

USE OR RENTAL OF SCHOOL FACILITIES FOR
ALL SCHOOL DIVISION FACILITIES EXCEPT THOSE AT CTC@HULL

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 exclusive 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-Teacher Associations, other parent organizations, School Board/school/community advisory councils or committees, and other similar 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 100 or more attendees, or an activity that requires additional staffing support or the use of specialized equipment, irrespective of the number of attendees expected.

“Non-profit organization” 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 an affiliated non-profit organization, or a government or non-profit organization. Extracurricular activities as defined in Policy 4070, *Extracurricular Activities*, are not included in this definition.

“School Board” means the School Board of Chesterfield County Public Schools.

“School Division” or “Division” means Chesterfield County Public Schools.

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

“School Use” means the use of school facilities for authorized educational purposes under the direct control and management of the school division including extracurricular activities as defined in Policy 4070, *Extracurricular Activities*. Other entities may participate in school use activities as approved at the sole discretion of the school 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 school division.

“Small activity” means an activity or event that is expected to attract fewer than 100 attendees and does not require additional custodial or other support, or the 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 takes precedence over non-school use.
2. The 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. The Director of the Department of Facilities Services shall be the Superintendent's designee for purposes of this regulation.

C. Non-School Use

Unless otherwise specifically permitted herein, non-school use is limited to:

1. Activities by affiliated non-profit organizations, or a government or non-profit organization, 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 requesting non-profit organization's civic, service, political, governmental, religious, or charitable purposes.

D. Application

The applicant shall be one of the following:

1. A resident of Chesterfield County who is a member of the affiliated non-profit organization, or the government or non-profit organization, making application; or,
2. An officer of an applicant organization (an affiliated non-profit organization, or a government or non-profit organization) that is physically located 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/Superintendent's Designee

Principals or principals' designees shall recommend the approval/disapproval of any application for use of school facilities, and the Director of Facility Services will approve/disapprove applications as the Superintendent's designee. The Superintendent reserves the right to approve or disapprove, at any time, any application for use of school facilities. 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 a 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 fundraisers will be used to support school regular or extracurricular activities.

G. Custodian or Exempt School Division Employee to be Present

The School Board requires that a custodian be present at all times when any indoor School Board facility is being used for any school or non-school use, as defined herein, unless, pursuant to Section I herein the principal determines that a custodian is not necessary for a school use. If the principal determines that a custodian is not necessary for a school use, an exempt school division employee shall be present to ensure that no damage occurs during the activity, that all students and other staff leave the premises at the end of the activity, and that all custodial services outlined in Section H are fulfilled.

H. 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.

I. Rental and Staffing Rates

a. School uses.

For “school uses” as defined herein, neither rental rates nor staffing charges will be assessed for the use of school facilities 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. However, exceptions may apply on a case-by-case basis.

When school use occurs at a time when custodial staff is not present (on weekends, for example) and the principal determines that custodial staff is necessary for such use, the school shall pay for the cost of the time of the custodial staff. However, when school use occurs at a time when custodial staff is not present and the principal determines that an exempt staff member may substitute for custodial support during any such use, the principal shall ensure that an exempt school staff member is present to ensure that no damage occurs during the activity, that all students and other staff leave the premises at the end of the activity, and that all custodial services outlined in Section H are fulfilled.

b. Non-school uses.

For “non-school uses” as defined herein, neither rental rates nor staffing charges will be assessed for the use of school facilities 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. However, exceptions may apply on a case-by-case basis.

However, when non-school use occurs at a time when custodial staff is not present (on weekends, for example), rental rates and staffing charges will be assessed for both small and large activities, as defined herein. Rates and charges for “non-school uses” as defined herein will be established and revised from time to time as deemed appropriate by the Superintendent and 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. Such rates and charges may vary by category of non-school use, the particular facility, the space being used, the number of people attending the activity, and other relevant factors that affect expenses to the School Board. Rental rates and/or staffing charges are available by contacting the Department of Facility Services and may be modified or waived by the Superintendent or the Superintendent’s designee. The Department of Facility Services shall have the responsibility and authority to interpret this regulation and to determine the charge for each activity, accordingly.

When rental rates and staffing charges are assessed for non-school uses, as defined herein, the following shall apply:

1. Staffing charges for all activities will include thirty minutes before and thirty minutes after the scheduled event.
2. When special lighting, audio/visual systems, and/or other technical systems are to be used by the applicant, arrangements must be made directly with the school. This equipment must be operated by a trained school division student or staff member. Organizations authorized to use lighting equipment, audio/visual equipment, and so forth, will be charged for any such staffing. Payment will be made directly to the school which will arrange payment to the operator. Custodial staff will 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, details such as which fields and duration of use shall 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.

c. Cancellations.

In the event an applicant intends to cancel an event, any such cancellation shall be communicated to the Facilities Department and the principal of the school where a reservation has been confirmed. Such notification shall be made immediately after any decision to cancel, but not later than 48 hours (two full calendar days) prior to the scheduled event for small activities, as defined herein, and not later than seven (7) calendar days prior to the scheduled event for large activities, as defined herein. Failure to notify the Facilities Department and the principal within the stated time limits shall result in a one-hour rental charge for each area requested and a two-hour custodial charge.

J. Payment

All fees (to include rental rates, staffing charges, and other charges, as applicable) are due within 30 calendar days from the date on the invoice. Checks shall be made payable to Chesterfield County Public Schools. Those organizations using facilities on a regular basis will be rendered monthly bills. If the fee is not remitted as required or there are inadequate funds in the account to cover the amount of the check, no future use will be granted until payment is made. Thereafter, payments may be required to be made in advance by certified check or money order.

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

K. Applicant Priority for Non-School Use

1. Affiliated non-profit organizations
2. Government
3. Other non-profit organizations
4. Children's performances held by for-profit organizations

Priority within the same category will be on a first-come-first-served 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 – including payment – 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.

L. Liability

The group to whom the facility is rented shall, at a minimum:

1. Have adequate third-party liability coverage as determined by the Risk Management Department, to include the following:

- Commercial General Liability - (Form CG 00 01 10 93 or equivalent) with limits of at least \$1,000,000 per occurrence;
- Chesterfield County Public Schools and Chesterfield County shall be named as additional insureds under the Commercial General Liability policy by:
 1. A named additional insured endorsement to the policy by Form #CG 2010 0704 or #CG 2026 0704;
 2. Blanket additional insured endorsement to the policy by applicable company form; or,
 3. Additional insured description: County of Chesterfield Public Schools, Chesterfield County, and their elected officials, employees, agents and volunteers.
- The Certificate of Insurance (COI) shall be submitted electronically to the Facilities Department at least fourteen (14) calendar days prior to an event with the applicable additional insured endorsement form attached.
- CERTIFICATE HOLDER address:

CHESTERFIELD COUNTY
Risk Management Department
10000 Courtview Lane
Chesterfield, VA 23832
FAX TO: 804-748-2440
Attn: Risk Management Department

- It is strongly recommended that groups consider the purchase of Event Cancellation Insurance, if the cancellation for adverse weather or other similar causes will fiscally impact the group.
- Additional liability coverage, automobile liability coverage and workers compensation coverage may be required based on the specific circumstances of each rental, type of activity(ies), and number of estimated attendees.
- Rental agreements may be terminated at any time for any reason pertaining to adequacy of insurance. All insurance is subject to approval by the Chesterfield County Risk Management Department.

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;
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; and,
7. Ensure that no alcohol (except as permitted in Section N herein), illegal substances, illegal weapons, or tobacco use (as defined in Policy 5390) occurs anywhere on school division property; and,
8. Provide security for crowd control, traffic control, and other issues as required by the Superintendent or the Superintendent's designee and as recommended by the

School Safety and Security Manager, the Chesterfield County Department of Risk Management, and Chesterfield County Police.

M. 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.

N. All Alcohol, Illegal Substances, Illegal Weapons Prohibited

Neither alcoholic beverages, except for wine when used by religious congregations for sacramental purposes only, nor illegal substances are to be brought, consumed or used on school property. Possession or use of any weapon not permitted on school division property by federal or state law 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*.)

O. All Tobacco Use Prohibited

All tobacco use as defined in Policy 5390, *Tobacco-Free School Division for Staff, Students and Visitors*, including, but not limited to, the use of electronic cigarettes is prohibited in schools and in and on all school division facilities, grounds, school buses, and so forth, as required by Va. Code § 15.2-2824 and 22.1-279.6, among others.

P. Food and Refreshments

No food or beverage items – other than those sold by Food and Nutrition Services – may be sold to elementary, middle or high school students on school premises from midnight any day school is in session for students until 30 minutes after students are dismissed that same school day, unless the food or beverage item meets the requirements of the USDA. In addition, except for food and beverages sold by Food and Nutrition Services, no food or beverage of any kind may be sold 30 minutes before the start of breakfast through the end of breakfast, and no food or beverage of any kind may be sold during the lunch period. If permitted by the principal, school-sponsored organizations may sell food or beverage items that do not meet the requirements of the USDA and this policy outside the hours set forth above.

In addition to the restrictions set forth immediately above, food and refreshments may be sold, served, and consumed only in the dining area of school facilities, the concession stand area, or rented grounds areas of the school campus. Refreshments must be confined to these 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. Applicants are responsible for ensuring that all areas in which food and/or beverages are served (which are limited to the dining area of school facilities, the concession stand area, or rented grounds areas of the school campus) are left free of all trash, debris, etc., before vacating the premises.

Q. 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.

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. No elaborate decoration or re-decoration may be accomplished prior to receiving such 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 standards at all times during the period of time authorization is in effect.

One exterior informational sign 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. With the principal's permission, one or more signs advertising a future event may be posted on school property prior to the event. Any sign displayed on school property must be in conformance with the County's zoning ordinance.

Vehicles, trailers and storage pods 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 that are located and licensed in Chesterfield County may apply to use school facilities for dance recitals, music recitals, drama performances, martial arts exhibitions, and similar events, provided that such individuals, partnerships and corporations secure required permit(s), if any, and comply with applicable Chesterfield County ordinances and other requirements within stated timeframe(s). 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 performance or series of performances in any school year, provided that any "series of performances" occurs within a consecutive 48- or 72-hour period. In the event an individual, partnership or corporation is able to substantiate to the division's satisfaction that it is unable to accommodate all of its performances in a consecutive 48- or 72-hour period, it may submit a second application in the same school year. However, in no event may an individual, partnership or corporation be approved for more than two applications 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 either the one approved-application-per-year limitation or – in the event an individual, partnership or corporation qualifies – the two-approved-applications-per-year limitation.

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

Admission may be charged only when all proceeds net of rental charges and other expenses related to the use of the facility are contributed to the host school. "Proceeds" shall be defined as all amounts remaining after the organization has paid rental charges and staffing charges. Expenses for costumes, printing programs, and video-taping the performance, for example, shall not be deducted from the proceeds that are to be contributed to the school. Unless all proceeds are collected directly by the host school, the individual, partnership or corporation must provide the host school a full accounting of all proceeds and claimed expenses within 30 calendar days of the final performance. Net proceeds may on occasion be contributed

to a charitable organization rather than the host school only where the event is held on behalf of and is advertised as a benefit for a specifically-named charitable organization.

W. Prohibited Uses

No agreement shall be entered into if the applicant or user is involved in or gives the appearance of being involved in any activity which could result in the following:

1. promotion of hostility or violence;
2. an attack on ethnic, racial, or religious groups;
3. discrimination prohibited by any law or School Board policy;
4. promotion of the use of illegal substances, alcohol, tobacco, or firearms;
5. promotion of sexual, obscene, or pornographic activities; or
6. promotion of any image that is not in keeping with the established goals, and core values of the School Board.

In addition, the Superintendent or the Superintendent's designee may at any time cancel a use previously approved if any of the activities noted above become known prior to the event. Further, if it becomes known that any of the activities noted above occurred during any use of an available facility, the Superintendent or the Superintendent's designee may prohibit all future use by the offending organization.

X. 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.

Y. Cancellations by the Superintendent or Superintendent's Designee

The Superintendent of Schools or the Superintendent's designee may close one, some or all schools, central offices, and other school division facilities at any time for any reason. Any such closure may be the result of inclement weather, a natural disaster, or for any other reason or purpose. Applicants for the use of any school or other school division facility are hereby notified of the Superintendent's authority in this regard.

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 4.1-309, 18.2-128, 18.2-138, 18.2-308.1, 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

5390/5390-R Tobacco-Free School Division for Staff, Students and Visitors
6013 Commercial, Promotional and Corporate Sponsorships and
Partnerships
6142 Public Conduct on School Property
6170 Use or Rental of School Facilities

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