

# ADMINISTRATIVE PROCEDURE

## SHARED SPACE OF SCHOOL FACILITIES BY NON-COMMERCIAL USERS

1331  
Procedure No.

July 1, 2013  
Date

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- I. **PURPOSE:** To provide Administrative Procedures for the shared space of school facilities by non-commercial users.
  - II. **POLICY:** Board of Education Policy 1331
  - III. **BACKGROUND:** The Board of Education has a long history of providing for community uses of school facilities after school hours in line with the Public School Laws of Maryland, Education, ED 7-108 and has now adopted the concept of sharing vacant space within active schools, generally in line with ED 3-805 of the Public School Laws.
  - IV. **PRELIMINARY CONSIDERATIONS:**
    - A. **Eligibility of User:**

A user shall be deemed eligible to rent space pursuant to this Administrative Procedure if said user can demonstrate compliance with all of the following:

      1. The user shall be a tax-exempt organization possessing a currently valid Tax Exempt Certificate pursuant to a provision of Section 501 of the Internal Revenue Service Code.
      2. The proposed use shall not be competitive to or with any of the educational functions maintained or delivered in or by the public schools of Prince George's County.
      3. The user shall at the user's sole cost and expense, obtain whatever approvals, permits, or licenses are required by Prince George's County or Department of Health for the space that is the subject of the use as well as the purpose of the use. It is specifically understood that the Board of Education of Prince George's County will not acquiesce as owner in any zoning map amendment or other requested change in zoning ordinances to accommodate the purpose of the proposed use.
    - B. **Prioritizing of Eligible Users:**

In the event more than one eligible user seeks to rent the same space pursuant to this Administrative Procedure, the following order of priority shall govern:

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1. Day Care Centers (before and/or after regular school hours) to be operated consistent with previously established procedures for same.
2. Preschool programs consistent with previously established procedures for same children no less than three years of age and not eligible for Prince George's County Public Schools enrollment, grades K-12 in the current school year.
3. Any type of after-school educational program that serves to stimulate or enhance the learning experiences offered on a regular basis in the Prince George's County Public Schools.
4. Any type of educational program servicing the educational needs of persons beyond school age.
5. Unique and/or specialized educational programs as may be operated by agencies of either the State of Maryland or Prince George's County, the operation of which such programs within public school premises shall not interfere with the purposes or regularly established programs of the Prince George's County Public Schools.

C. Space Eligible for Use:

Any classroom or classrooms in a portion or section of a school building together with separate restrooms facilities for both sexes, that can be readily isolated from the ongoing educational program of such public school, which classroom or classrooms have been determined by the school principal, the Director of Pupil Accounting, and the Assistant Superintendent of Schools for Administration and Personnel, not be needed for public school educational programs for a period at least two full school years following the date of such determination.

D. Availability of the Use:

Mondays through Fridays, during the hours of 7:00 a.m. to 9:00 p.m., throughout the calendar year, excepting all legal holidays and days during a regular school year when schools are closed for both staff and pupils.

E. Term of Use:

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In all instances the user shall enter into a Lease Agreement with the Board of Education of Prince George's County in a form similar to the one attached herewith as Exhibit "A".

1. The minimal rental period shall be the full length of a school year, with the maximum rental period being one full calendar year.
2. The Lease may contain an option to renew for one additional term.
3. No Lease term shall commence prior to July 1 of any year nor later than October 1 of any year.

F. Prohibition of Uses:

No application for a use shall be entertained if the proposed user seeks usage for any of the following:

1. Alcohol and/or drug treatment programs.
2. Programs established for persons who are emotionally handicapped and whose presence in a public school environment may, in the opinion of the Superintendent of Schools, serve to create an atmosphere not conducive to the general well-being of the staff and students assigned to the public school wherein the proposed use is contemplated.
3. Programs established for persons who have been convicted for any type of misdemeanor or felony under any laws of the United States of America and any State thereof.
4. Programs established for persons who, in lieu of a conviction as set forth in F.3. above or who are under a court ordered probation before judgment, or any other type of court ordered requirement issued as a substitute for a conviction.
5. Programs established for persons not deemed to be of sufficient good health and alacrity to participate in such program by virtue of the existence of architectural barriers or other type of structural impediments either within the space wherein the program is to be operated or within or upon any of the routes upon public school property leading to the space to be so used.

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6. Any other use which, in the opinion of the Superintendent of Schools, may interfere with the delivery of the educational programs offered at the public school where the proposed use is contemplated.

G. Restrictions on Usage:

No application for a use shall be entertained if the proposed user seeks, in addition to the used space, access to any of the following, which may be located in parts of the school building or upon the public school grounds, which are not the subject of the used space:

1. Restroom Facilities
2. Food Services Facilities
3. Health Room Facilities
4. Vending Machine Facilities
5. Telephone Stations
6. Parking Facilities

H. Prohibition Upon User:

No application for a use shall be entertained if the proposed user seeks to cause material alterations to be made to the space to be used.

V. **PROCEDURES:**

- A. At least six months before an intended party who would conform to the scope outlined in IV. above and desirous of use of a portion of an active school shall submit a letter of request to the Chief of Supporting Services, indicating at least the following basic information:

1. Nature of intended use
2. Population to be served
3. School (and alternative school) desired
4. Space needed

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5. Days and hours of use
  6. Parking requirements
  7. Expected life of the program
  8. Starting date
- B. The Chief of Supporting Services, after preliminary coordination with Principal, Area Associate Superintendent and other appropriate staff, shall negotiate with the IV. E. above and Exhibit A.
- C. The resultant lease proposal shall be submitted to the Chief Executive Officer for review and submission to the Board of Education for consideration. In the event there are unresolved differences between applicant and staff, those differences shall be enunciated to the Board of Education for decision.
- D. Upon acceptance of a lease proposal by the Board of Education, the lease shall be tendered to applicant for signature. After execution, conformed copies of the agreement shall be distributed to interested parties.
- E. Any matter of administration of the agreement or dispute arising therefrom shall be under the administrative direction of the Chief of Supporting Services.
- VI. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** The Chief of Supporting Services will update these procedures as needed. Questions should be referred to that office.
- VII. **RELATED PROCEDURE:** Administrative Procedure 1330, After School Use of Facilities.
- VIII. **SUPERSEDURES AND CANCELLATIONS:** This Administrative Procedure cancels and supersedes Administrative Procedure 1331, dated August 18, 1983.
- IX. **EFFECTIVE DATE:** July 1, 2013.

Attachment: Exhibit "A"

Distribution: Lists 1, 2, 3, 4, 5, 9 and 10