulations for Drug and Alcohol-Free Workplace.)

M. Food and Refreshments

Food and refreshments may be sold, served, and consumed only in the dining area of school facilities, the concession stand area, or rented grounds area of the school campus. Refreshments must be confined to the above specified areas. Applicants must indicate their intent to have food on school facilities on the application and must designate on the application the name, address, and telephone number of the adult individual who will be responsible for monitoring compliance with this section of the regulation.

N. Games of Chance

School facilities may be used by government or affiliated non-profit organizations for certain limited types of games of chance as defined by Va. Code § 18.2-340.16 provided that permission is obtained from the Superintendent or the Superintendent's designee, and a permit is acquired from the Virginia Department of Agriculture and Consumer Services, if such permit is required.

O. Smoking

Smoking is prohibited in schools as required by Va. Code § 15.2-2824. Authorized outside smoking areas may be designated at certain school facilities.

P. School Employee to be Present

The School Board requires that an employee of the School Board be present at all times when an indoor School Board facility is being used. If that employee is a custodian, duties are as outlined in section Q., Custodial Services. If that employee is other than a custodian, that employee shall accomplish the duties outlined in the section Q.1 herein.

Q. Custodial Services

1. Custodial services are limited to:

- opening and closing buildings, doors, and windows;
- turning lights on and off;
- contacting Facility Services to adjust heating/AC;
- emergency cleanup during the event;
- normal cleaning after the event;
- maintenance of restrooms during/after the event; and
- ensuring the school is in the proper condition to open the next school day.

2. Custodial services do not include

- transporting equipment and/or supplies;
- arrangement of any special furniture or equipment; or
- supervision of activities or crowds.

R. Staging/Decorations

Staging or decorations must be done so as not to deface or damage any property and must be approved by the respective school principal and the Superintendent's designee. It is required that no elaborate decoration or re-decoration be accomplished prior to approval. All staging and decorations must meet all building and fire prevention codes of the County. Where codes require, the organization using the facility must contact the County Fire Marshall for direction, inspection, and approval.

S. Grounds

Organizations authorized to use any area of a school facility, including the grounds, will be required to keep the area cleared of trash, litter, and debris, and the ball diamonds and fields maintained to well-established elevations at all times during the period of time authorization is in effect.

One exterior informational sign, in conformance with the County's zoning ordinance, may be permitted on school property, at the sole discretion of the principal, to be displayed only during the time of the non-school use activity.

Vehicles related to non-school use of facilities shall be located on school facilities only during the time of the non-school use activity.

In addition to the provisions of this regulation, the Superintendent is specifically authorized to promulgate written procedures for the non-school use of high school athletic fields which may include limitations on the types of fields available, limitations on the days of the year the fields will be available, minimum number of days prior to the non-school activity for submission of application, requirement for the pre-payment of all fees and charges, charges for custodial services, and the requirement for the provision of security.

T. Gymnasium

Gymnasium shoes are to be worn by persons using the gymnasium floor. No shoes that make marks will be allowed. Street shoes are only allowed on the gymnasium floor during dance sessions at which time a protective cover will be applied over the floors. The organization must designate on the application the name, address, and telephone number of the adult individual who will be responsible for monitoring compliance with this section of the regulation.

U. Additional Limitations

No facility will be used past midnight on date(s) authorized for use unless specifically authorized by the Superintendent or the Superintendent's designee prior to the activity.

Driving is allowed on paved areas only. Parking is allowed on paved parking areas only. If a large amount of equipment or supplies must be delivered to a field or concession site, a vehicle is allowed to drive off pavement to the site, unload, but then must be returned to the paved parking area. It is the responsibility of the applicant to ensure vehicles are properly parked. If a large crowd is anticipated, advance approval may be received for "Grass Lot" parking from the Department of Facility Services.

Only affiliated non-profit organizations and the County Parks and Recreation Department may apply to use school facilities for a dance. Approval by the Superintendent or the Superintendent's designee may occur only after he/she is satisfied that all necessary precautions will be in place to maintain the safety and security of the school facility and those attending the dance.

Applications for uses on multiple occasions shall be limited to a one-fiscal year period. Applicants may file additional applications for subsequent years. Applicants shall notify the principal and the Director of Facility Services immediately upon knowing that a use will not occur on any approved future occasion so that the facility may be available for other uses. Chronic failure of applicants to give such notice may cause approvals for uses on multiple future occasions to be limited.

V. Children's Performances Conducted by For-Profit Organizations

For-profit individuals, partnerships, and corporations may apply to use school facilities for dance recitals, music recitals, drama performances, martial arts exhibitions, and similar events when the performers are children under the age of 18 consisting primarily of Chesterfield County residents. The Superintendent or the Superintendent's designee, in his/her sole discretion, shall approve such an event only when satisfied that the event provides a meaningful learning experience for the children participating. Only one application per applicant will be approved for only one activity in any school year. The Superintendent or the Superintendent's designee shall not approve events conducted by the same individual or groups of individuals under different entity names used to avoid the one-activity-per-year limitation.

The use permitted in this section shall be for a maximum of four consecutive days to include rehearsal, set-up, and take-down.

Admission may be charged only when all gross proceeds inure to public schools or charitable organizations.

W. Written Lease Agreements

The Division reserves the rights to enter into written lease agreements for real and personal property under its control in accordance with relevant provisions of state law. In such event, the provisions of such written agreements shall supersede the provisions of this regulation to the extent the provisions of the lease agreements are in conflict with this regulation.

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 4.1-309, 18.2-128, 18.2-138, 18.2-415, 22.1-70, 22.1-78.

Cross Ref.: 2090 School Building Administration
4010 Rights and Responsibilities
4010-R Standards for Student Conduct
4160 Drug Free Schools
5380/5380-R Drug and Alcohol-Free Workplace
6142 Public Conduct on School Property
6170 Use or Rental of School Facilities

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