

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: August 9, 2011

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 1300 – USE OF SCHOOL FACILITIES**

ORIGINATOR: Renee A. Foose, Deputy Superintendent

RESOURCE PERSON(S): Michael G. Sines, Executive Director, Department of Physical Facilities

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 1300 – *Use of School Facilities* as presented to the Policy Review Committee

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Attachment I – Policy Analysis
Attachment II – Policy 1300

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 1300
USE OF SCHOOL FACILITIES**

Statement of Issues or Questions Addressed

At the request of the Board of Education, staff has again revisited Policy 1300 and its accompanying Superintendent's Rule and recommends the following amendments to the Rule and Policy:

1. Include in the Policy a philosophy statement affirming the Board's commitment to community use of facilities
2. Move the relevant implementing language to the Rule, but with direction to retain the following concepts:
 - a. Include timelines for responses to applications and to appeals of denials of same;
 - b. Change the order of priority of use;
 - c. Permit for profit groups to use school facilities;
 - d. Increase the amount of the value of non-cash prizes, and
 - e. Permit meetings of 50 or fewer persons to have insurance requirements waived.

Cost Analysis and Fiscal Impact on School System

The Policy's changes will not negatively impact costs. However, the recommended amendments to the Rule, which include opening school facilities to for profit entities, cannot be quantified at this time.

Relationship to Other Board of Education Policies

1. Board of Education Policy 1210, *Relationship with Parent-Teacher (Student) Associations*
2. Board of Education Policy 2352, *Health and Safety*
3. Board of Education Policy 2361, *Distribution of Non-School Materials*
4. Board of Education Policy 2370, *Conduct*
5. Board of Education Policy 2372, *Tobacco*
6. Board of Education Policy 3125, *School Activity Funds*
7. Board of Education Policy 3130, *Relationships with Private Business for Purpose of Providing Products or Services to Students*
8. Board of Education Policy 3160, *School-Sponsored Activities*
9. Board of Education Policy 3530, *Safety and Security*
10. Board of Education Policy 6301, *School Calendar*
11. Board of Education Policy 8340, *Appeals to the Board of Education*
12. Board of Education Policy 8363, *Conflict of Interest*

Legal Requirements

1. 29 U.S.C. §794, *Section 504 of the Rehabilitation Act of 1973*
2. 42 U.S.C. §§ 12101-12213, *Americans with Disabilities Act of 1990 (ADA)*
3. 42 U.S.C. §§2000D, *et seq.*, *Title VI of Civil Rights Act of 1964*, as amended
4. 28 CFR Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*
5. *Annotated Code of Maryland*, Education Article, §7-108, *Use of School Property for Other than School Purposes – In General*
6. *Annotated Code of Maryland*, Education Article, §7-109, *Use of School Property for Other than School Purposes – Priority for Day Care Program*
7. *Annotated Code of Maryland*, Education Article, §7-110, *Charges for Use and Liability for Damages*
8. COMAR 13A.02.04, *Tobacco-free School Environment Authority*
9. COMAR 29.06.01, *Fire Prevention Code Authority: Public Safety Article*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy KC, *Use of School Facilities*
2. Howard County Board of Education, Policy 10020, *Use of School Facilities by Non-School Groups*
3. Montgomery County Board of Education, Policy KEA-EA, *Use of School Property for Other than School Purposes*
4. Prince George's County Board of Education, Policy 1330, *Community Use of School Facilities*
5. Prince George's County Board of Education, Policy 1331, *Shared Space of School Facilities by Non-Commercial Users*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives considered.

Timeline

First reading – May 24, 2011

Public comment – June 14, 2011

Third reading/Board vote – July 12, 2011

Returned to Board for Vote and Adoption – August 9, 2011

COMMUNITY RELATIONS: USE OF SCHOOL FACILITIES

Use of School Facilities

I. PHILOSOPHY [General]

- A. The Board of Education of Baltimore County (Board) RECOGNIZES THAT SCHOOL FACILITIES ARE AN ESSENTIAL COMPONENT OF THE COMMUNITIES WHICH THEY SERVE AND encourages the use of school facilities for community purposes [when such use does not interfere with the schooled school program.] The use of BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) buildings and grounds for cultural, civic, educational, recreational, and charitable purposes is a long-standing practice. THE USE OF BCPS FACILITIES SHOULD ONLY BE PROHIBITED WHEN SUCH USE INTERFERES WITH THE EFFICIENT ADMINISTRATION OF THE EDUCATIONAL PROGRAM AND/OR MAY REASONABLY BE ANTICIPATED TO CAUSE DAMAGE TO SCHOOL PROPERTY.
- B. The Board is FURTHER committed to the concept of joint utilization of facilities. This has been demonstrated by sharing facilities with the Baltimore County Department of Recreation and Parks and other agencies.

II. GUIDELINES

- A. [B.] It is the primary responsibility of the Board to operate schools in such a manner as to provide the optimum learning environment. IT IS ESSENTIAL THAT SCHOOL FACILITIES BE UTILIZED IN A MANNER TO ENSURE THAT SUCH FACILITIES AND SCHOOL PROPERTY ARE NOT UNDULY DAMAGED. Any commitment to joint utilization shall not impinge on the commitment to provide educational opportunities as economically and efficiently as possible.
- B. Under no circumstances should the use of school facilities for community purposes be viewed as a mechanism for keeping a school open.
- C. Organizations desiring to use school facilities shall COMPLETE [request] an [“]Application for Use of School Facilities[“] form [from the principal of the school involved. Administrative rules and a statement of costs related to the use of buildings or grounds shall be attached to the application form].
- D. THE BOARD GRANTS TO THE SUPERINTENDENT THE ABILITY TO REJECT ANY APPLICATION FOR USE OF SCHOOL FACILITIES IF IT IS DEEMED THAT THE BUILDING OR GROUNDS IS OVERUSED OR UNDER CONSTRUCTION.
- E. The Board reserves the right AND GRANTS TO THE SUPERINTENDENT THE AUTHORITY to revoke any APPROVED USE OF FACILITIES

APPLICATION ISSUED IN ACCORDANCE WITH THIS POLICY [permit which has been issued, to a group or agency; this includes programs] where the use of the facility interferes with the Department of Physical Facilities' projects.

- F. Permission for the use of a facility and/or grounds may be immediately revoked if an urgent need for use of a facility and/or grounds for school activities or educational purposes arise, or for a violation of operating rules and procedures.

III. IMPLEMENTATION

THE BOARD DIRECTS THE SUPERINTENDENT TO DEVELOP PROCEDURES FOR THE IMPLEMENTATION OF THIS POLICY.

[II. Gambling

- A. Gambling, raffles, and all other games of chance on Board property or in connection with school projects are prohibited with the exception of Bingo.

III. Alcoholic Beverages and Drugs

- A. The use, sale, or possession of alcoholic beverages and illegal drugs on Board property or in connection with school projects is prohibited.

IV. Tobacco

- A. The Board prohibits the sale and use of any form of tobacco in and/or on school system owned or leased property and grounds at all times.

V. Obscene and Abusive Language

- A. The use of obscene and/or abusive language on Board property or in connection with school projects is prohibited.

VI. Exceptions to Use of Facilities

- A. The Board may refuse the use of any facility and/or grounds if the Office of Operations determines that this use is likely to provoke or add to a public disturbance.]

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*
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 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*
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Policy
Adopted: 09/18/68
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Revised: 01/23/86
Revised: 05/20/08
Revised: 07/13/10
REVISED: _____

Board of Education of Baltimore County