

Gilmer County Schools

Facilities Use Agreement and Procedure

Policy: KG-R

January1, 2014

**Board Policy
Use of School Facilities**

Descriptor Code: KG

The Gilmer County Board of Education will permit its school facilities to be used by associations or organizations located within the county for appropriate activities which do not interfere with any activity of the school system, under the following conditions:

1. School-sponsored activities will have first priority in the use of school facilities. Further, those groups or organizations which exist solely to support the school or a school program, such as parent/teacher organizations and booster clubs, shall have second priority with regard to the use of school facilities. Such groups shall be allowed to use school facilities without charge.
2. Any other governmental entity in the county or any other public educational institution will be allowed to use school facilities in accordance with this policy or in accordance with any existing intergovernmental agreement between the school district and the other governmental entity.
3. A private entity may be authorized access to school facilities for the purpose of conducting or engaging in recreational, physical, or performing arts activity in accordance with this policy and any existing written agreement between the school district and the other entity. (O.C.G.A. § 51-1-53)
4. System facilities will not be made available to individuals or families for any use including, but not limited to, funerals, wakes, weddings, family reunions or fund raising events that benefit private citizens.
5. Any organization, association or business located in the county or composed primarily of the county residents may request to use the facilities of the school system by filing an application on a form prepared and maintained by the school system. The application shall include a fee schedule indicating the facilities of the school subject to use under this policy and the charge or charges associated with that use. These charges shall also include an amount sufficient to pay school system employees for any services, such as janitorial, maintenance or kitchen services, determined by the principal or /designee to be necessary in connection with the use of the facility. The form will designate the contact person who will be the person accountable for complying with the requirements of this policy.
6. Permission to use school system facilities does not constitute the endorsement by the Board of Education or the school system of any organization, the beliefs of the organization, nor the expression of any opinion by the organization or any of its representatives.
7. The system reserves the right to withhold approval or to cancel any approved use of school facilities when it is determined that such use would be disruptive to the mission or purpose of the school system or if cancellation is necessary for the best interests of the school system or its students.
8. An application for use of school facilities must be filed with the principal of the anticipated use. The application must be approved by the principal and the Superintendent/designee, and/or the School Board where applicable. Any and all fees due for the use of the facility must be paid at least five days in advance of the use of the facility and a cancellation fee to be stated on the application may be charged if the requested use of the facility is cancelled with less than forty-eight hours' notice.

9. As a part of the application form, all applicants for use of the facility must execute an agreement to hold harmless and defend the Board of Education, its agents, representatives, officers and employees from any and all loss or damage that may arise during or be caused in any way by the use of the facility. This hold harmless agreement shall include the indemnification for any damages done to the building or property owned by the Board of Education as well as any claim of damages made by anyone else. Further, the agreement shall include a specific release on behalf of the organization using the facility.
10. The Superintendent may, as a condition of use of the facility, require the organization to secure adequate police protection if deemed necessary in the discretion of the Superintendent and/or designee.
11. The organization seeking to use the facilities will be required to furnish evidence of sufficient insurance in an amount to protect the school district from liability for any bodily injury or damage to property which may occur during the use of facilities by such group or organization. This requirement may be waived by the Superintendent where he/she determines, in his/her sole discretion, that sufficient protection is available in the absence of such insurance.
12. Multi-day or long-term use of system facilities by any organization is prohibited. Any request to use school facilities will be made and approved for only a single day or portion of a day. The only exception to this provision will be when an agreement such as referred to in paragraph 2 or 3 above exists.
13. The organization using the facility is responsible for insuring that the facility is returned in a state of cleanliness and in the same condition as when made available for use. Any and all activities conducted on school facilities shall be in compliance with all local, state and federal laws and shall conform to existing and relevant school board policies. Illegal drugs, alcoholic beverages and all forms of tobacco are prohibited in school facilities and on school grounds.
14. Any failure to comply with the terms of this policy will result in the organization and the designated contact person not being allowed to use school facilities in the future.
15. The Superintendent is authorized to prepare regulations or procedures as may be necessary to implement the provisions of this policy and may enter into short term agreements to provide disaster relief that does not interfere and/or interrupt normal school operations.

FACILITIES AVAILABLE

The following GCSS Facilities are only available to lease to Category II-III requests:

Ellijay Primary School

- Gymnasium

Ellijay Elementary School

- Auditorium
- classrooms
- Cafeteria (No Kitchen or serving area)
- Gymnasium
- Parking Lot

Gilmer Middle School

- Cafeteria (No kitchen or serving area)
- Gymnasium
- Classroom(s)
- Parking Lot

Clear Creek Middle School

- Gymnasium
- Athletic Field
- Cafeteria (No kitchen or serving area)
- Classroom(s)
- Parking Lot
- Outdoor Trail

Gilmer High School

- Gymnasium
- Noah Harris Center
- Cafeteria (No kitchen or serving area)
- Commons Area
- Theater
- Classroom(s)
- Parking Lot
- Stadium Track and Field
- Athletic Field

❖ **School Kitchens are not available for lease**

FACILITY USE GUIDELINES

The Gilmer County School System recognizes that school facilities are substantial investments and should serve many community needs. These facilities shall be available for community use under conditions prescribed by law and in accordance with the following procedure:

- **Rental Fees cannot be waived for any reason.**
- School programs, school sponsored activities, and school related activities may have priority for the use of school facilities without charge. Security, Supervision, and Custodial Fees are at the discretion of the principal.
- Booster Club events and fundraisers that are approved by the principal with 100% of the funds deposited into the school account in support of Gilmer County Schools students and no person receiving any financial compensation will be charged "NO FEES." However, if after the event the principal finds that the group did not clean and leave the facility as they found it, the group could be charged a custodial and/or supervision fee after the fact and/or may not be approved to use the facility again in the future. (Refer to this policy and the Gilmer County Board of Education School Activity Funds Accounting Handbook)
- Custodians shall not be used in a Security or Supervision capacity.
- Organizations making application for use of school facilities must be located primarily within Gilmer County.
- Permanent scheduled use by non-school organizations is prohibited.
- An employee of the Gilmer County School System must be present to unlock the building and supervise the use of the building facilities. Group activities on the grounds will be permitted upon request with the approval of the principal provided supervisory personnel for the particular group shall assume complete responsibility for the liability for personal injury and/or damage to the buildings and or premises.
- School equipment shall be operated by an employee of the Gilmer County School System as authorized by the principal.
- All activities shall be in compliance with local, state, and federal laws and shall be in keeping with the school board policies. Authorization for use of school facilities shall not be considered an endorsement of or approval of the activity, group, or organization nor the purpose they represent.
- All applicants for use of school facilities shall hold the Gilmer BOE free and without harm from any loss or damage liability or expenses that may arise during or be caused in any way by such use or occupancy of system facilities.
- All applicants must recognize and consider the risk they are assuming under the save harmless agreement and covenant not to sue which they must accept and agree to the terms thereof prior to any approval for use of school grounds and/or facilities.
- A written request for permission to use a facility shall be filed by an officer of the sponsoring organization/group. Such request must be made on the school system's Application for Use of School Facility. The school principal will determine if the applicant fulfills the requirements of this procedure. The application, with the principal's recommendation, will be forwarded to the Superintendent's office for review and approval.
- Any applicant wishing to appeal the decision of a Principal or the Superintendent's Designee may appeal directly to the Gilmer County Superintendent of Schools.
- The Superintendent reserves the right to cancel any permission granted.
- Groups receiving approval for use of a school facility are restricted to the dates, times and facility area specified in the application.
- Groups receiving permission are responsible for the observance of county and state fire and safety regulations at all times.

Initial

FACILITIES/EQUIPMENT USE AND CARE

Board Policy, Use of System Facilities, Descriptor code: KG, Effective January, 1st 2014, shall be the governing authority. A copy of this policy shall be provided to all facility use applicants. The principal or his/her designee must meet with the applicant and review the terms of the Application for Use of School Facility, obtain the required documentation as outlined in the Agreements, and send copies of the Agreements and other required documentation to the appropriate department.

The supervision and care of facilities are part of the overall safety plan and responsibility of the principal, as well as the administration. Supervision must be provided anytime students are in school facilities. The principal or his/her designee will coordinate all use of facilities. No keys will be loaned or duplicated except with permission of the principal. No students or non students under the age of 25 will have keys assigned to him/her.

Initial

APPLICATION FOR USE OF SCHOOL FACILITY REQUIREMENTS

Prior to use of a facility, all facility use applicants are required to complete and agree to the terms of a Gilmer County Schools Application for Use of School Facility. The facility principal must approve the Application/Agreement prior to use of the facility. The principal has the authority to approve or deny any request.

Initial

SPECIAL LEASE AGREEMENT REQUIREMENTS

The Board of Education will not allow the use of school facilities by associations or organizations which ordinarily are housed or conducted in their own facilities in lieu of such organizations or associations providing for their own permanent facilities. Groups or agencies may request permission for use of a school facility on a short-term emergency/disaster-relief basis. Such request must be made on the school system's Application for Use of School Facility and submitted directly to the Superintendent of Schools.

In addition, prior to use of a facility and the completion of an Application for Use of School Facility, all Special Use Lessees of School District Facilities are required to complete a GCSS Special Lease Agreement. The principal or facility supervisor must recommend to the Superintendent for consideration of approval by the School Board prior to use of the facility. Submission for approval must be made prior to the deadline for items to be placed on the Agenda for the next Board of Education Meeting.

Initial

RELEASE OF LIABILITY/INSURANCE REQUIREMENT

By execution of the Application for Use of School Facility, users of School District facilities agree to indemnify and hold harmless the Gilmer County School System, and any persons whose property may be within said building for loss or damage to such property caused by any person or persons attending said meeting; or for any damage or injury or other loss, including attorney's fees and expenses of litigation, arising out of the use of facilities.

All users must provide a **Certificate of Insurance**, in an amount of not less than \$1 Million aggregate single limit coverage, naming GCSS as an additional insured on a general liability insurance policy. Additional insurance limits may be required as determined by School District personnel based upon a review of the Application for Use of School Facility.

ELIGIBLE ORGANIZATIONS

I. PRIORITY OF USE BY CATEGORY

Approvals for field/facility use are issued by category in which the organization or event is placed. Category I user/event has priority over Category II user/event. Category II users/events will have priority over Category III users/events. All Fees Apply.

Category I Use

- A. Gilmer County BOE School Activities for grades Pre-K – 12
These activities include physical education and academic activities, Gilmer County Schools' extra-curricular and co-curricular programs as well as recognized school parent/teacher activity organizations.
 - For fees and collection of funds guidelines, refer to the Gilmer County Board of Education School Activity Funds Accounting Handbook.

Category II Use

- A. Gilmer County Recreation Department Directly Sponsored Activities (as defined by Gilmer BOE Policy KG Point 2). *These activities include programs run by the Recreation Department, such as day camps, after school programs, program offerings and special events.*
- B. Co-Sponsored Athletic Organizations
Volunteer sports organizations that are recognized by Gilmer County and are considered to be co-sponsored by the Gilmer County Recreation Department.
 - For collection of Fees, refer to the approved intergovernmental agreement.

Category III Use

- A. Gilmer County Service Agencies/Community Partners (as defined by BOE Policy KG Point 4). *These groups include but are not limited to Boy Scouts and Girl Scouts, and recreational children groups.*
- B. Private Operated Group/Program (as defined by Gilmer BOE Policy KG, Point 4). *These groups are made up of citizens of Gilmer County, or businesses based in Gilmer County, who request the use of facilities when space is available.*
 - For rate and fee information, refer to the approved Fee Schedule for Policy KG.

NOTE: All “Category II through III approvals will provide the notice that a program carried on by a “Category I” organization can claim priority in unusual circumstances. The Gilmer County Recreation Department and Gilmer County BOE reserve the right to request written copies of all team rosters, and registration forms, complete with names, addresses, places of employment and insurance requirements.

Initial

MISCELLANEOUS

- Community Use of School District facilities is on a first-come, first-served basis.
- For-profit sports summer camps, summer recreational leagues and any other activities where GCSS employees are compensated require a Special Lease Agreement recommended by the Superintendent and approved in advance by the Board of Education.
- The School District does not rent laboratories (computer, science, automotive, etc.) unless specifically designated in written, systemic partnership agreements recommended by the Superintendent and approved in advance by the School Board.
- The School District does not rent kitchen/serving areas or kitchen/serving equipment of any school.
- Events or activities should end no later than 9:00 p.m. on school nights.
- Gilmer County School will not provide transportation services for non-school sponsored lease activities.

Initial

SIGNAGE/ ADVERTISEMENT

- Signage created by Approved Facility Users must not be placed on School District property until the day prior to utilization of the facility and must be removed immediately after each use.
- Signage, billboards and other communications relative to events held by users at School District facilities must not imply a permanent, exclusive relationship between the organization and the School District. (Signage for these purposes requires prior approval of the principal).
- No permanent signage may be erected by a School District Facility User.

Initial

SPECIAL USE DETERMINATION

Some community activities and events are not compatible with the utilization of public school building, facilities and/or grounds:

- Animal shows and exhibits;
- For-profit bingo, except PTA sponsored activities that are consistent with state law;
- Direct selling of products and services on school premises, except PTO-sponsored activities;
- Overnight lodging activities;
- Activities or events with inherently high risk of bodily injury or property damage to facilities and/or participants and/or spectators or increased GCSS exposure to other related losses or expenses;
- Private sector tutoring, therapy and/or private school classes;
- Motorized vehicle/bicycle rallies and races; and,
- Any other activity deemed by the School District to not be compatible with the utilization of public school buildings, facilities and/or grounds.

Compatibility with utilization of public school building is ultimately determined by the Superintendent to ensure consistently applied guidelines throughout the School District.

FACILITY USE FEE SCHEDULE EXPLANATION OF CHARGES:**Rental Fees**

- Each facility is rented on an hourly basis for a minimum of three hours.
- Each facility has an hourly rental rate based upon utilization of the building.
- Each facility rental has a capped daily rate equal to 8 hours rental fee; unless special circumstances apply according to the nature of the event.
- Rental fee includes the facility, parking, adjacent restroom, and utility costs for a stand-alone structure, which includes the defined area of use and any connecting hallways/corridors.

Utility Fee

- Electrical;
- Gas;
- Water;
- Sewage; and
- Furniture, fixtures and equipment increased operational/repair costs.

Custodial Fee

- Custodial services must be provided by the Gilmer BOE contracted janitorial service.
- Custodial staff salary; Lessees **should not** pay any agreed upon fees directly to any contracted individual for services rendered.
- Custodial cleaning supplies: floor wax, dust mops, trash bags, chemicals, etc.;
- Restroom supplies: soap, paper towels, toilet paper, etc.; and
- Garbage removal.

Security Fee

- Gilmer County Sheriff's Deputy(s) salary and equipment costs for securing the facility. The Deputy Sheriff's primary role is protection of the school facility and equipment. The assigned Deputy Sheriff has the discretion to call for additional Deputy Sheriff support if a situation occurs at an event that warrants additional security presence (i.e., unexpected large crowds, emergency situations). The cost of the additional continuous security presence will be the responsibility of the leasee.
- Lessees **should not** pay any agreed upon fees directly to any contracted individual for services rendered.

Supervisory Fee (Principal's Discretion)

- Salary costs for school system administrator supervision (not custodian).
- Lessees **should not** pay any agreed upon fees directly to any contracted individual for services rendered.

Any and all fees due for the use of the facility must be paid at least five days in advance of the use of the facility and a cancellation fee to be stated on the application may be charged if the requested use of the facility is cancelled with less than forty-eight hours' notice.

Initial

COLLECTION AND TRANSMITTAL OF FEES

- Principals will forward Approved Facilities Use Agreements with clearly designated approved facilities, time of use, and fees assessed to ensure proper billing and collection.
- The Central office is responsible for collecting all fees reflected in and required pursuant to this policy.
- The principal will forward all approved and denied Facility Use Agreements to the Superintendent's designee for final approval and recording.
- The Superintendent's designee will forward to the Director for Financial Management.
- The Director of Financial Management will account for all fees in this regard and will ensure that all related expenses (rent, utility, supervisory, security, custodial, gym/field maintenance, etc.) are paid and reflected in appropriate school and District budget accounts.

Initial

Payment (Check or Money Order) is due at time of Application Submission or five (5) business days in advance of usage. Additional charges (above estimated amount) and any charges for damages to the facility will be billed after use and will be payable within thirty (30) days of invoice.

Facilities Use Approval Flowchart (KG-E3)

Revision: 1/1/2014

