

BLUE font indicates content recommended by Facility Use
GREEN font indicates content recommended by Policy and Planning and Facility Use
GRAY highlights indicate content relocated within the rule
PURPLE font indicates content relocated to facility use contracts
ORANGE font indicates content recommended by Nelson Mullins
BROWN font indicates conforming/editorial changes



DISTRICT ADMINISTRATIVE RULE

KG-R Use of School Facilities

8/22/13 ~~x/x/21~~

RATIONALE/OBJECTIVE:

The primary purpose of the facilities of the Cobb County School District (District) is to provide a suitable setting in which to educate the students of the District. First priority for the use of facilities therefore shall be given to schools' curricular and extracurricular needs and other school-sponsored activities (School Use). School Support Organizations (as defined herein) shall have second priority. The District also recognizes that school facilities are substantial investments that should serve many community needs. Therefore, community use of school facilities is also allowed as set forth herein when such use will not interfere with the District's educational mission.

~~While facility use may be available, school and District use of facilities as discussed below shall take priority. Whether a space is appropriate for community use will be determined by the District.~~

RULE:

A. GENERAL PROVISIONS:

1. All facility use, including School Use, use by School Support Organizations, and community use, must be consistent with this Rule, all District policies and administrative rules, and all procedures established by the Facility Use Office. Further, all groups and individuals shall comply with applicable laws in the use of District facilities.
2. Nothing herein shall be construed to prohibit the ~~CCSD Department of Public Safety~~ Cobb County School District Police Department (CCSDPD) or other public safety/law enforcement personnel, or any department of the District, its agents or employees, from entering the premises for the purpose of discharging their lawful duties.
3. Insurance:
 - a. Pursuant to O.C.G.A. § 51-1-53, any individual, group, or organization engaged in a recreational, physical or performing arts activity must maintain and provide proof of a minimum of \$1 million in liability insurance coverage applicable to the use of the facilities and effective ~~during for~~ the duration of the facility use agreement.
 - (1) The group or organization shall provide to the District a certificate of commercial general liability insurance, written on an occurrence basis, issued by an insurance company authorized to transact business in the State of Georgia, including contractual liability coverage, naming the individual, groups, or organization as insured and naming additional insureds "The Cobb County Board of Education, the Cobb County School District, and their respective officers and employees" and including the event date(s), including applicable load-in and load-out dates.
 - (2) The policy shall provide that it shall not be canceled without thirty (30) days prior written notice to the District.

(3) If the individual, group, or organization fails to provide such certificate or fails to maintain the insurance in force, in addition to other remedies available to the District, after oral or written notice to group or organization, the contract and use of facilities will be cancelled without refund.

b. In addition, at the discretion of the District, other individuals, groups, or organizations may be required to obtain liability insurance covering their use of District facilities in an amount set by the Facility Use Office.

4. Use of District facilities by a group may be granted for a maximum period of one school year of facility use, subject to additional extensions.

5. Users shall be required to enter into a written agreement for the use of the facility in the form prescribed by the District, which may be accessed on the District's Facility Use webpage or by contacting the Facility Use Office. The facility use agreement shall at a minimum include the contract requirements found in O.C.G.A. § 51-1-53(b) for any private entity engaged in a recreational, physical, or performing arts activity.

6. Requests to use District or school equipment (including kitchen equipment) will be addressed in accordance with procedures established by the Facility Use Office.

7. The District shall have the right to charge the full amount for any facility use cancelled by the user less than five (5) business days' notice.

8. Prior to finalizing facility use, the District may require:

(1) An audited copy of the group's or organization's financial statement; and/or

(2) A copy of the group's or organization's 501 (c)(3) certificate.

B. ~~A.~~ SCHOOL USE:

School use consists of the normal school day plus all school activities including, but not limited to, the following:

1. Student activities conducted by contract between the school and a vendor;
2. Faculty/staff activities, whether initiated by the school administration or employees;
3. Activities permitted by Administrative Rule JHA-R (Student Activities Fund Raising);
4. Activities permitted by Administrative Rule KJ-R (Advertising in the Schools); and
5. Activities of school clubs/organizations and student organizations as defined in Administrative Rule JHC-R (School Clubs/Organizations and Student Organizations).
6. Schools (including District charter schools, pursuant to O.C.G.A. § 20-2-2068.2) desiring to use other ~~school's~~ schools' facilities, should submit a completed ~~Form KG-1 (School Users Request for Facility Use)~~ form, found on the Facility Use webpage, to the District Facility Use Office.

C. ~~B.~~ SCHOOL SUPPORT ORGANIZATIONS USE:

1. School Support Organizations include:

- a. PTA's/PTSA's;
- b. Booster Organizations (see Administrative Rule LEC-R [Booster Organizations]);
- c. Foundations established for the purpose of assisting the District and/or District schools and recognized as tax-exempt under Internal Revenue Code Section 501(C)(3);
- d. Partners in Education when conducting school educational activities developed in collaboration with the District (see Administrative Rule LE-R [Partners in Education]); and
- e. ~~the School Council (Board Policy BBFA and Administrative Rule BBFA-R [Local School Councils])~~.

2. ~~4.~~ The School Support Organization may have use, ~~allow, or cause the~~ of facilities ~~to be used~~ only in a manner approved pursuant to this Rule, Administrative Rule JHA-R (Student Activities Fund Raising) and Administrative Rule KJ-R (Advertising in the Schools).

3. ~~5. If the principal cannot accommodate a School Support Organization event at his/her own school without paid supervision, and/or clean up Form KG-1 (School Users a Request for Facility Use) should be completed and submitted to the Facility Use Office with the name of the employee(s) responsible for supervision and/or clean up.~~

Fundraising Activities:

- a. If a School Support Organization is sponsoring a fundraising activity that is a recreational, physical, or performing arts activity pursuant to O.C.G.A. §51-1-53, the School Support Organization must maintain and provide proof of a minimum of \$1 million in liability insurance coverage applicable to the use of the facilities and effective for the duration of the facility use agreement as described in Section A.3. above.
- b. If ~~a~~ School Support Organizations contracts with ~~a(n)~~ outside group(s) for specific and approved fundraising activities **pursuant to Administrative Rule JHA-R:**
 - (1) ~~1- These~~ **The** outside group(s) shall not assign use of school facilities to any other outside group.
 - (2) ~~2- These~~ **The** outside group(s) will be charged the same facility use fee as described in Section ~~E~~ **D** below.
 - (3) ~~If the fundraising activity is a recreational, physical or performing arts activity pursuant to O.C.G.A. § 51-1-53:~~
 - (a) ~~The facility use agreement may be revoked at any time by the District's Facility Use office; and~~
 - (b) ~~The outside group must maintain and provide proof of a minimum of \$1 million in liability insurance coverage applicable to the use of the facilities and effective for the duration of the facility use agreement.~~

D. ~~C~~ COMMUNITY USE:

Community Use includes all use that is not encompassed by Section ~~A~~ **B** or Section ~~C~~ **above**, School Use. Individuals or groups **may use District facilities when such use is consistent with Board Policies and Administrative Rules and does not interfere with the activities of schools or School Support Organizations. Individuals and groups** that desire to use a District facility must submit a completed ~~Form-KG-2 (Community Users Application for Facility Use)~~ **Request for Facility Use form** to the District Facility Use Office. The following apply:

1. ~~General Provisions:~~

- a. ~~Nothing herein shall be construed to prohibit the CCSD Department of Public Safety or other public safety/law enforcement personnel, or any department of the District, its agents or employees, from entering the premises for the purpose of discharging their lawful duties;~~
- b. ~~Pursuant to O.C.G.A. § 51-1-53, any group or organization engaged in a recreational, physical or performing arts activity must maintain and provide proof of a minimum of \$1 million in liability insurance coverage applicable to the use of the facilities and effective during the duration of the facility use agreement. In addition, at the discretion of the District, other groups or organizations may be required to obtain liability insurance covering their use of District facilities in an amount set by the Facility Use Office;~~
- c. ~~The groups or organizations hereby release the District and its employees from any and all damages to persons or property during its use of said building, grounds, and equipment. Groups or organizations also agree to indemnify and hold harmless the District and its agents, against any and all claims which may be made against the District, or its agents, for property damage or personal injuries sustained by any persons including groups or organizations and groups' or organizations' privies, which may result from the use of said building, group or equipment by groups or organizations. The indemnifications herein agreed to by the groups or organizations shall include use of said building, group or equipment by groups or organizations. The groups or organizations shall agree to indemnify the District for any and all claims against Cobb County School District or any of its agents, servants, volunteers, or employees, however caused;~~
- d. ~~The individual who signs the facility use contract or representative shall:~~
 - (1) ~~Arrive at the facility prior to the arrival of participants; and~~
 - (2) ~~Remain at the facility until all of the participants have vacated and all equipment has been removed;~~
- e. ~~Groups must read and agree that in the event of a cancellation of contract, the group or organization shall have no claim of any character against the District by reason of~~

- such cancellation. A recreational joint use agreement as defined in O.C.G.A. § 51-1-53 is revocable at any time by the District's Facility Use office. In addition the District reserves the right, without notice, to refuse to admit entry to a group or individual or cancel the use of school facilities at any time whatsoever if, in the determination of the District:
- (1) Cancellation is necessary to protect the health, welfare, morality, or safety of the public;
 - (2) If the premises are used for any purpose other than that specified in the application;
 - (3) If a group's or organization's use constitutes a nuisance or disruption; or
 - (4) If a group's or organization's use is in any way in violation of the laws or ordinances of Cobb County or the State of Georgia;
 - (5) If the facilities and premises would be adversely affected by tenant's use, such adverse use not being contemplated upon the execution of this application;
 - (6) The facility is needed for school use;
 - (7) The group or organization violates any requirement of this Administrative Rule or application; or
 - (8) In the event of inclement weather, if District schools are closed. Weekend activities will also be suspended if conditions at the specific site are not safe enough, in the opinion of the District, for the event to be held.
- f. ~~Overnight fund raising activities must comply with Administrative Rule JGFB-R (Supervision of Students). Additional requirements:~~
- (1) ~~The activity must align with the school's goals or the purpose of the sponsoring school support organization hosting the event (i.e., basketball booster club hosting a basketball tournament).~~
 - (2) ~~The school or school support organization hosting the event:~~
 - (a) ~~Should obtain proper references regarding the group being hosted before scheduling the event;~~
 - (b) ~~Must execute a Facility Use Application (Form KG-2); and~~
 - (c) ~~Is responsible for providing supervision, clean up, and security for the event as required and approved by the Principal;~~
- g. ~~Community groups may not assign facilities use to other parties or organizations;~~
- h. ~~No fees, charges or donations may be collected which are associated with participation in events in the facility or on the fields contracted with the following exceptions:~~
- (1) ~~Collection of membership dues during regularly scheduled use of school facilities;~~
 - (2) ~~Fees for tournaments and camps;~~
 - (3) ~~Selling concessions if approved, in writing, by the Principal;~~
 - (4) ~~Use school facilities for pictures/videos;~~
 - (5) ~~Organizations who have contracted to use school facilities as temporary locations for religious services may collect offerings, donations, and contributions during the time of their regularly scheduled use of school facilities;~~
 - (6) ~~Accredited colleges and universities who have contracted to use school facilities for classes which include District employees as students may charge their normal and customary tuition and fees for the courses offered.~~
- i. ~~Use of District facilities by a group may be granted for a maximum period of one school year of facility use, subject to additional extensions;~~
- j. ~~Use is granted on a first come, first served basis;~~
- k. ~~Community groups acknowledge and agree that the unique operations of each school may dictate the space available for use on any given day;~~
- l. ~~Applications (Form KG-2) for use of facilities may be obtained by clicking on this link or contacting the Facility Use Office;~~
- m. ~~Prior to finalizing facility use, the District may require:~~
- (1) ~~An audited copy of the group's or organization's financial statement; and/or~~
 - (2) ~~A copy of the group's or organization's 501 (c)(3) certificate;~~
- n. ~~Groups or organizations have the right to cancel or request a change to their Facility Use Application by submitting to the Facility Use Office a written or electronic notice of cancellation or request for change at least five (5) school days in advance. If written notice is not received as stated, groups or organizations will be responsible for charges incurred until the five day notice has been satisfied.~~

- ~~e. No advertising, materials or broadcasts shall name the facility, Cobb County School District, or any building or grounds either owned or operated by the District prior to the approval of the use of the facility in accordance with this Rule;~~
- ~~p. No outdoor sports (e.g., such as baseball, softball, lacrosse and soccer) will be allowed in indoor facilities;~~
- ~~q. No facility sidewalks, fire lanes, passageways, halls, stairways, seating and exits shall be obstructed by the group or any other person's equipment or vehicles;~~
- ~~r. No person shall be permitted to bring into the facility or keep therein anything which shall increase the rate of fire insurance on the facility. All decorative material must be flame proof;~~
- ~~s. No nails, tacks, staples, brad, or other things shall be driven into any portion of the facility;~~
- ~~t. No changes, alterations, repairs, painting, staining or any other action that may change the finish, appearance or contours of the facility will be permitted without permission of the Principal;~~
- ~~u. No animals, excluding those used for health reasons, like seeing eye dogs, and drug detecting dogs, shall be brought into the facility without the express consent of the District, and then only under such regulations as may be made by the District;~~
- ~~v. No tobacco products, alcoholic beverages, and controlled substances, as listed in the Georgia Controlled Substances Act, O.C.G.A ' 16-13-25 et seq., are permitted in or on District facilities or grounds (Board Policy GAN and Administrative Rule GAN-R [Employee Tobacco Use]);~~
- ~~w. No gasoline, explosives, oils, or artificial lights shall be brought into or onto District buildings or grounds without the District's written permission. If the District provides said written permission, the Administration reserves the right to limit the number, amperage and wattage of lights, fixtures or equipment for any event; and~~
- ~~x. The use of kitchen facilities must be approved by the Food Services Manager and the Facilities Use Coordinator.~~

~~2. Fees:~~

1. No Cost Use:

- Subject to the other requirements in this Rule, a **Georgia** non-profit group or organization (recognized as tax-exempt under Internal Revenue Code Section 501(c)(3)) **operating within Cobb County and with ties to the community which intends to provide free programming or services to the District, to District students, and/or District teachers** may have limited use of school facilities at no cost if the use:
- ~~(1)~~ Occurs at: ~~(a)~~ an elementary school from twenty (20) minutes after dismissal until 5:00 PM; **or** ~~(b)~~ a middle school from twenty (20) minutes after dismissal until 6:00 PM; ~~(c)~~ If a community group's use of the facility continues past the above free use periods, the group will be expected to pay the normal Facility Use fees as **outlined below and in Form KG-3 (Facility Use Fee Schedule) set by the District Facility Use Office** for the additional time.
 - ~~(2)~~ Does not occur in the **Lassiter Concert Hall or in a** school's: ~~(a)~~ gymnasium, ~~(b)~~ auditorium, ~~(c)~~ theater, ~~(d)~~ kitchen, ~~(e)~~ stage, or ~~(f)~~ media center;
 - ~~(3)~~ Does not require additional school supervision. Additional school supervision will be required if the activity involves:
 - ~~(a)~~ More than thirty (30) individuals unless the group provides a minimum of one adult supervisor for every thirty (30) participants or fraction thereof;
 - ~~(b)~~ Rearranging school furniture;
 - ~~(c)~~ Assistance **of by** the school custodial staff **or any specialized technicians; or**
 - ~~(d)~~ Use of the school's audio ~~or~~ **visual** equipment or any of the school's electronic devices.
 - ~~(4)~~ Does not occur:
 - ~~(a)~~ On the day before:
 - (a) Fall Break;**
 - ~~(b)~~ **Thanksgiving Holidays;**
 - ~~(c)~~ **Winter Holidays;**
 - (d) Winter Break;**
 - ~~(e)~~ **Spring Holidays Break;**

- (2) ~~(b)~~ On any early release day, including elementary and middle school conference week;
- (3) ~~(c)~~ On the last day of school; or
- (4) ~~(d)~~ Any day school is not in session.
- e. **In addition, to qualify for no-cost use of a facility, the non-profit organization must:**
- (1) **Limit participation to students currently enrolled at the school where the facility use will occur;**
 - (2) **Ensure that all students enrolled at the school are provided an opportunity to participate;**
 - (3) **Provide the District with written documentation for each participant signed by a parent/guardian allowing his/her child to participate in the activities; and**
 - (4) **Require a criminal background check of all individuals working in contact with District students, the results of which may be requested to must be provided to the District upon request.**

NOTE: No Cost Use does not apply to the Lassiter Concert Hall District facility.

2. **Use Pursuant to Fees:**

For community use that does not meet the no ~~fee cost~~ **usage use criteria** discussed **described above in Section C.1. above,** the Facility Use Office shall establish and maintain a Facility Use Fee schedule. The following guidelines shall apply to the Facility Use Fee schedule:

- a. ~~(1)~~ Fees shall be established and updated as needed to cover the expenses associated with community use of District facilities;
- b. ~~(2)~~ Fee structures shall include categories for buildings, **parking lots,** fields, ~~utilities,~~ and personnel, **use of equipment and supplies, services provided, and administrative;**
- c. **School principals and other employees shall not agree to charge any group or individual less than the rates shown on the then-current Facility Use Fee schedule;**
- d. ~~(5) Kitchen Use:~~
 - ~~(1)-(a) Kitchen utility fees will be determined by Food Service Management (See Board Policy EE and Administrative Rule EE-R);~~
 - ~~(2)-(b) At least one member of the regular kitchen staff (manager or person designated by the manager) shall be on the premises during the time of such a function.~~~~(6) School Equipment and Specialized Personnel:~~
 - ~~(1)-(a) Use of school equipment and associated fees for use of school equipment will be at the discretion of the Principal;~~
 - ~~(2)-(b) The Principal shall develop and maintain fee schedule for sound, lighting and other specialized technicians~~**If the use of District or school equipment (including kitchen equipment) is approved, the user will pay the equipment use fees and the cost of any specialized technicians in accordance with the fee schedule established by the Facility Use Office.**

3. ~~(c)~~ The District Facility Use Fee Schedule shall be approved by the ~~Operational Support Division~~ **Facility Use Office** and the Superintendent **or designee**. It shall also be included in the Board's annual budget development process' discussions relating to the Facility Use program.

Approved: 8/12/70

Revised: 8/10/77; 1/26/84; 8/8/84; 1/10/90; 12/14/94; 10/09/96

Reclassified an Administrative Rule: 9/1/04

Revised: 9/8/04; 4/13/05; 8/10/05; 1/26/06; 7/13/06; 2/14/07; 9/12/07; 11/14/07; 3/12/08; 10/8/08; 11/12/08; 2/11/09; 11/11/09; 08/11/10

Revised and re-coded: 10/25/12 (Previously coded as Administrative Rule KF)

Revised: 8/22/13; **x/x/21**

Legal Reference

O.C.G.A. 20-2-2068.2 Facilities ~~fund~~ **grants** for charter schools; purposes for which ~~funds~~ **grants** may be used;

340		upkeep of charter school property; receipt of surplus from b.e.e. <u>availability of unused</u>
341		<u>facilities</u>
342	O.C.G.A. 20-2-520	Acquiring / <u>and</u> disposing of school sites; building, repairing, renting, and furnishing
343		schoolhouses
344	O.C.G.A. 51-1-53	Recreational joint-use agreements
345	Rule 160-4-9-.05	Charter Schools Petition Process
346	20 USC 7905	Equal Access to Public School Facilities
347	20 USC 4071	Equal Access Act