

Exhibit B

Board Policy KG: Use of School Facilities (as amended)

Regulation KG-R(1): Use of School Facilities

The above policies and regulations are incorporated herein by reference.



Board Policy KG: Use of School Facilities

Status: ADOPTED

Original Adopted Date: 08/09/2004 | **Last Revised Date:** 12/14/2011 | **Last Reviewed Date:** 12/14/2011

The primary purpose of the school facilities of the DeKalb County School District is to provide a suitable setting in which to educate the students of DeKalb County. First priority for the use of school facilities therefore shall be given to the school’s curricular and extracurricular needs and other school-sponsored activities, as determined by the school principal. School-related support groups, such as PTSA’s, PTO’s, and booster clubs, shall have second priority.

The Board of Education also recognizes that school facilities represent a significant investment on the part of the District’s residents. The Board therefore encourages community use of school facilities when such use will not interfere with the District’s educational mission.

Only the following outside organizations shall be eligible to apply for use of school facilities:

1. Non-profit organizations that are based in the District and whose members are mostly District residents;
2. Governmental agencies located in the District or serving District residents;
3. Businesses located in or serving the District, but only for school or community oriented purposes; and
4. Organizations currently approved by the Georgia State Board of Education to serve as Supplemental Educational Services (“SES”) providers to District students and are currently under contract with the District to provide SES to eligible District students, but only for the purpose of providing SES to such students.

Organizations other than those listed above may apply to use decommissioned or unoccupied facilities. Individuals are not eligible to apply for use of school facilities.

The Plant Services Department shall process applications and administer requests for use of school facilities by outside organizations. Any use of school facilities by outside organizations must be consistent with the Board’s policies and administrative regulations, must not involve unlawful conduct, and must be acceptable to the school principal.

To comply with Georgia law, the Superintendent or designee shall establish a fee schedule that enables the District to recoup the costs involved in the use of school facilities by outside organizations.

Use of school facilities shall not be denied on the basis of an organization’s religious, political or philosophical views or expressive activity. Organizations granted permission to use school facilities shall not unlawfully restrict participation in the activity or event because of an individual’s race, religion, sex, creed, national origin or disability.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: To access the policy references, **CLICK HERE:** [State of Georgia Terms and Conditions](#) and close the LexisNexis tab, which will return you to the policy. Click on the links below to be taken to each specific code. **You should only have to do this one time per session.**

State

Description

Ga. Const. Art. IX, § III, Para. I

[Intergovernmental contracts](#)

O.C.G.A. 20-02-0520

[Acquiring and disposing of school sites; building, repairing, renting, and furnishing schoolhouses](#)

O.C.G.A. 20-02-2068.2

[Facilities grants for charter schools; purposes for which grants may be used; upkeep of charter school property; availability of unused facilities](#)

O.C.G.A. 51-01-0053

[Recreational joint-use agreements](#)

State

Rule 160-4-9-.06

Description

[Charter Authorizers, Financing, Management, and Governance Training](#)

Federal

20 USC 7905

Description

[Equal Access to Public School Facilities](#)

Cross References

KEB

KEB-R(1)

Description

[Solicitations](#)

[Solicitations - Solicitations](#)

**Regulation KG-R(1): Use of School Facilities****Status:** ADOPTED**Original Adopted Date:** 12/14/2011 | **Last Reviewed Date:** 12/14/2011**I. Allowable Uses of School Facilities**

The following guidelines shall govern the use of school facilities, including all buildings, grounds, athletic facilities, fields and parking lots at District schools and other District sites.

A. School-Sponsored Activities

The primary purpose of our school facilities is to provide a suitable setting in which to educate the students of DeKalb County. Therefore, school-sponsored activities shall always take priority over any other use of school facilities. "School-sponsored activities" means a school's curricular and extracurricular programs and any other activity undertaken by and in the name of the school, as determined by the school principal, and should be open to all students regardless of ability to pay.

Other groups may be denied use of school facilities or have their permission for use revoked when the principal concludes that the group's use would interfere with school-sponsored activities. The school principal is responsible for approving and scheduling school-sponsored activities. To be accessible to all areas of the community, schools occasionally are requested to host District events.

B. School-Related Support Groups

Because school-related support groups make significant contributions to our students and our schools, they have second priority for the use of school facilities. "School-related support groups" means organizations devoted exclusively to the support of the school and school-sponsored activities, such as PTAs, PTOs, and booster clubs.

All meetings or other activities of school-related support groups must be approved in advance by the school principal. School-related support groups are not required to apply to the Plant Services Department or pay a fee for meetings and non-fundraising activities that have the principal's advance approval. For all other uses, such groups must apply to the Plant Services Department and may be required to pay a usage fee, subject to the requirements below for outside organizations.

C. Outside Organizations

Outside organizations are welcome to use school facilities when such use is consistent with the Board's policies and administrative regulations and does not interfere with the activities of our schools or school-related support groups, as determined by the principal. Outside organizations must apply for use through the Plant Services Department, as described below. Outside organizations seeking a one-time use of school facilities may not reserve a school facility more than three months in advance.

"Outside organizations" means those organizations other than the District's schools and school-related support groups that are eligible under Board policy to request use of school facilities. These organizations are limited to the following:

1. Non-profit organizations that are based in the District and whose members are mostly District residents;
2. Governmental agencies located in the District or serving District residents, as discussed more fully below;
3. Businesses located in or serving the District, but only for school or community oriented purposes; and
4. Organizations currently approved by the Georgia State Board of Education to serve as Supplemental Educational Services ("SES") providers to District students and currently under

contract with the District to provide SES to eligible District students, but only for the purpose of providing SES to these students.

Organizations other than those listed above may apply to use decommissioned or unoccupied facilities.

Outside youth organizations or groups whose members are mostly students who reside in the District shall have priority over other outside organizations for use of school facilities.

II. Applying for Use of School Facilities

Outside organizations wishing to use school facilities must apply to the principal of the school at least thirty business days prior to the requested use date. Application forms may be obtained at the school or on the District website. The application must be signed by the representative of the organization who will be responsible for the activity or event. The principal shall be responsible for initial approval or denial of the requested use. The principal shall forward all applications, whether approved or denied, to the Plant Services Department, who will consult with the principal or building supervisor about the requested use before final approval or denial of the application.

Requests to use District-wide stadiums and auditoriums or other District-wide facilities will be considered on a case-by-case basis by the Plant Services Department or the Athletic Department, in consultation with the building supervisor.

The following factors will be considered in reviewing all applications:

1. type of activity or event;
2. potential impact on the facility;
3. duration and frequency of the activity or event;
4. availability of adequate District personnel to oversee the facility during the activity or event and clean the facility after the event;
5. number of participants expected;
6. safety and security concerns;
7. previous experience with the organization;
8. potential interference with other activities at the facility;
9. the need for a rest period for the facility or grounds; and
10. other needs or interests of the school or the District.

If an outside organization wants to charge an admission fee, they must state the amount of the fee in the application and obtain prior approval, which will be reflected in the use agreement.

A. Facilities Use Agreement

If the outside organization's application is approved, an authorized representative of the organization must sign a facilities use agreement before any preparations or activities may take place at the school facility. The use agreement must state that at least one authorized representative of the organization will be present during the activity or event.

The use agreement must state that the requesting organization agrees to save, defend and indemnify the DeKalb County Board of Education, the DeKalb County School District, and all of its officials, agents, and employees from and against any and all claims, action or cause of action, loss, damage, injury, costs (including court costs and attorneys' fees), charge liability or exposure, including, but not limited to, any

loss resulting from or arising out of or in any way connected with the use of a school's facility and/or grounds.

Requesting organizations must provide a certificate of insurance indicating that the following insurance requirements have been met:

1. Commercial General Liability Insurance or Public Liability Insurance with minimum coverage limits of \$1,000,000 each occurrence and \$1,000,000 aggregate. Such liability insurance must cover property damage (fire and collapse), personal injury (including medical expenses and wrongful death) and contractual liability;
2. Workers Compensation Insurance (when applicable to the requesting organization) that meets statutory limits; and
3. The DeKalb County School District must be named as an additional insured on the liability policy and be listed as the certificate holder with the following address: 1701 Mountain Industrial Boulevard, Stone Mountain, Georgia 30083. Said liability policy shall be issued on a primary and non-contributory basis. The certificate of insurance and corresponding policy endorsement(s) are to be submitted at the time the use agreement is submitted for approval.

The standard facilities use agreement can be found at item KB-E of the Board policy manual and also on the District website.

Except for use agreements involving substantial improvements to school property or intergovernmental agreements (see Items IV.C and IV.D below), the maximum term of a use agreement is one year.

B. Renewal of Use Agreement

Renewal requests must be submitted to the Plant Services Department at least thirty business days prior to the expiration of the use agreement. Renewal is not automatic. The same factors that apply to an initial application will be considered in connection with a request for renewal. In addition, any violations of a previous use agreement or other problems with the organization will be taken into consideration.

C. Cancellation of Use Agreement

The District reserves the right to deny an outside organization's application or cancel the organization's use agreement when it deems such action to be in the best interest of the District or a school. The outside organization is responsible for providing timely notification to its members or other participants of a cancellation. When schools are closed because of hazardous weather or other emergencies, all use of school facilities is canceled.

III. Fees for Outside Organizations

To comply with Georgia law, outside organizations must pay all costs resulting from their use of school facilities, including utilities, security, supervision, clean-up, maintenance, depreciation, overtime and any other costs to the District. Anticipated excessive demands on utilities must be disclosed on the application so that an appropriate fee can be charged. A fee schedule will be established to reflect such costs and can be obtained from the Plant Services Department or on the District website. Fees may be changed from time to time to reflect current costs. The Plant Services Department may, in its discretion and on a case-by-case basis, reach agreements with outside organizations to accept in-kind donations of good or services beneficial to the District in lieu of the customary fees, so long as the value of the donation equals or exceeds the District's costs.

Payment should be submitted to the Plant Services Department. If fees are not paid in full at least fifteen business days in advance of the activity or event, permission to use the school facility may be withdrawn. If an activity is canceled at least three business days in advance of the activity or event, any prepaid user fee will be refunded, less any costs the District has incurred. At the discretion of the Department, payment may be requested in the form of a cashier's check or money order.

A clean-up fee will be assessed if the organization does not leave the facility and grounds clean. The Plant Services Department, in consultation with the principal, may require the organization to pay for or to provide police protection or security personnel.

Fees paid for the use of school facilities must be posted to a District account, not an individual school account.

At the discretion of the Plant Services Department or the Athletic Department, outside organizations may be required to pay a deposit for activities involving large groups or activities that may result in damage to school property. Failure to pay a required deposit may result in the cancellation of the use agreement. The deposit will be held by the relevant department and will be returned at the end of the approved use, less any deductions for damage, unpaid fees or other costs resulting from the use.

IV. Particular Uses

A. Fundraising by Outside Organizations

No outside organizations may conduct fund-raising activities at school facilities other than non-profit organizations recognized as tax-exempt under section 501(c)(3). Such organizations must provide a copy of their IRS determination letter and establish their legitimacy to the satisfaction of the Plant Services Department before any fundraising activities will be allowed. Outside organizations may not use school facilities for any fund-raiser that includes gambling or games of chance.

B. Political Meetings

Town hall meetings and political forums held on school property must comply with Board Policies BHC: Board Member Political Activity and GAHB: Staff Political Activities in addition to this regulation.

C. Use of Athletic Fields or Facilities

Athletic fields or facilities may be subject to a use agreement of up to five years when the requesting organization expends substantial resources to improve the field, such as installing lights, irrigation systems, or scoreboards. Each such arrangement will be reviewed periodically and discontinued if the school's athletic facilities are being harmed.

In advance of the spring, fall and summer athletic programs, principals from each high school and the District will determine the needs for athletic fields and facilities. Agreements with outside organizations will be reviewed in light of these needs.

Each year, the Superintendent will provide to the Board a report listing the athletic facilities subject to such usage agreements, to include the organization using the facility, the type of use, and the improvements made or obligated.

D. Governmental Agencies

Governmental agencies wishing to establish an intergovernmental agreement involving shared resources which will be of benefit to DeKalb County residents should submit their proposal to the Superintendent. Proposals approved by the Superintendent will be recommended to the Board with a summary of the proposed terms. Examples of programs that would benefit residents include sports activities, summer camp, senior citizen activities and educational programs. In reviewing proposals, priority will be given to programs for youth.

Governmental agencies wishing to use school facilities for other purposes should apply through the Plant Services Department. If the governmental agency provides goods, services, facilities, and equipment that are beneficial to the District, the governmental agency may be exempt from payment of some or all of the customary fees.

Pursuant to Board Policy LD and the Board's resolution with DeKalb County, DeKalb County departments and all county sponsored or affiliated sports organizations are not responsible for usage

fees, although the organization remains responsible to the District for any additional labor costs.

V. Additional Rules Governing Use of School Facilities

All organizations shall follow these additional rules governing use of school facilities:

1. An outside organization shall not restrict participation in an activity or event taking place at a school facility because of an individual's race, religion, creed, sex, national origin or disability.
2. A school custodian and/or other District employee, as designated by the principal, must be present during the activity or event. School employees are not permitted to give their building keys to an outside organization.
3. Signs, banners, pennants, etc. may not be erected on school property unless the permission of the principal or designee is obtained in advance and only if such displays do not deface school property. Any such signage must comply with Board Policy KJ: Advertising in the Schools.
4. Adequate supervision, as approved by the Plant Services Department in consultation with the principal, must be present for activities involving children. The organization is responsible for supervision of children involved in the activity.
5. Parking is permitted only in designated parking areas.
6. The number of attendees may not exceed the number authorized and must be in compliance with local fire codes.
7. Approved users and their participants must stay in their assigned area at all times. Entry into other areas of the facility will be considered trespassing.
8. Any use of a facility beyond the time specified in the use agreement is subject to additional fees charged in quarter hour increments.
9. All activities must be orderly and lawful and must comply with all federal, state and local laws.
10. Use of any facilities by outside organizations must end by 9:00 p.m.
11. Food and beverages are allowed inside school buildings only if requested in the application and approved in the use agreement. The organization is responsible for clean-up of all areas used.
12. Alcohol, illegal drugs, weapons or explosives are not allowed in school facilities or on school property.
13. The use of tobacco products is prohibited in school facilities and on school property.
14. School facilities that are available for use by outside organizations are gymnasiums, cafeterias, playing fields and athletic fields. Requests to use auditoriums, theaters, concession facilities, media centers, classrooms, conference rooms and common areas will be considered on a case by case basis by the Plant Services Department, in consultation with the school principal. The school principal may use his/her discretion to determine whether classrooms may be used by outside organizations during the school day.
15. Outside organizations may use tables and chairs if requested in advance. A set-up fee will be charged. Requests to use public address systems or audio visual equipment will be considered on a case by case basis by the Plant Services Department, in consultation with the school principal. A fee will be charged and District personnel must be used. The following types of District equipment may not be used by outside organizations: food preparation equipment, musical instruments, athletic equipment, computers, technical or laboratory equipment.
16. Outside groups may not make any modifications to school facilities in order to accommodate their use of the facility. This includes modifications to the electrical, heating, cooling, ventilation or plumbing systems or to the structure or grounds of the facility.

17. Outside organizations using a facility under a facilities use agreement may not sublease school facilities to other organizations or individuals or transfer or assign their use agreement to anyone.
18. Individuals are not eligible to apply for use of school facilities.
19. School facilities shall not be used for anything other than the use(s) approved in the use agreement.

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