

KG-R Use of School Facilities

2/10/22

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.

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 Venue Management 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 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 private entity conducting or engaging 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 for the duration of the facility use agreement.
 - (1) The private entity 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 private entity 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 private entity 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 the private entity, 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 Venue Management Office.
4. Use of District facilities 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 Venue Management webpage or by contacting the Venue Management 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 Venue Management Office.
7. The District shall have the right to charge the full amount for any facility use cancelled by the user on 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. SCHOOL USE:

1. School use consists of the normal school day plus all school activities including, but not limited to, the following:
 - a. Student activities conducted by contract between the school and a vendor;
 - b. Faculty/staff activities, whether initiated by the school administration or employees;
 - c. Activities permitted by Administrative Rule JHA-R (Student Activities Fund Raising);
 - d. Activities permitted by Administrative Rule KJ-R (Advertising in the Schools); and
 - e. Activities of school clubs/organizations and student organizations as defined in Administrative Rule JHC-R (School Clubs/Organizations and Student Organizations).
2. Schools (including District charter schools, pursuant to O.C.G.A. § 20-2-2068.2) desiring to use other schools' facilities should submit a completed Request for Facility Use form, found on the Venue Management webpage, to the District Venue Management Office.

C. SCHOOL SUPPORT ORGANIZATIONS USE:

1. School Support Organizations include:
 - a. Recognized parent/teacher association;
 - 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); and
 - d. Partners in Education when conducting school educational activities developed in collaboration with the District (see Administrative Rule LE-R [Partners in Education]).
2. The School Support Organization may have use of facilities 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. **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) The outside group(s) shall not assign use of school facilities to any other outside group.
 - (2) The outside group(s) will be charged the same facility use fee as described in Section D below.

D. COMMUNITY USE:

Community Use includes all use that is not encompassed by Section B or Section C above. 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 Request for Facility Use form to the District Venue Management Office.

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:

- a. Occurs at an elementary school from twenty (20) minutes after dismissal until 5:00 PM or a middle school from twenty (20) minutes after dismissal until 6:00 PM. 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 set by the District Venue Management Office for the additional time.

- b. Does not occur in the Lassiter Concert Hall or in a school's gymnasium, auditorium, theater, kitchen, stage, or media center;
- c. Does not require additional school supervision. Additional school supervision will be required if the activity involves:
 - (1) More than thirty (30) individuals unless the group provides a minimum of one adult supervisor for every thirty (30) participants or fraction thereof;
 - (2) Rearranging school furniture;
 - (3) Assistance by the school custodial staff or any specialized technicians; or
 - (4) Use of the school's audio-visual equipment or any of the school's electronic devices.
- d. Does not occur:
 - (1) On the day before:
 - (a) Fall Break;
 - (b) Thanksgiving Holidays;
 - (c) Winter Holidays;
 - (d) Winter Break;
 - (e) Spring Break;
 - (2) On any early release day, including elementary and middle school conference week;
 - (3) On the last day of school; or
 - (4) 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 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 cost use criteria described in Section C.1. above, the Venue Management Office shall establish and maintain a Facility Use Fee schedule. The following guidelines shall apply to the Facility Use Fee schedule:

- a. Fees shall be established and updated as needed to cover the expenses associated with community use of District facilities;
 - b. Fee structures shall include categories for buildings, parking lots, fields, personnel, use of equipment and supplies, services provided, and administrative fees;
 - 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. 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 Venue Management Office.
2. The District Facility Use Fee Schedule shall be approved by Venue Management 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

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

Revised: 8/22/13; 7/15/21; 2/10/22; 7/1/22

Legal Reference

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

O.C.G.A. 20-2-520	upkeep of charter school property; availability of unused facilities Acquiring and disposing of school sites; building, repairing, renting, and furnishing schoolhouses
O.C.G.A. 51-1-53	Recreational joint-use agreements
Rule 160-4-9-.05	Charter Schools Petition Process
20 USC 7905	Equal Access to Public School Facilities
20 USC 4071	Equal Access Act