



COMMUNITY RELATIONS: Use of School Facilities

Use of School Facilities

I. Purpose

- A. Baltimore County Public Schools (BCPS) is dedicated to providing quality educational/instructional opportunities, products, and services for students and the community beyond the regular instructional school day. The Department of Physical Facilities is responsible for managing the safe and appropriate use of public school facilities in collaboration with school-based administrators.
- B. This rule sets forth the procedures for the use of school facilities and/or grounds by groups and organizations.

II. Use of School Facilities and/or Grounds by Groups and Organizations

- A. Space in BCPS facilities and/or grounds may be used by the Baltimore County Department of Recreation and Parks (DRP) pursuant to the Joint Use Agreement between BCPS and DRP; the Community College of Baltimore County (CCBC); Parent-Teacher (Student) Associations (PTSA); other county, state, and federal agencies; and other groups and organizations, either profit or nonprofit.
- B. All groups and organizations must complete an application for use of facilities and/or grounds for each planned activity or event. The *Application for Use of School Facilities* is attached to this rule (See, Rule 1300, Form A) and may also be obtained from the school principal or the Department of Physical Facilities.
- C. If a scheduling conflict results/exists between applicants or users, an application for use of school facilities and/or grounds will be evaluated based on the following criteria in the following priority order:
  - 1. BCPS curricular or extracurricular programs or facility operations related activities.
  - 2. PT(S)A business meetings, educational programs, and other PT(S)A-sponsored events.

3. Activities sponsored by the Baltimore County Department of Recreation and Parks and its affiliated community recreation councils consistent with the terms incorporated in the Joint Use Agreement.
4. Continuing education programs sponsored by CCBC at the sites identified in the Memorandum of Understanding (MOU) between CCBC and BCPS.
5. Child Care Programs.
6. Other county, state, and federal agencies.
7. Other approved users.

III. Conditions of Use

- A. Groups and organizations must comply with all BCPS policies, rules, and regulations when using school buildings and/or grounds. Failure to ensure compliance by all participants and attendees in the activity may result in immediate denial of an application or revocation of an approved application.
- B. The following activities are not permitted:
  1. The use, sale, or possession of alcoholic beverages.
  2. The use, sale, or possession of illegal drugs.
  3. The use or sale of any form of tobacco.
  4. The use of obscene and/or abusive language.
  5. Raffles, quarter auctions, and all other games of chance (for bingo, see Section III.D of this rule).
  6. Any activity likely to provoke or add to a public disturbance.
  7. Any activity determined to expose BCPS, its property, staff, students, and all individuals/businesses with whom the school system has a relationship to risk of damage, loss, and/or bodily harm.
  8. Any activity involving animals for entertainment, recreation or training.
    - a. This prohibition does not apply to a service animal that must accompany an individual with a disability pursuant to the Americans with Disabilities Act, as provided in the guidelines delineated in the Department of Physical Facilities' Use of Facilities Manual.
  9. Temporary or permanent alterations or changes to physical structure of BCPS buildings and grounds.
  10. Posting of political signs, circulars, or petitions involving local, state, and/or federal elections and the use of school or office resources for this purpose.
  11. Other activities prohibited by BCPS' policy, rule, or procedures.

- C. Child care providers must execute a lease agreement issued by the Office of Purchasing and may only accept school-aged children enrolled in the school housing the child care program.
- D. Family Bingo Event
  1. An applicant, for a family bingo event, will obtain a bingo license, as required, from the Baltimore County Department of Permits, Approvals, and Inspections, or its successor or other designated county office, and comply with all permits, as well as Baltimore County Department of Permits, Approvals, and Inspection's rules and regulations, except with regard to the award of any cash prizes.
  2. An applicant entity and its members must personally manage, operate, and conduct all aspects of the family bingo event.
  3. No cash prizes will be awarded for bingo; the estimated cash value of non-cash prizes awarded shall not be greater than \$1,000.00.
- E. An admission or other fee may be charged by the sponsoring entity.
- F. An approved user may not transfer its permit to use the facility and/or grounds without the express written permission of BCPS.
- G. In the event the applicant allows a third party vendor to sell any items in BCPS facilities and/or on its grounds, it is the responsibility of the applicant to ensure that all such vendors have appropriate permits and licenses from the appropriate governmental agency. It is the sole responsibility of the applicant and the user to ensure that, if applicable, appropriate state and local taxes are collected and paid for all sales occurring in BCPS facilities and/or grounds; BCPS shall have no liability therefore.
- H. Approval of requests for the use of facilities and/or grounds will be dependent upon the following criteria:
  1. Availability of space on the dates and during the times requested.
  2. Priority of users according to the list in item II.C above.
  3. The proposed activity may not conflict with any maintenance, operations, or construction activities scheduled by the Department of Physical Facilities.
  4. The proposed activity's compatibility with the educational space and the designed use and purpose of buildings and grounds.

5. The proposed activity may have no potential for physical degradation of buildings and grounds and no adverse impact on traffic patterns, pedestrian safety, and availability of parking.
6. The proposed activity will comply with all occupancy, fire, health, safety, and capacity codes, including local, state, and federal laws, rules, and regulations that govern the proposed activity and BCPS facilities.
7. Provision of adequate insurance certificate and compliance with all insurance requirements, if applicable.
8. Review and assessment of proposed activity by the Department of Physical Facilities and, if applicable, the Office of Risk Management for potential property damage, loss, and/or bodily harm.
9. For indoor activities involving 50 or more people, the applicant will provide documentation of crowd management training in accordance with the State of Maryland Fire Code.
10. Evaluation and approval by the Department of Physical Facilities of the applicant's provision of an appropriate and adequate plan for facility and/or grounds clean up and restoration plans for proposed activity.
11. Evaluation and approval by the Office of Food and Nutrition of activities involving the use of a facility's kitchen and/or food service area for the preparation of food, serving of food, or concessions.
12. Proposed activities must be open to all individuals and not discriminate in any way on the basis of age, color, disability, gender, national or ethnic origin, race, religion, or sexual orientation.

#### IV. Assessment of Fees

- A. A reasonable fee may be assessed by BCPS to the applicant for the use of facilities for the purpose of reimbursing BCPS' expenses sustained for said use. Such fees shall be assessed in accordance with a fee schedule to be maintained by the Department of Physical Facilities.
- B. Such fees shall be based upon the costs associated with custodial services, food services, utilities, maintenance, and similar charges.
- C. Fees for use of facilities and insurance certificate requirements will be waived for meetings of less than 50 individuals, except for custodial fees.
- D. Nothing in this section precludes the Department of Physical Facilities in its sole discretion from waiving, reducing, or modifying the fees charged.

V. Application Process

- A. All applications for the use of school facilities shall be made by the submission of the *Application for Use of School Facilities* Form, a copy of which is attached and made part of this rule (Rule 1300, Form A).
- B. The application form shall be submitted to the principal of the school where the use is requested.
  - 1. The application must be submitted to the school at least 45 calendar days prior to the event/activity noted on the application form.
  - 2. The principal, or his/her designated administrator, will review the application to determine whether:
    - a. The application is complete;
    - b. The dates of the activity or event do not conflict with the school program; and
    - c. Any custodial staff is available.
  - 3. No later than five (5) calendar days from receipt of the application, the principal will forward to the Department of Physical Facilities the form, along with his/her recommendation for approval/denial.
  - 4. Any application not submitted at least 45 calendar days prior to the date of the event/activity noted on the application form will be denied and returned to the applicant.
- C. The Department of Physical Facilities will review the application for completeness, including submission by the applicant of the appropriate certificates of insurance, permits, and licenses.
  - 1. The application will be deemed to be complete when the application form, along with the required supporting documentation, has been submitted to the Department of Physical Facilities.
  - 2. The Department of Physical Facilities shall notify the applicant, in writing, within 15 calendar days from the date the completed application is received whether the application is approved, denied, or approved/denied in part.
  - 3. If the application is approved/denied in part, a brief explanation of the reason for denial shall be provided.

VI. Closures, Delays, or Cancellations

- A. When the Superintendent has decided to close a school or schools or delay opening as the result of inclement weather or other emergencies, all use of

school facilities and grounds may be affected. Applicants should refer to Superintendent's Rule 6303, *Unplanned or Emergency Closures*, to see how the delay or cancellation will affect his/her activity of event.

VII. Appeal Process

- A. If an application for use of school facilities is denied, the applicant may file an appeal with the Executive Director, Department of Physical Facilities.
  - 1. The appeal must be made in writing and filed within ten (10) calendar days of the date of denial.
  - 2. An appeal will be deemed timely filed if it is deposited in the United States mail and postmarked before the expiration of the time; or hand delivered to the Executive Director, Department of Physical Facilities.
  
- B. The Executive Director, Department of Physical Facilities, will review all documentation and will issue, on behalf of the Superintendent, a final decision. The decision will be made in writing and will be mailed to the applicant within 10 calendar days from the date of receipt of the appeal.
  
- C. Any applicant who is dissatisfied with the decision rendered by the Executive Director, Department of Physical Facilities, may appeal that decision to the Board of Education of Baltimore County (Board).
  - 1. All appeals to the Board must be noted, in writing, within 30 calendar days of the date of the decision of the Executive Director, Department of Physical Facilities.
  - 2. Appeals to the Board will be subject to the provisions of Board of Education Policy 8340, *Appeal Before the Board of Education*. Applicants should refer to Board of Education Policy 8340 for procedures on filing an appeal with the Board of Education.
  - 3. The Board will make every effort to hear all appeals within 30 calendar days of receipt of such appeal, and the applicant shall be given the opportunity to be present and present reasons in support of the appeal at the appeal hearing. The Board shall issue a decision following the appeal hearing.
    - a. For events scheduled fewer than 120 days from the date of the receipt of the application, there is no guarantee that the appeal will be heard prior to the requested date of the event.

Legal References: 29 U.S.C. §794, *Section 504 of the Rehabilitation Act of 1973*  
42 U.S.C. §§ 12101-12213, *Americans with Disabilities Act of 1990 (ADA)*  
42 U.S.C. §2000D, *Et Seq., Title VI of Civil Rights Act of 1964*, as amended  
28 CFR Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*  
*Annotated Code of Maryland*, Education Article, §7-108, *Use of School Property for other than School Purposes – In General*  
*Annotated Code of Maryland*, Education Article, §7-109, *Use of School Property for Other than School Purposes – Priority for Day Care Program*  
*Annotated Code of Maryland*, Education Article, §7-110, *Charges for Use and Liability for Damages*  
COMAR 13A.02.04, *Tobacco-free School Environment Authority*  
COMAR 29.06.01, *Fire Prevention Code Authority: Public Safety Article*

Related Policies: Board of Education Policy 1210, *Relationship with Parent-Teacher (Student) Associations*  
Board of Education Policy 2352, *Health and Safety*  
Board of Education Policy 2361, *Distribution of Non-School Materials*  
Board of Education Policy 2370, *Conduct*  
Board of Education Policy 2372, *Tobacco*  
Board of Education Policy 3125, *School Activity Funds*  
Board of Education Policy 3130, *Relationships with Private Business for Purpose of Providing Products or Services to Students*  
Board of Education Policy 3160, *School-Sponsored Activities*  
Board of Education Policy 3530, *Safety and Security*  
Board of Education Policy 6301, *School Calendar*

Board of Education Policy 8340, *Appeal Before the Board of Education*

Board of Education Policy 8363, *Conflict of Interest*

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