

**PUBLIC USE OF SCHOOL BOARD FACILITIES**

**FILE: KF**

**TITLE: Use of Facilities and School Board Property**

**POLICY:**

The principal, Chief Facilities Officer, or either of their designees, subject to the conditions of section 4 below, may approve the use of buildings, grounds, or equipment ("Property") owned, operated, controlled, or maintained by The School Board of Orange County, Florida ("Board"), (collectively, "Board Property"), for one (1) year or less to any third party as provided herein by entering into a facility use agreement with said third party. The use of Board Property shall not interfere with the educational program of the district or school. The principal, Chief Facilities Officer or either of their designees shall be responsible for safeguarding the Board Property, enforcing and informing applicable third parties and groups of Board policies, executing the proper forms, and collecting payments.

(1) Non-Discriminatory Access.

- (a) The Board and any third parties contracting with the Board for the use of Board Property shall provide that every child be given an equal opportunity, without discrimination, to participate in all nonacademic and extra-curricular activities offered by the district, for which a child is otherwise qualified.

(2) Use of Board Property without Rental Charge.

Upon approval of the principal, Chief Facilities Officer, or either of their designees, Board Property shall be made available without rental charge to the following:

- (a) Any Board employee for any district educational purpose or for use as provided in the contractual agreements between the Board and CTA and OESPA;
- (b) Nonprofit school-related groups operating under the sponsorship of an umbrella organization, provided the group is properly supervised;
- (c) Any school based organization, fundraising organization or foundation, or Board department that serves or supports the students, parents, teachers or personnel of the Board;
- (d) Civil defense personnel, as directed by the Chief Facilities Officer, or designee, who shall notify the principal or Facilities Services Department of the Board Property affected;

- (e) The Orange County Supervisor of Elections for voting precincts in any election, provided the election does not interfere with the Board Property's operation;
  - (f) Any governmental agency utilizing Board Property for a youth program or public meeting;
  - (g) State colleges and universities;
  - (h) Although the rental charge for Board Property may be waived, charges for supervision, utilities, clean up, or equipment use may be required.
- (3) Use of Board Property with a Rental Charge.

The Chief Facilities Officer, principal or either of their designees may permit the use of Board Property by a civic, religious, business, or community organization for nonschool activities on a specific, temporary, or short-term basis. The following conditions shall apply:

- (a) The payment of the rental charges, facility use fees, deposits, costs of supervision, utilities, clean up, and/or equipment use fees shall be in accordance with a rate schedule approved by the Superintendent, Chief Facilities Officer, or either of their designees and in keeping with current commercial rates.
- (b) Sufficient supervision and adequate custodial service of Board Property shall be determined by the principal or the Facilities Services Department.
- (c) The use of school food service facilities shall require that the use of the kitchen be approved by the principal and Food and Nutrition Services assigned manager consistent with Board Policy EDB. Such use shall be limited to school-related organizations.
- (d) Certificate of Insurance Requirement. Any organization that uses Board Property must provide proof of insurance in the types and amounts specified by the Board's Risk Management Department and contained in the facilities use agreement, subject to any conditions and exclusions noted therein.
- (e) Payment for rental charges, facility use fees, deposits, costs of supervision, utilities, clean up, and/or equipment use fees shall be made directly to the Board by the organization. Any amounts collected shall be credited to the specific Board Property's budget.

(f) The principal or Facilities Services Department shall identify and document any damage to Board Property and assess the cost of repair or replacement to the user via written notice. The user shall pay for said assessed costs within thirty (30) days from the date of notice.

(4) Waiver of Rental Charges, Facility Use Fees and Conditions.

(a) Only a Cabinet level staff member, or their designees, may waive the payment of any rental charges, facility use fees, deposits, costs of supervision, utilities, clean up, and/or equipment use fees or any other conditions required under this policy.

(b) In lieu of seeking a waiver of fees, third party users may submit an application to provide goods or services beneficial to the Board or any individual school. Upon receipt and approval of the application and receipt of any such goods or services by the school or Board or documentation that such goods or services will be received, a credit will be established by the Board for the use of Board Property.

(c) The justification for any waiver of fees or approval of an in-kind exchange shall be properly documented by the Cabinet level staff member, or their designees.

(5) Outstanding Balance and Collection of Fees.

In the event an organization, group, entity, or individual fails to pay any outstanding balance for any rental charges, facility use fees, deposits, costs of supervision, utilities, clean up, and/or equipment use fees in a timely manner, the principal, Chief Facilities Officer, or either of their designees, may deny the future use of Board Property to said organization, group, entity, or individual until such outstanding balances are reconciled. The principal, Chief Facilities Officer, or either of their designees, may implement procedures for the collection of any outstanding balances incurred to the Board, including appropriate legal action.

(6) Prohibited Uses of Board Property. Board Property shall not be used for the following purposes:

(a) Programs involving any form of gambling or other illegal activity;

(b) Private tutoring for which a teacher receives a fee; and/or

(c) Programs in violation of the Florida Statutes or Board policies.

(7) Organizations, groups, entities, or individuals who feel they were improperly denied use of Board Property or were assessed an improper charge or fee may file a written appeal with the Superintendent for resolution.

(8) Lease of Property Owned or Operated by the Board for Placement of Commercial Signs.

The leasing of portions of property owned or operated by the Board for placement of commercial signs to licensed businesses may be permitted. Use under such lease agreement shall be subject to the following requirements of the Board:

(a) The product(s) or service(s) represented by the sign must be in compliance with Board Policy KHB.

(b) Use must in no way conflict with the normal operation and use of the Board Property.

(c) Signs shall comply with all state, county, and city statutes, regulations, and ordinances. Such approval shall be obtained by the lessee at the lessee's expense.

(d) The lessee shall be responsible for all installation and maintenance of the sign. Lessee shall ensure that the Board Property is properly and attractively landscaped and maintained.

(e) The lessee shall take all necessary steps to ensure the safety and welfare of the public and provide liability and property damage insurance which names the Board as an additional insured.

(f) The lease charge shall be based upon the prevailing commercial rate in effect at the time the lease is consummated and at each renewal period. If the sign is on school property, such charges shall be utilized by the school for direct benefit of the students.

(g) The use of the parcel by the lessee shall be subject to the terms of a lease agreement to be prepared by the Board's Office of Legal Services and approved by the Board.

(9) The Superintendent shall evaluate the fairness and effectiveness of the procedures implemented pursuant to this policy as needed.

**SPECIFIC AUTHORITY:**

Sections 509.032; 509.232; 1001.33; 1001.42; 1001.43; 1001.51; 1012.28; 1001.54; 1013.10, Florida Statutes

**TITLE: Use of Facilities and School Board Property for Political Activity**  
**POLICY:**

(1) Definitions.

The following definitions shall apply to this policy related to the use of Board Property for political activity.

- (a) "Political activity" shall include any and all efforts of individuals, individually or in concert with others, done for the purpose of supporting or opposing any candidate, party, or issue in an election or done to affect the results of that election.
- (b) "Political events" shall include any and all meetings, fundraisers, gatherings, or other such events organized or conducted for the purpose of supporting or opposing any candidate for public office, any issue which is or may be scheduled to appear on a ballot, or any political party or organization.
- (c) "Board Property" shall mean any building, grounds, vehicles, or equipment owned, operated, controlled, or maintained by the Board.

(2) No political events shall be conducted at, on, or in Board Property at any time except that political forums to which the general public is invited to meet and hear all candidates in a particular race or races or to meet and hear representatives of both sides of an issue appearing on a ballot may be held under the following conditions:

- (a) Sponsorship shall be by an organization having an official affiliation with the school or the Board;
- (b) An invitation, in writing, shall be extended to all announced candidates for the specific office or offices or representatives for or against each issue;
- (c) The presentation by each participant shall be limited to the same amount of time;
- (d) Distribution of campaign materials shall be confined to the immediate area in which the forum is being conducted; and
- (e) No preferential treatment shall be afforded any candidate or representative of an issue in any way.

(3) Unless otherwise permitted herein, the following forms of political activity shall be prohibited at all times on Board Property:

- (a) Distribution of campaign material, including cards, brochures, and other materials defined by law as political advertising to students or employee;
  - (b) Placement of political signs in or on Board Property. It is permissible to allow advertising on items of clothing, bumper stickers, sunshades, or other signs affixed to a private vehicle that is legal for roadway traffic; and
  - (c) Personal appearances of candidates or advocates/opponents of an issue before student groups, unless part of an approved course of study and presented in a responsible manner, and unless equal opportunity is afforded to all candidates in a particular race and representatives of both sides of an issue.
- (4) This policy shall not be interpreted to prohibit the distribution or use of newspapers, magazines, or programs for school-sponsored activities that contain paid political advertising, where the distribution or use of such items is for purposes that are nonpolitical in nature. Neither shall anything contained in this policy be interpreted to prohibit distribution of any political materials that are to be used as a part of an approved course of study.
- (5) Board Property may be utilized by any official or employee for the performance of duties that are related to any issue that is placed on a ballot by or at the request of the Board.

**SPECIFIC AUTHORITY:** Sections 104.31; 1001.42; 1001.43, Florida Statutes

ADOPTED: 11/17/08

REVISED: 02/12/13; 06/11/19