

## **FACILITIES**

### **Leasing and Community Use of Facilities**

#### **Booster Club, PTA and PTO Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities**

This regulation supersedes Regulation 8424.7.

#### **I. PURPOSE**

To establish the procedures and guidelines for booster club, PTA and PTO managed fee-based activities after hours and the summer use of school facilities. This regulation applies, for example, to classes, clinics, and camps for languages, computers, music and the arts, various sports, and other similar purposes. Athletic teams and league activities, regardless of management, shall be subject to Fairfax County Neighborhood and Community Services (NCS) rules and regulations applicable to the use of public athletic facilities. Activities for which no participant fees are charged are governed by the current version of Regulation 8420, Community Use of School Facilities, and are subject to its priorities.

The FCPS Office of Adult and Community Education (ACE) and the Fairfax County Park Authority (PA) are also authorized to offer fee-based classes and activities in Fairfax County Public Schools (FCPS) facilities.

#### **II. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

- A. Section III.A.1. clarifies that only page one of the application form (ADM-24) needs to be submitted when using an independent contractor for services.
- B. Section III.B. establishes new dates for application form submittal to coincide with realistic timeframes for booster club, PTA and PTO scheduling purposes.
- C. Section III.D. reinforces that the booster club, PTA and PTO determines who can participate in their programs.
- D. Section III.G.1. states new requirements for independent contractors to appear on an approved vendor list for these activities. Also, Excel spreadsheet is required to accompany ADM-24a paperwork for those activities involving FCPS employees.
- E. Section III.G.2.c. clarifies when a certified athletic trainer is required to be onsite for athletic related activities.
- F. Section III.I. states that a tuberculin test is not required of volunteers for these activities. Also reinforces the requirement that an independent contractor must provide form FS-188, Certification Regarding Criminal Conviction.

G. Section III.L. reinforces insurance requirements by FCPS.

### III. CONDITIONS

#### A. Application Procedures

A booster club, PTA or PTO proposing to manage an after-school activity for which students must pay a fee to participate shall submit the following to the school principal for recommendation to the Community Use Section:

1. A booster club, PTA and PTO fee-based application (ADM-24). Only page one of the ADM-24 application needs to be submitted for activities offered by an independent contractor.
2. A draft of promotional materials.

The ADM-24 application is not required for any activities, including foreign language experience program (FLEX) language classes, run through the PTA but managed by the Office of Adult and Community Education.

The ADM-24 application must be completed, signed by the booster club, PTA or PTO representative, reviewed and signed by the principal, and forwarded to the Community Use Section at least 15 business days before activity begins. The ADM-24 application form is available online either through the FCPS forms cabinet: <http://www.fcps.edu/it/forms/adm24.pdf> or on the Community Use Section website: <http://www.fcps.edu/fts/comuse/>. Completed applications will be processed within 5 business days. The attachment summarizes the current version of Regulation 8420, Community Use of School Facilities, which governs all use of school facilities.

#### B. Scheduling

To facilitate concurrent scheduling of ACE and PA classes, and recreation scheduling, completed booster club, PTA and PTO applications should reach the Community Use Section as follows:

Fall Use	September 15
Winter Use	October 15
Spring Use	January 15
Summer Use	March 1

Applications received after the above dates may be accommodated if space is available.

C. Priority Time Periods

1. School Year

Weekdays between the end of the school day and 5 p.m. and weekends are available to booster clubs, PTAs and PTOs for their provision of activities under this regulation. Any unscheduled time periods will be made available for use by ACE, NCS, and PA.

Due to the high volume of use for fields and gymnasiums by the athletic community, booster-managed clinics will be permitted on Sundays only during priority use periods. For example, clinics on fields can only occur on Sundays during the fall and spring; clinics in gymnasiums can only occur on Sundays during the winter season.

2. Summer Months

Summer camps may be scheduled as follows:

- a. High schools - after the close of the school year until the first Friday in August.
- b. Elementary and middle schools - after the close of the school year until two weeks before the opening of school.

Requests for exceptions to the above dates must be made to the Community Use Section.

D. Instructor or Supervisor-to-Student Ratios

A maximum ratio of 25:1 between students and an instructor or a supervisor shall be maintained. Since this activity is not an FCPS co-curricular or extracurricular activity, the managing organization may elect to allow students outside of the host school to participate with permission by the school principal.

E. Fee-Exempt Students

The managing organization shall give consideration to students with financial hardships.

F. Conflict of Interest

FCPS employees shall not be paid by organizations other than the School Board to conduct after-hours activities in FCPS facilities for students who are, or might reasonably be expected to be, their own students. (See the current versions of Policy 4430, Conflict of Interest—Employees, and Regulation 4427, Nonschool Employment.)

Contracted athletic coaches employed to work camps or clinics must comply with all Virginia High School League out-of-season guidelines. (See the current version of Policy 3860, Extracurricular Activities).

G. Program Management Responsibilities

1. Camps, Classes, Clinics, and Leagues

The managing organization shall accept full responsibility for controlling and managing the activity—including oversight of purchasing, selling, accounting—paying all obligations, and complying with all federal, state, and local laws and ordinances, including child care regulations. The managing organization, at its discretion, and with principal notification and signature of approval to use the building, elects to delegate registration and fee collection activities to an independent contractor if an online or automated registration and payment system is used. If an independent contractor offers use of such a registration and/or payment system, the managing organization must require written documentation of the process, written documentation of its results, and a full accounting of the registration and payment process.

The managing organization may hire an individual, with payment not to exceed the amount reflected in the current version of Notice 8424, Booster Club, PTA and PTO Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities. If a current FCPS employee is working the camp, class, clinic, or league, that employee must be paid through the FCPS human resources information system (HRIS). Rules governing payment of an FCPS employee are detailed in the current version of Regulation 5640, Payment for Summer School, Curriculum Development, and Other Temporary Assignments.

If a non-FCPS employee is planning to work the class, clinic, or camp, that employee must be hired and processed by the Department of Human Resources so that he or she can be paid through the FCPS HRIS system.

Activities offered by an independent contractor as defined by the Internal Revenue Service (IRS) may be paid directly by the booster club, PTA or PTO; however, background checks and fingerprinting need to be completed for these individuals by the independent contractor. The Community Use Section website <http://www.fcps.edu/fts/comuse/> provides an approved list of independent contractors that have provided FCPS with their insurance information and Certification Regarding Criminal Conviction form (FS-188).

A detailed budget of planned revenues and expenses must be included with each application for activities that are using FCPS employees (ADM-24, page 2 and 3).

A completed certified financial statement (ADM-24a) and Excel spreadsheet (Both documents are accessible on the internet at <http://www.fcps.edu/fts/comuse/>) for those activities with paid FCPS employees, signed by an official of the managing

organization, must be submitted to the coordinator, Community Use Section, for review and comparison to the original budget within four weeks after the close of the activity. The managing organization shall reimburse the school system at the conclusion of the activity for any paid employees listed on the Excel spreadsheet. An FS-133 and check payable to FCPS should be mailed to the Accounting Section. Details are provided in Notice 8424.

No financial statement is due for activities involving independent contractors. The managing organization is responsible for monitoring the activity. In the event the procedures are not complied with as indicated above, the activity may be cancelled. Future program approval by the Community Use Section will, to a degree, be based on past satisfactory performance.

Revisions in the budget that exceed ten percent of the gross income or expenses must be resubmitted for approval. Due to safety factors, facility limitations, etc., the coordinator, Community Use Section, may require multiple sessions and/or locations and submission of separate budgets.

2. Camp, Clinic, and League Activities—Additional Responsibilities

a. The managing organization may hire an individual, with payment not to exceed the amount reflected in the current version of Notice 8424, Booster Club, PTA and PTO Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities to handle the bookkeeping and administrative procedures involved with these programs. This effort must be independent of the activity operation, and the individual hired (or volunteering) cannot be a relative, i.e., wife, husband, child, or parent of anyone instructing in the sponsored program. Under no circumstances may the director or other employees of the activity receive funds, sign checks or receipts for cash, or distribute funds.

Student attendance must be recorded on a daily basis, and these records must be retained for reconciliation purposes.

b. All student employees and counselors must be at least 16 years of age or be rising 11<sup>th</sup> graders.

c. Certified Athletic Trainer (ATC) coverage is required at camps and clinics when game situations occur at “game speed”. An ATC is not required to be on site during drills, technical work or individual work. Game situations, game speed includes full team scrimmages and games.

d. No employee may be employed more than one hour beyond the scheduled time for the activity. The salary to be paid to the director or other employees of the activity must not exceed the amount reflected in the current version of Notice 8424, Booster Club, PTA and PTO Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities. Managing organizations may not subcontract the

management of the activity to another party. The managing organization may pay the director up to a maximum amount, as set forth in current version of Notice 8424, Booster Club, PTA and PTO Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities per session for planning and organizing the activity. A session is recognized as approximately 60 hours of instructional time provided to participants. Managing organizations may engage the services of guest lecturers at rates higher than other employees, provided these rates do not exceed ten percent of the total fees collected for the activity, regardless of the number of guest lecturers.

H. Right to Audit

The School Board reserves the right to audit the managing organizations' financial and management records at any time, either by division internal audit personnel or by an outside auditor. This shall include all books of original entry, accounting, and other records and documents deemed relevant to verifying the accuracy of the financial statements and transactions related to the activities conducted in FCPS facilities.

I. Employment Requirements and Background Checks

Any adult (18 years of age or older), including any volunteer, having regular contact with children shall be subject to the same background checks as those required for regular FCPS employees, including, but not limited to, the Employment Eligibility Verification form (I-9), fingerprinting, a name search of the sex offender registry, and tuberculin testing. Refer to the current version of Regulation 4310, paragraph II.D. Employment Requirements and Background Checks. Volunteers should refer to Regulation 4119, Background Checks–Volunteers and Mentors, for more specifics regarding background check procedures. A tuberculin test is not required for volunteers.

Any non-FCPS, third party organization, including independent contractors, for which compensation is received is responsible for the cost of fingerprinting and background checks. At the request of FCPS, organizations must produce the criminal background check and fingerprinting documentation. Independent contractors are required to provide the Community Use Section with a signed Certification Regarding Criminal Convictions Form on an annual basis to appear on the approved vendor list.

J. Use of School-Owned Supplies

If the managing organization uses school-owned supplies or equipment, it shall pay a use charge at the discretion of the principal. Funds for supplies (e.g., copy paper or toner) shall be retained at the local school and credited to the appropriate activity fund account. Equipment and supplies purchased by the managing organization become its property, and the managing organization shall be responsible for maintaining and storing such property. Alternatively, the property may be donated to FCPS.

K. Promotional Material

All promotional material must clearly identify the managing organization. Promotional materials also may identify the name of any entity (nonprofit or for-profit) partnered with the managing organization to provided classes, clinics, or camps. Such materials may not publicize other services or offerings provided by the entity.

FCPS shall not be an identified or implied sponsor without prior written approval. FCPS' endorsement of commercial products or services shall not be permitted, whether directly or by implication.

L. Indemnity Clause and Liability Coverage

The managing organization shall agree to hold harmless and indemnify the Fairfax County School Board against any claim or loss, injury, or damage, including negligence by the user or by the user's employees or agents, including all participants. This indemnification includes any damage to property of Fairfax County Public Schools.

Evidence of liability insurance coverage with minimum policy limits of \$1,000,000 per person and \$2,000,000 per occurrence is required for all activities involving in excess of 50 persons, or when, at the discretion of the School Board, liability insurance is required by the nature of the activity. When such proof of liability is required, a certificate of insurance shall be submitted prior to approval of the community use request and shall name Fairfax County Public Schools as an additional insured party to the policy. The certificate shall be provided by the insurance broker or agent to the Community Use Section.

FCPS strongly recommends that booster clubs, PTAs and PTOs require proof of health, medical, or accident insurance from each participant.

M. Conformance With Other Requirements

The managing organization shall be accountable for monitoring class activities and for conforming to all applicable FCPS policies and regulations. An information sheet is included as part of the application packet to help applicants identify other requirements that may apply.

N. Interpretation of Policies, Regulations, and Notices

Questions regarding the interpretation and application of this regulation shall be referred to the coordinator, Community Use Section. Managing organizations not satisfied with the determination of the coordinator may expeditiously refer their concerns to the chief operating officer, Department of Facilities and Transportation Services, for resolution.

O. Information on Local and State Laws

The managing organization shall comply with all state and local laws and ordinances, including child care custodial standards, teacher ratio standards, and health standards. Information may be obtained from the Virginia Department of Licensing, telephone 703-934-1505, and the Fairfax County Health Department at 703-246-2435.

P. Additional Terms

Other specific terms and conditions are defined in the current version of Notice 8424, Booster Club, PTA and PTO Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities.

Q. Custodial Fees

Custodial fees must be paid for opening the building when normal staffing is not scheduled and for required cleaning of the space used. Payments for custodial services must be in accordance with the current version of Notice 8420, Community Use of School Facilities—Fee Schedules and Other Information.

See also the current versions of:

Policy 3860, Extracurricular Activities

Regulation 4310, Authorization for and Conditions of Employment—Temporary Employees

Regulation 4119, Background Checks—Volunteers and Mentors

Regulation 4427, Nonschool Employment

Policy 4430, Conflict of Interest—Employees

Regulation 5640, Payment for Summer School, Curriculum Development, and Other Temporary Assignments

Regulation 8420, Community Use of School Facilities

Notice 8420, Community Use of Facilities—Fee Schedules and Other Information

Notice 8424, Booster Club, PTA and PTO Managed Fee-Based Classes, Clinics, Leagues, and Youth Summer Camps in Fairfax County Public Schools (FCPS) Facilities

Attachment



**REGULATIONS GOVERNING USE OF SCHOOL FACILITIES**

Following is a list of requirements governing facilities use. All users shall:

1. Pay all fees ten working days in advance of use to the Community Use Section. Agree that a 10 percent charge will be added to the fee total in the event the fees are not paid in advance of facility use. In the event the collection of fees must be referred to an attorney, the user agrees to pay the school system's reasonable attorney fees.
2. Ensure that two-thirds of the participants shall be Fairfax County residents except when specific arrangements have been made.
3. Ensure that no unauthorized third party shall be granted permission to use the facility or any portion thereof without prior approval.
4. Ensure that participants shall not be restricted from participation for reasons of race, religion, sex, age (over 40), creed, national origin, or disability.
5. Ensure that the representative specified in the contract as responsible for school facilities is present at the scheduled event.
6. Ensure that prior approval is received before signs, banners, and pennants are erected and that they do not deface school property.
7. Provide required number of chaperons for children (one adult per 25 or less).
8. Ensure that the number of attendees does not exceed the authorized capacity of the facility.
9. Ensure that the vehicles of participants are parked only in areas designated for parking.
10. Ensure that usage and users are restricted to assigned areas.
11. Allow food and drink only in areas designated for eating and only after receiving written permission in advance of the event.
12. Guarantee that activities shall be orderly and lawful and not of a nature to incite others to disorder, and demonstrate on the application that reasonable security arrangements appropriate for the use have been provided for.
13. Prohibit smoking in buildings and within 40 feet of the building.
14. Ensure that no alcoholic beverages are in buildings or on grounds.
15. Ensure that no gambling is permitted.
16. Ensure that animals are not permitted inside school buildings or on school grounds (except as in the case of a guide dog or service animal that is necessary to help an individual with a disability) and that users shall clean any school grounds used by animals participating in scheduled events.
17. Observe contracted time limits.
18. Leave the building in a neat and orderly condition.
19. Ensure reimbursement for the cost of damages occurring during use.
20. Agree to hold harmless and indemnify the Fairfax County School Board with respect to any claim of loss, injury, or damage because of negligence of the user or user's employees or agents including damage to School Board property for which the School Board is liable. (An insurance policy for such coverage is recommended and may be required).
21. Comply with safety regulations and policies of the Fairfax County School Board and the Fairfax County Fire Department. (Every applicant should read Regulation 8615P and Regulation 8633 before using buildings or grounds, with special attention directed to the regulations regarding cafeteria tables and smoking).
22. Comply with all federal, state, and local laws, regulations, and licensing requirements, including but not limited to the Americans With Disabilities Act, and agree to hold harmless and indemnify the Fairfax County School Board with respect to any claim, loss, injury, or damage because of a violation of such laws.