

Brevard County (Florida) Administrative Procedures

7510 - USE OF DISTRICT FACILITIES

Purpose

Board property, facilities, and equipment are intended primarily for public educational purposes and shall not be adapted to a use which hinders or inhibits said purpose. However, they may be made available for community or other public use when such use is deemed compatible with the purpose of public education. All school and community oriented groups and organizations are encouraged to use school facilities. Approval for use of facilities shall be secured at least ten (10) business days in advance of the requested use from the school principal or appropriate administrator assigned to facilities for each location. The Board shall adopt a fee schedule for use of facilities.

Use by School-Oriented Organizations and Nonschool-Oriented Groups Category of Facilities User(s)

To better assist the school, in collecting proper fees and certificates of insurance, this section is being created to clarify which groups must submit facility use agreement forms and certificates of insurance pursuant to Board policy and clarifies when and which groups should be charged due to their use of District facilities. After reading this section thoroughly, should the administrator still have questions regarding the category descriptions the Office of Risk Management should be contacted. In all cases with the exception of direct school or District programs found in Category I, a completed facility use agreement form is required prior to all use of facilities. The form, certificate of insurance, and all required use fees must be submitted to the school principal a minimum of ten (10) business days prior to the group's use. For consistency in facility use fee rental payments, all use/rental charges shall begin when the facility user/renter enters the school building, competition/practices facilities, other ancillary property, and/or the pool gate and these charges shall end once the facility user/renter exits the building, competition/practices facilities, other ancillary property, and or the pool gate is locked at the end of use unless administration approves a change otherwise. The facility user/renter may be charged an additional fee for utilities, personnel costs, or a cleaning deposit as outlined in the guidelines below.

Category I

Any District-owned and operated school, support/fund-raising organization to a District-owned and operated school, or group/company contracted by a District-owned and operated school/department that provides the delivery of educational services and programs to District students as its priority. In other words, this category would include any group whose main purpose is to benefit the Board or the students that attend its owned and operated schools as its direct mission. Examples of these groups include but are not limited to: school related activities; school parent-teacher-student organizations; District in-service workshops; school directed Florida High School Athletics activities (FHSA); school approved District-sponsored and non-District-sponsored student clubs; school based intramural activities; athletic officials meetings; school directed before and after school childcare programs; school-directed night or weekend activities. School or District use including school related athletic activities are not required to, but upon request, may complete a facility use agreement form. All non-District sponsored student clubs pursuant to Board Policy [5730](#) and all school support groups such as athletic officials, PTO/PTA/booster clubs are required to complete a facility use agreement form and submit a certificate of insurance or evidence that they self-insure their exposures pursuant to Board Policy [9211](#) (athletic officials and non-District-sponsored student clubs are not required to submit a certificate of insurance). No school related entity is required to pay for use, utilities, or personnel costs; the only exception to this would be when a school employee is required to work overtime to accommodate another school's use or when any of the District's performing arts theatre managers are required to hire additional staff to support a school function. In this case, the school or organization seeking use is responsible to reimburse these costs to the facility being used. All groups using a performing arts theatre must complete a theatre use form.

Category II

Any of the following organizations whose participants include students that attend District owned and operated schools: government youth organizations, not-for-profit and non-District related (NFP/NDR) community youth educational or recreational activities, NFP/NDR national or local youth clubs or groups, NFP/NDR youth athletic teams, NFP/NDR youth service clubs conducting general recreational activities, NFP/NDR entities that provide students with community service hours for their assistance during fund raising activities on campus, parent initiated student clubs that meet on campus, community affairs, or public hearings for which no admission charge is made during the use of school facilities. These groups shall complete a facility use agreement form and submit a certificate of insurance or in the case of governmental organizations evidence that they self-insure their exposures pursuant to F.S. 768.28. Unless the organization has an agreement describing exactly how cost are to be charged differently, these groups are responsible to pay a reduced facility use fee from that of a Category III facility user and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session.

Category III

K-12 public or private charter schools, K-12 private schools, K-12 parochial schools, out of county/State schools using facilities without District participation, colleges/universities, governmental agencies or governmental direct support agencies, community or homeowner groups, churches, not-for-profit/non-youth clubs or organizations, non-school related labor unions, for-profit school age participant only organizations, or other for-profit organizations that need space for a periodic event where use of school property is not the main source of income (less than twenty-five percent (25%)) annually for the business. These groups shall complete a facility use agreement form and submit a certificate of insurance or in the case of governmental organizations evidence that they self-insure their exposures pursuant to F.S. 768.28. These groups are responsible to pay a facility use fee and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session. Businesses can or that:

- A. charge participants a fee, tuition, collect donations, contributions, or offerings;
- B. conduct fund raising activities, meetings or services for non-profit organizations, child centered organizations, religion, or ideology; or
- C. do not meet the criteria as a Category I or Category II user.

Category IV

For-profit business enterprises or other similar ventures that utilize school property for a large percentage (twenty-five percent (25%) or more) of its annual revenue or any organization that does not meet the criteria listed in Category III. These organizations may utilize District buildings and property and as such use may have the potential to earn a profit or loss from the use of District facilities. These organizations may only utilize school property during the time students are not in a school building during the normal school day or after normal school hours when students are engaged in extra-curricular activities sponsored by the District. There may be exceptions to this rule, but only if the principal and the school's Area Superintendent approve the use and all adults employed by or cater to that Category IV organization sign in at the front office, have a current level II background screen, and appropriate District identification card displayed on their person at all times. These groups shall complete a facility use agreement form and submit a certificate of insurance. These groups are responsible to pay a facility use fee and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session.

Performing Arts Theatre Use

The host school has until the end of the first student week of school to book their shows including all drama productions, band concerts, choral concerts, assemblies, graduation programs, etc., for the year. All other schools have until the end of the third student week of school to book the performing arts theatre for their use. Neither the host school nor other schools need to provide show names or decisions on what they will be performing, but they should have their dates of use determined during this period. Thereafter the performing arts theatre may be made available to the public for use on a first come, first served basis. The public's use of the performing arts theatre may include Category II or III users. For performing arts theatre use purposes only, Category III may include "for-profit" entities so long as these organizations abide by all Board policies, District rules, and school rules. Once the performing arts theatre is booked by any Category I, II, or III entity, the use cannot be cancelled by the host school unless the user is found violating Board policy, District rules, school rules, or the Superintendent finds that the use is obnoxious or inimical to the best interests of the Board.

Pool Use

- A. All Category II, III, or IV entities desiring to use district pools are required to pay the adopted fee schedule and utility cost when renting the pool. The following rules are required of all Category II, III, or IV users when leasing a District pool: Pools may only be rented to qualified instructors and coaches associated with national swimming, diving, or water polo organizations such as, but not limited to USA Swimming, USA Diving, Amateur Athletic Association Swimming etc., and rental must be for the sole purpose of advancing the sport of swimming, diving, water polo, or other similar water related sports. The only exception to this section would be use by the Brevard County Parks and Recreation due to the District's long-term recreation agreement.
- B. Pool renters must retain the services of an American Red Cross or YMCA certified lifeguard (certification must include the following at a minimum – lifeguard training, CPR, and First Aid) at all times when participants are on the pool deck and/or in the pool. The lifeguard's sole duty is to provide lifesaving supervision to the occupants in the pool or those on the pool deck; therefore, the instructor/coach and the lifeguard must not be the same person. The pool renter is responsible for all costs associated with retaining and employing of the lifeguard. The lifeguard may be a non-paid volunteer or paid individual. The pool renter must provide a copy of the lifeguard(s) certification upon submitting a facility use agreement form and as necessary when a change in lifeguard occurs during the term of the pool rental.
- C. An adult instructor/coach or lifeguard shall be present supervising participants/spectators from the moment they enter the pool deck and pool and shall remain until all participants/spectators leave the area, and the gates locked.
- D. Because pool use by outside entities are not supervised by District staff and use typically begins and ends after staff has left for the day, the pool renter must submit a weekly schedule of use subject to the following:
 1. The schedule must be in a calendar format (Monday through Sunday) listing the hours of use each day and the calendar must be submitted in person or by e-mail to the principal or their designee.
 2. The principal or their designee shall utilize the user's weekly schedule to create the appropriate charge sheet that will be presented to the user for payment. The user shall pay for use of the pool as listed on the charge sheet.
- E. Pools shall not be rented to any individual or group for the sole purpose of holding a party or other similar activity.
- F. Failure to follow any of these rules shall result in a denial of use.

Period or Term of Use

All use in Category I, II, III, or IV shall coincide with the District's fiscal year from July 1st to June 30th. If a user desires to use a facility beyond June 30th each year, a new application for use along with all other user-required documents must be completed and submitted to the school principal for approval.

Policy Concerning the Use of Equipment and Facilities

Rental

Equipment, other than the normal furnishings or a particular facility, is not available for rental except by special permission of the Superintendent. No property or equipment shall be used for any of the following purposes:

- A. commercial or personal gain by District employees using their position to secure a special privilege in the use of District facilities, property, or equipment
- B. programs involving any form of gambling or illegal activity
- C. private teaching except by institutions of higher learning
- D. activities in violation of a Board rule
- E. by any organization or party which believes in or teaches, directly or indirectly, the overthrow of the governments of the United States, the State of Florida, and/or Brevard County

Intent

The intent of this policy may not be circumvented by any agency or organization through use of The School Board of Brevard County and the Brevard Board of County Commissioners Recreation Agreement, or similar agreements.

Denial of Use

The Superintendent may deny use of facilities or equipment to any agency or organization whose purpose in using District facilities and/or equipment is considered by the Superintendent to be obnoxious, inimical to the best interests of the Board, or incompatible with this rule.

Insurance and Indemnification

The following requirements are applicable to all Category I, II, III, and IV entities, with the exception of schools and non-curriculum student organizations meeting under Federal Equal Access Act listed in Category I.

Unless stated otherwise, all non-governmental Category I, II, III, and IV users shall provide a certificate of insurance evidencing general liability coverage under an occurrence basis policy, with minimum limits of \$1,000,000 per occurrence and \$1,000,000 or more in aggregate, combined single limit covering bodily injury, property damage, personal injury, premises, operations, products, completed operations, independent contractors, and contractual liability. There shall be no exclusions for contracted liability. Coverage must be written by a carrier which has and maintains a rating of "A" or better and a financial size category of "VII" or better according to A.M. Best Company. The Board shall be named as a certificate holder and additional insured for claims arising out of any and all facility use under this policy.

All governmental users shall provide evidence of insurance or self-insurance to the limits set forth in F.S. 768.28.

Except as prohibited by F.S. 768.28, all Category I, II, III, and IV users shall agree to indemnify, defend, and hold the Board; its officers, agents, servants, employees, and Superintendent; harmless from any and all liability for any and all injuries or damage to any user or their associated participants, visitors, guests, and so forth including intentional acts which occur on any property or in any facility made available to the user by the Board pursuant to the facility use agreement and which occurs during the course of any program or activity

sponsored by the user. This agreement to indemnify and hold harmless includes an obligation to indemnify and hold the Board harmless for liability for any negligence on the part of the Board. The user's promise to indemnify and hold harmless also includes an obligation to assume full responsibility and expense for investigation (pre-suit, suit, trial, appeal, and post appeal proceedings), litigation, judgment, and/or settlement of any complaint, claim (including claims for intentional or negligent acts or omissions) or legal action.

General Terms and Procedures

The facility used by groups and organizations shall be at a time not needed for the conducting of regular school programs and for purposes not conflicting with Board rules and administrative directives.

Long-term agreements in excess of one (1) year for the use of school facilities shall be executed by written contract and approved by the Board.

The facility shall be used as equipped for Board use unless special arrangements are pre-approved. The appropriate Board employees or technical personnel shall operate school kitchens, performing arts theatre equipment, and any other technical equipment as determined by the facility administrator. Charges shall be assessed for the actual hourly rate, including applicable fringe benefits, of the personnel assigned.

The principal or administrator of the facility and/or equipment being used shall be responsible for securing the necessary facility use agreement forms, certificates of insurance, and shall receive checks for rental from users.

Rental fees for school facilities and equipment shall be distributed as follows:

- A. returned to school cost center sixty percent (60%) use fees
- B. returned to District thirty-five percent (35%) use fees
- C. returned to maintenance department (five percent (5%)) use fees
- D. returned to cost center (100%) utility fees
- E. returned to District labor budget (100%) administrative or custodial labor

Performing arts theatre charges shall be returned to the cost center.

Any agency or organization shall be required to pay for any and all damages arising from its use of school facilities and/or equipment by separate check to The School Board of Brevard County.

Groups wishing to use a school's general area (i.e., parking lot, playgrounds, outside hall corridors, non-competitive soccer/baseball fields or open spaces, etc.) are required to complete an application for use of school building facilities and are required to meet the same applicable liability requirements as other users of school facilities. Individuals desiring to do the same, at the discretion of the school principal may be required to complete an application for use.

The school principal or other individual charged with the responsibility to care for or schedule a facility may require a security deposit as deemed appropriate to any category of user.

Application

To apply properly for use, the user shall verify that the school is able to accommodate the requested use and that such use is acceptable by Board policy. The school can provide the user with blank application for use forms and estimate a cost for use. Once the user is aware of availability, costs, and any other request by the school they shall complete a facility use agreement form, obtain and provide a certificate of insurance, and prepare a check for all required facility use charges payable to The School Board of Brevard County to the

school where the use will take place (a minimum of ten (10) business days in advance of the use). Schools obtain blank use agreement forms from the print shop.

Once the user submits all preliminary forms, the facility administrator will classify the group as a Category I, II, III, or IV and will approve or disapprove the request for use based on the school's ability to schedule their building properly and when necessary with appropriate school personnel. Once the items listed above are met to the satisfaction of the school, the facility administrator shall notify the applicant if they can use the facility and they shall then sign the completed facility use form.

The school shall then deliver all of the above documents to the Office of Risk Management. The Director of Risk Management will verify that the use agreement and the certificate of insurance meet the requirements as indicated in these procedures. Once the Director of Risk Management verifies the use agreement and certificate of insurance meets the District's requirements s/he will sign the use agreement form, file the original copy, and send two (2) copies to the school. The school shall retain a copy and the other copy should be provided to the user. The Director of Risk Management will send the check for the use of school facility to accounting for processing.

If approved at this level, the check will be deposited and the funds will be allocated to the correct accounts. Custodial services are included in the basic facility usage fee during normal school hours. A representative or custodian from the school shall be on the school grounds when the use involves a building that would be locked and not in use otherwise. When use takes place outside normal business hours the user is required to pay for any required school representative or custodian costs. Charges made for extra representatives or custodial services, described above, shall be the hourly rate of that individual plus applicable fringe benefit costs. The payment for personnel and utility costs starts thirty (30) minutes prior to use and ends thirty (30) minutes after the use ends. A qualified employee (cafeteria worker) must be present when the user requests use of major equipment in the cafeteria. The employee's presence does not imply that they can guarantee the safe operation of equipment or machinery by the user. The employee is present to supervise and protect Board property only. Charges will be assessed for the actual hourly rate, including applicable fringe benefits, for the employee on duty during the use.

Any group required to pay a cleaning deposit shall pay these costs by separate check payable to The School Board of Brevard County.

Any cancellations or changes in usage or payments should be forwarded in writing to the Director of Risk Management.

Application for Performing Arts Theatres

Application for District performing arts theatres is the same as above with the following exceptions:

- A. The applicant should contact the theatre manager to obtain booking information and obtain a performing arts use agreement.
- B. Once all documents have been obtained, (i.e., the theatre use agreement, certificate of insurance, and the facility use charge sheet) the theatre manager must send all documents to the Office of Risk Management. The facility use charge fees will be deposited into the performing arts theatre supply budget.
- C. Any cancellation or change in usage or payments should be reported to the Office of Risk Management for property rental fee reimbursement or additional fee payment as necessary.

Fee Schedule for Facilities and Equipment

Custodial, cafeteria, and technical employee charges shall be assessed when these services are required because of use of facilities. Charges will be the actual labor costs of the employee including overtime and an additional forty percent (40%) for fringe benefits.

When administrators or other exempt employees are required to be present during the use of a Board facility by an outside agency after their regular work hours during the week, on the weekend, or during administrative holidays such outside users shall be charged for this service, the affected employees shall be reimbursed at a rate of \$25.00 per hour. Instructional personnel are not allowed to be a representative of the facility.

Charges for use of the school facilities or theatre and equipment shall be consistent within the District as follows:

SCHOOL FACILITIES (per hour)	Category II Use Cost	Category III Use Cost	Category IV Use Cost	Utility Cost
Small Room (i.e., teacher workroom)	\$11.00	\$22.00	\$44.00	\$18.00
Medium Room (i.e., classroom, portable classroom)	\$15.00	\$30.00	\$60.00	\$18.00
Large Room (i.e., library, cafeteria, multipurpose room)	\$24.00	\$48.00	\$96.00	\$18.00
Middle School Gymnasiums	\$30.00	\$60.00	\$120.00	\$21.00
High School Gymnasiums	\$35.00	\$70.00	\$140.00	\$21.00
Competitive Football Stadium (day use only)	\$36.00	\$72.00	\$144.00	
Competitive Football Stadium (night use only)	\$36.00	\$72.00	\$144.00	\$35.00
Competitive Baseball Field (day use)	\$33.00	\$66.00	\$132.00	
Competitive Baseball Field (night use only)	\$33.00	\$66.00	\$132.00	\$35.00
Non-Competitive Practice fields (per day fee)	\$15.00	\$30.00	\$125.00	
SCHOOL FACILITIES (per hour)	Category II Use Cost	Category III Use Cost	Category IV Use Cost	Utility Cost

Tennis/Basketball Courts Outside (per day fee)	\$15.00	\$30.00	\$125.00	
Parking Area Use Only (per day fee)	\$25.00	\$50.00	\$150.00	
Locker and Shower Rooms	\$12.00	\$24.00	\$48.00	\$5.00
Kitchen (in addition to cafeteria charge per hour)	\$15.00	\$30.00	\$60.00	\$12.00
Swimming Pools (per hour)	\$3.00	\$5.00	\$10.00	\$10.00
School Equipment (per use)				
Electric Scoreboard	\$13.00	\$22.00	\$44.00	\$2.00
Public Address System	\$13.00	\$22.00	\$44.00	\$2.00
Media Equipment (i.e., projector, recorder)	\$4.00	\$6.00	\$12.00	\$1.00
Video Equipment	\$8.00	\$12.00	\$24.00	\$2.00
Specialty Theatre Facilities Only - (per day)				
For-Profit and Adult Non-Profit Org. (per hr up to five (5) hrs per day)	\$150.00	\$25.00	\$175.00	
Specialty Theatre Facilities Only - (per day)				
For-Profit and Adult Non-Profit Org. (> five	\$750.00	\$150.00	\$900.00	

(5) hrs up to twelve
(12) hrs)

Youth Related Profit and Non-Profit Org. (per hr up to five (5) hrs per day)	\$75.00	\$25.00	\$100.00
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Youth Related Profit and Non-Profit Org. (> five (5) hrs up to twelve (12) hrs)	\$375.00	\$125.00	\$500.00
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Theatre Equipment (per use)	Facility Use Cost	Utility Cost
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Wireless Microphone	\$20.00	\$2.00
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Fog/Snow Machine	\$40.00	\$3.00
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Follow Spotlight	\$30.00	\$2.50
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Grand Piano	\$25.00	
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Orchestra Shell	\$25.00	
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Projector/Screen	\$30.00	\$1.00
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Using Buildings without Heating, Ventilation, and Air Conditioning

We highly recommend that all groups pay for and use the schools heating, ventilation, and air conditioning (HVAC) system when in our buildings. Doing so will help facilitate the transfer of air and make the occupants more comfortable during the time they are in our buildings. However, should any classification of facility user II, III, or IV choose to reduce their cost of using District facilities by eliminating the use of HVAC this is acceptable. The school principal in instances such as this should explain on the facility use agreement form that the facility user has chosen to reduce the cost of utilities as HVAC will not be used. In cases such as this the user must still pay the full facility use charge for their category of user, but utilities will be reduce down to just \$2.00 per hour. There must be a utility charge to cover the cost of running lights in building. The site administrator can contact the Office of Risk Management to obtain a facility use cost sheet with these reduced rates in order to properly calculate these costs.

* All labor cost, special equipment, or special request requiring additional cost to the Board for the theatre's use shall be calculated on an individual basis and charged to the renting organization.

Use agreements may be obtained from the principal or designee if utilizing school grounds and/or equipment. Schools are to obtain blank use forms from the District print shop through a printing requisition.

Performing arts theatre use agreements may be obtained from the theatre manager.

All requests for exceptions to any procedure as described herein shall be submitted in writing to the Superintendent or his/her designee a minimum of fifteen (15) business days prior to requesting use of District facilities.

Individuals or Entities Denied Facility Use

Individuals or entities denied access to use District facilities at the school level have the right to seek redress of the denial. To do so the individual or entity must draft a letter outlining why they feel they should be allowed access to use District facilities. This letter should also include the following at a minimum:

- A. the names, address, telephone, and e-mail address of the individual or entity seeking facility access;
- B. a detailed description of the organization including its corporate make up such as officers, administrative staff, volunteers, number of participants, etc.;
- C. the individual or entities tax status with regard to profit or not-for-profit;
- D. a statement as to what facility was sought and for what purpose;
- E. a statement as to why they believe the school denied them access and/or a copy of any written correspondence to this effect from the school;
- F. a statement as to why the individual or entity feels that they were wrongly denied access.

Once the above letter is complete, the individual or entity should submit it to the school's Area Superintendent for re-consideration. If the Area Superintendent does not find in the individual or entities favor, the individual or entity may request reconsideration to the Superintendent. If use remains denied at the Superintendent level, the individual or entity may request a hearing on the matter during the next scheduled Board meeting. The same information must be submitted to the Board and they will deliberate on the issue make a final decision. All decisions of the Board shall be final.

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