A. Purpose

To establish guidelines and procedures for the use of Frederick County Public Schools (FCPS) facilities by approved community user groups, ensuring that such use is consistent with FCPS's mission and that operational and maintenance costs are appropriately managed.

B. Background

The Board of Education of Frederick County (Board) recognizes in Board Policy 203, *Facilities and Grounds*, that FCPS facilities are public buildings. Subject to Maryland school laws, the Board encourages the use of FCPS facilities by approved community user groups (CUGs) when the facilities are not needed for FCPS purposes. The Superintendent or designee is authorized to establish standard operating procedures and regulations which will provide for the use of FCPS facilities by CUGs without profit to the Board; provided, however, that the costs of operation and maintenance are defrayed by the CUG. *See* Board Policy 203, *Facilities and Grounds*.

C. Definitions

None.

D. Procedures

1. **Rental of Frederick County Public Schools (FCPS) Facilities**
   a. **Non-Profit 501(c)(3) Organizations**
      i. FCPS buildings and grounds may be used for educational, civic, social, religious, and recreational activities only by approved 501(c)(3) non-profit CUGs.
      ii. To meet the FCPS requirement as a non-profit organization, a CUG must be recognized by the Internal Revenue Service (IRS) as a non-profit 501(c)(3) organization. The CUG must submit an IRS determination letter stating this status to FCPS. CUGs may obtain information about IRS recognition as a non-profit organization and/or IRS determination letters at www.irs.gov.
   b. **For-Profit Organizations.** Rental of FCPS property by a for-profit business or CUG is not permitted.

2. **FCPS Facilities Restricted for Outside Use**
   a. Because of the special purpose design of Rock Creek School, Career and Technology Center, Heather Ridge School, Earth and Space Science Lab, FCPS Learning & Leadership Center (LLC) in Walkersville, Lincoln A, and future special purpose schools and the equipment located in those facilities, after-hour use of those facilities shall be limited to school-related groups or CUGs directly related to the facility.
   b. Related CUGs using the Rock Creek School will include only groups of or serving students or persons with disabilities. Those using the Career and Technology Center

will include only Frederick Community College and organizations directly involved in the career education effort.

3. **Special Operating Requirements.** The Board recognizes individual schools may have special operating requirements under the auspices of "Park School" agreements (shared use agreements with county or city parks and recreation) or other agreements approved by the Board. These agreements may contain provisions which sometimes may be at variance with Board policy or FCPS regulation in order to meet the needs of specific situations.

4. **Classification of Users and Charges.** Table I, *FCPS Community User Group Priority List,* and Table II, *Community User Group Fee Schedule*, as linked in this regulation, identify priorities of users and charges. Charges for use of FCPS facilities will be reviewed annually to determine whether the fees assessed by regulation are, in fact, adequate to cover costs of operating the facilities.

5. **Applications to Become an Approved Community User Group (CUG)**
   a. An online application to become an approved CUG is made through the program found at www.fcps.org/uof. An application must be completed and submitted by a Frederick County adult resident who is a representative of the CUG. An application submitted on behalf of a governmental agency may be submitted by an official with the agency who is not a Frederick County resident.
   b. The online application to become an approved CUG will be received by the Use of Facilities Coordinator. Proof of 501(c)(3) non-profit status and a valid certificate of insurance is required for approval. Once the request as a CUG has been approved, the CUG may submit a schedule request form (SRF) via the online program to request use of FCPS interior spaces or fields.

6. **Standard Operating Procedures (SOP) for Use of Facilities**
   a. Refer to the SOP for Use of Facilities found at www.fcps.org/uof, which details information on topics such as submitting a use of facility request form, requirements for valid certificate of insurance, invoicing and payment process, HVAC and custodial services, usage of high school auditoriums, accessing FCPS facilities, cancellation requirements, weather-related cancellations, summer hours, usage of FCPS grounds and fields, permission to mow or maintain FCPS fields, movie licenses, etc.
   b. When updates are made to the SOP, an email announcement will be made to all approved CUGs and the revised copy will be posted on www.fcps.org/uof.

7. **Scheduling of Facilities**
   a. **Elementary and Middle Schools.** A schedule request form (SRF) for use of gyms or fields at elementary and middle schools must follow a submission timeline, but event dates cannot extend past the end of the current fiscal year (June 30). An SRF for all other areas at elementary or middle schools may be submitted at any time within the current fiscal year. *See* SOP for full details, including the timeline for submission/processing of requests.
   b. **High Schools.** An SRF for use of interior spaces or fields at high schools, other than swimming pools, shall be processed in accordance with the following schedule, but

event dates cannot extend past the end of the current fiscal year (June 30). *See* SOP for full details, including the timeline for submission/processing of requests.

c. An SRF received on or before the established deadline date are to be held until the deadline date will be held until the deadline for consideration of all received SRFs.

d. An SRF received after the established deadline may be considered at the discretion of the principal or designee.

8. **Priority Schedule.** Use of facilities shall be determined in accordance with the order of priority as identified in Table I, *FCPS Community User Group Priority List*.

9. **Charges – *See* Table II, *Community User Group Fee Schedule*.** The total fee could consist of:

   a. **Facility Fee:** Charges levied to offset costs of building operations and maintenance (applies to second, third, fourth and fifth priority users – See Table I, *FCPS Community User Group Priority List*).

   b. **Labor Fee:** Charges levied to cover FCPS personnel required to be present in the building for coverage of the event, including set-up and clean-up (applies to all priority users – *See* Table I, *FCPS Community User Group Priority List*).

   c. As a general rule, when a CUG uses FCPS facilities during an FCPS custodian's (or other in-house FCPS staff's) normal working hours, no labor charge will be assessed. If, in the judgment of the principal or designee, additional work is required in order for the custodian (or other FCPS staff) to accommodate the CUG's event, labor charges may be levied to the CUG for the number of overtime hours required.

   d. FCPS staff will review Table II, *Community User Group Fee Schedule*, rates periodically and revise the rate schedule as appropriate, with approval of the Board (per Board Policy 203.3).

10. **Restrictions and Conditions Regarding Use of the Facilities**

    a. All use of facility events (particularly after regular school hours and weekends) must be entered on an online schedule request form for both internal FCPS events and CUG events.

    b. FCPS facilities are to be used for programs and activities that extend benefits to students and the community. Inappropriate use of facilities includes, but is not limited to, for-profit commercial purposes, personal gain or profit, and use that is potentially disruptive to FCPS programs or could cause negative public opinion of the school system. It is not appropriate for an approved CUG (including a PTA or booster groups) to request use of the facility on behalf of a for-profit group that they are not sponsoring.

    c. The sale or use of tobacco products, alcohol, and controlled dangerous substances in any form is prohibited in FCPS buildings and on FCPS grounds at all times. FCPS buildings are defined as a local school system owned or leased building. FCPS grounds are defined as local school system owned or leased land that surrounds an FCPS building.

    d. All CUGs must comply with Board Policy 112, *Promoting a Drug-Free, Alcohol-Free, and Tobacco/Vape-Free Environment*. Violations of the policy will result in permanent revocation of the CUG's status as an approved user of FCPS facilities.

11. **Permitted Activities.** Board policy mandates that groups using FCPS facilities shall conduct activities that are orderly and lawful, of a nature not to incite others to disorder, and not restricted by reason of race, creed, color, sex, or age.
    a. Gambling and games of chance, such as bingo, where cash prizes or prizes of significant value are awarded are prohibited on FCPS grounds. Raffles and 50/50 drawings conducted by groups such as PTAs, alumni associations, recognized employee associations, and booster groups are permitted with approval of the principal, or designee. Students are prohibited from selling or distributing 50/50 or raffle tickets.
    b. FCPS buildings shall not be used for events or activities private in nature such as birthdays, anniversaries, weddings, receptions, funerals, or memorial services.
    c. FCPS buildings and grounds may be used for non-partisan political debates and issues forums sponsored by FCPS or non-partisan organizations.
    d. FCPS buildings or grounds shall not be used for partisan political rallies, political fundraisers, and presentations by candidates for public office or related election activities. FCPS buildings or grounds shall also not be used for partisan activities associated with any issue scheduled to be included on the ballot of the next election.
    e. Nothing in the above shall serve to restrict the county Board of Elections in the administration of Election Day activities.

12. **Overnight Use Prohibited.** Rental of FCPS facilities for overnight activities is not permitted. The appropriate instructional director may approve exceptions that are consistent with the purposes and intent of this regulation.

13. **Signs.** There shall be no temporary or permanent signs, banners, or pennants placed in or on FCPS buildings or on FCPS grounds by any CUG except those associated with activities sponsored by FCPS or the PTA. Two exceptions are:
    a. Activities carried on in FCPS facilities by the county Board of Elections shall be exempt from this restriction.
    b. Other CUGs that use FCPS facilities may place temporary identification signs on FCPS grounds only during the actual hours the FCPS facility is used. At the conclusion of the use of the FCPS facility, the CUG must remove the signs.

14. All use of buildings and/or grounds is restricted to the area and to the activity as described on the SRF.

15. Continued use of an FCPS building by any group is contingent upon the following:
    a. CUG taking proper steps to protect FCPS property.
    b. CUG ensuring complete safety and the observance of policies and regulations concerning smoking or drinking in FCPS buildings.
    c. Timely payment of invoices.

16. **Reporting of Misuse by School Administrator.** If a principal, or designee feels that a CUG is misusing the building, it is the duty of the principal, or designee to provide written correspondence documenting the misuse to the CUG. The principal or designee must report each incident to the Use of Facilities Coordinator via a Google form found on the Inside FCPS Use of Facilities Webpage. If continued misuse occurs, the principal or designee

may cancel future event dates with the CUG, and contact the Use of Facilities Coordinator about the possibility of terminating the CUG's privilege to use FCPS facilities (after investigation and determination by the Chief Operating Officer).

17. Occupancy of buildings or rooms shall not exceed capacities established by the fire marshal.

18. Vehicles will be parked in authorized parking areas only. Operation of vehicles on FCPS lawns and play fields is prohibited.

19. All after-hour use of FCPS facilities must be supervised by a person at least 21 years of age representing the user group.

20. Indoor FCPS facilities (gymnasiums, hallways, cafeterias, classrooms, etc.) may not be used for athletic activities which are normally played outdoors and/or for which the indoor facilities are not designed. This definition includes activities such as football, field hockey, cross-country, soccer, track, softball, lacrosse, baseball, etc.

21. Temporary structures including portable toilets, mobile concession stands, and beverage trailers may not be erected or placed on FCPS property without the permission of the school principal and the Chief Operating Officer. Beverage trailers and mobile concession stands will not be left on the FCPS grounds overnight. Large tents will not be erected on FCPS grounds. Temporary booths for PTA carnivals are exempt from this restriction.

22. Under no condition will an SRF for after-hour activities be approved where the SRF requires persons to be on a building roof. This includes firefighting practices, rappelling demonstrations, and other such activities.

23. The school principal may exercise their discretion to determine what areas/rooms may be available to a CUG, except that the following areas shall not be available to the CUG: portables, computer labs, locker rooms (except in conjunction with pool usage), and high school concessions.

24. **Indemnification Provision**. To the extent allowed by law and subject to the applicable sovereign immunity limits, each party to this agreement shall indemnify and save harmless the other parties for any liability arising out of their respective negligence arising from the operation and implementation of the terms herein. Nothing in this agreement shall be constructed to affect in any way the rights, privileges, immunities or defenses of any party, which may exist by statute or common law with regard to any claim, action, or cause of action by or on behalf of any third person.

25. **Indemnification Clause specific to State of Maryland Agencies**. To the extent allowed by the laws of the State of Maryland and the opinions of the State Attorney General, and subject to an appropriation of funds by the Maryland General Assembly, and subject to the applicable sovereign immunity limits, each party to this agreement shall indemnify and save harmless the other parties for any liability arising out of their respective negligence

arising from the operation and implementation of the terms herein. Nothing in this agreement shall be constructed to affect in any way the rights, privileges, immunities or defenses of any party, which may exist by statute or common law with regard to any claim, action, or cause of action by or on behalf of any third person.

26. **Principal's Responsibility**
    a. The principal, or designee, is responsible for coordinating with the CUG the assignment of space necessary to accommodate the CUG's needs as indicated on the SRF.
    b. The principal or designee is responsible for being familiar with use of facility documents and procedures found on the Inside FCPS Use of Facilities Webpage.
    c. The principal or designee is responsible for maintaining proper relationships with CUGs that use their facility.
    d. FCPS equipment may be utilized by CUGs only with the consent of the principal, or designee. All equipment that is so utilized shall be returned in the same condition as when it was borrowed. Lost or damaged equipment shall be replaced or repaired at the sole expense of the CUG. Under no condition will equipment be removed from the FCPS facility. Some equipment will not be available to CUGs under any conditions. Damage to equipment must be reported by the principal or designee to the Use of Facilities Coordinator using the Incident Report Form found on the Inside FCPS Use of Facilities Webpage.

27. **User's Responsibility**
    a. The CUG must accept the entire responsibility for supervision of all persons associated with its activities, including participants and spectators in the building or on the grounds. The school custodian will not be expected to supervise the CUG activity. Supervision by the CUG shall include monitoring of entrance to ensure that only authorized persons are permitted in the building and that exterior doors remain locked/closed at all times.
    b. The CUG must include all set-up requirements on the SRF. In no event are electrical power capacities to be exceeded.
    c. Tables, chairs, and benches shall not be placed on the playing surface of tennis and multi-use courts. CUGs shall not bring heavy mechanical equipment on the grounds without approval of the principal, or designee. Portable booths and equipment shall be removed immediately after the activity.
    d. It is assumed that all buildings and grounds shall remain in their original condition. Plans by the CUG for altering existing facilities is subject to approval of the principal or designee in coordination with the Director of Maintenance and Operations.
    e. The CUG recognizes that FCPS facilities are available to the community for civic, social, and recreational purposes at hours other than those required for school-sponsored activities.
    f. The CUG agrees that FCPS facilities may not be used by any organization, person, or persons who practice discrimination because of race, color, creed, sex, or national origin.
    g. The CUG recognizes that FCPS facilities are not to be used for personal financial gain.
    h. The CUG acknowledges that the charges for the facility shall be in accordance with Table II, *Community User Group Fee Schedule*, and shall include the labor time of the

custodian(s) or other required staff assigned by the principal or designee as determined essential to the safekeeping and efficient operation of the FCPS facility.

i. CUGs are advised that technical equipment in FCPS facilities requires the attention of properly trained FCPS personnel.
    i. A CUG may not use FCPS computer equipment unless special permission is received by the school principal.
    ii. When the kitchen portion of the cafeteria is requested, at least one of the Food & Nutrition Services staff must be on duty.
    iii. When an FCPS pool is requested, a pool operator must be on duty. (The assignment of a pool operator can be in lieu of a custodian.)
    iv. When a high school auditorium is requested to include use of theater lighting or sound systems, the high school auditorium facilitator will assign an FCPS-approved technician(s) to operate for the event. (*See* High School Auditorium Usage Guidelines for full details at www.fcps.org/uof.)
    v. Services provided in ii-iv above will incur a labor charge to the CUG. (*See* Table II, *Community User Group Fee Schedule*.)
j. The CUG agrees that alcoholic beverages, controlled dangerous substances, and games of chance are prohibited.
k. The CUG agrees to provide adequate supervision to ensure that good order is maintained.
l. The CUG agrees that fire regulations shall be strictly followed.
m. The CUG agrees that all activities shall be planned and clean-up provided so that facilities and grounds are ready for instruction on the next instructional day.
n. The CUG may impose an admission charge to cover expenses.
o. Youth sports programs seeking to use FCPS school facilities must distribute concussion information to parents or guardians on an annual basis. Via the SRF, each youth sports program will affirm to FCPS its intention to comply with concussion information procedures as available on the Centers for Disease Control website at http://www.cdc.gov.
p. The CUG recognizes that in the event there is a breach of any of these responsibilities, it may result in revocation of privilege to any future use of FCPS facilities.
q. For the protection of the CUG, the Board requires that the CUG furnish to the Board a certificate of insurance satisfactory to the Board evidencing insurance coverage of not less than a combined single limit of bodily injury and property damage liability insurance in the amount of $1,000,000 per occurrence; $2,000,000 in the general aggregate (including spectator liability) on a commercial general liability form; $2,000,000 in products/completed operations aggregate; $1,000,000 personal/advertising injury; $50,000 fire damage legal liability; and $5,000 medical expense. The certificate of insurance can only be canceled upon 30 days written notice, and the CUG must notify the Use of Facilities Coordinator of its cancellation. The certificate of insurance shall state that the Board of Education of Frederick County is named as an additional insured on the insurance policy and waiver of subrogation must be included. Any deductibles or self-insured retentions should be noted on the certificate. The certificate holder shall read: Board of Education of Frederick County, 191 South East Street, Frederick, MD 21701. (*See* sample of an acceptable insurance certificate at www.fcps.org/uof.)

28. **Pool Use**
    a. All FCPS pools when in use shall be in the immediate control of a person who shall be referred to as a pool operator. The pool operator must be an FCPS employee who possesses a valid swimming pool operator's license. The pool operator is responsible for the maintenance and operation of pool equipment and for maintaining a healthy pool environment.
    b. When the pool is open, at least one qualified lifeguard must be on duty. Additional guards will be required above the minimum at the rate of one additional guard for each twenty-five (25) users or portion thereof above the first twenty-five (25) users. For example, if there are thirty (30) users, two (2) guards are required.
    c. A person may fulfill the functions of both lifeguard and pool operator when such duplication can be accomplished without adversely affecting safety and operational standards. No lifeguard shall be assigned any other duties such as out-of-water supervising, coaching, instructing, or cleaning, no matter how minor, while performing the duties of a lifeguard.
    d. Persons acting as lifeguards shall be on deck and observing the pool whenever any person is in the water and shall not leave such post without ascertaining that all persons are out of the water.
    e. To qualify as a lifeguard, the individual must be at least seventeen (17) years of age and must have on file, with the pool operator, a copy of a current senior life saving certificate and proof of current CPR training. Recognized life-saving certificates are those issued by the American Red Cross, the YMCA or YWCA.
    f. The CUG using the pool will name a person in charge. The person in charge shall supervise the group and shall assume full responsibility for locker room supervision. Each group and/or individual shall be personally responsible for personal valuables left in locker areas.
    g. Reservations for any swimming pool will not be granted for longer than six (6) months at a time.
    h. The maximum pool capacity shall not exceed seventy-five (75) users in the water at any given time.
    i. The charges for swimming pool use for all users are listed below:
        i. $80 per hour: Youth CUG that books and uses 150 or more hours during a 6-month period
        ii. $90 per hour: Youth CUG that books and uses less than 150 hours during a 6-month period
        iii. $100 per hour: Adult CUG that books and uses for any length of time
    j. The above rates include the cost for the pool operator, up to two lifeguards and all other related expenses associated with pool operations except custodians on weekends and holidays. An extra fee will be assessed in the event more than two lifeguards are required to service the CUG.
    k. Use of the pool on weekends or holidays, or other non-school days when custodians are not normally scheduled, will require scheduling of a school custodian at rates found in Table II, *Community User Group Fee Schedule*.
    l. FCPS may establish such hours of operation and holiday schedules as it deems appropriate for efficient operation of the facility.

m. The pool fee will be based on the reservation dates and times requested on the SRF. Approved FCPS fees will be non-refundable unless cancellation is directed by FCPS. Users booking less than 20 hours in a six-month period may cancel once, with two weeks' notice, without penalty.

29. **Field Use Cancellation**
    a. Use of any school field by a CUG may be canceled at the discretion of the principal or the Chief Operating Officer based on weather and field conditions. (*See* SOP for more details.)
    b. Use of any FCPS field may be canceled for up to twelve (12) months if, based on the joint assessment of the principal or designee and the Chief Operating Officer or designee, the field meets one or more of the following conditions:
        i. Use of the field by a CUG directly interferes with a scheduled FCPS event.
        ii. At least one-third of the field's turf cover has significantly deteriorated.
        iii. The field has unacceptable compaction levels or other safety-related concerns.
        iv. A repair program for the field is underway as a consequence of overuse, turf disease, or vandalism.
        v. Use of the field interferes with construction under way at the FCPS facility.
        vi. The field is newly constructed and time is needed to establish a healthy turf and root system (available for use 18 months from opening of new school).

30. **Rental of Central Office Facilities**
    a. Rental of the central office facilities at 191 South East Street, Frederick, MD 21701, by an approved CUG is limited to the first-floor boardroom and conference room 1A.
    b. Use of the board room by a CUG is limited to meetings, presentations, conferences, public hearings, or similar events. The boardroom may not be used for events such as private parties, performances, recreation programs, religious services, or political rallies. Food and drink are not permitted in the boardroom.
    c. Activities scheduled in the central office board room must conclude no later than 10:00 p.m.
    d. Activities scheduled in the central office board room on weekends or holidays will require custodial support at the labor rates outlined in Table II, *Community User Group Fee Schedule*.
    e. The rental fee for the central office board room is identified in Table II, *Community User Group Fee Schedule* (*see* Note 3).
    f. The CUG must provide its own projection equipment. Internet access may not be available. Drop-down projection screens and microphone will be available for use. The CUG must detail equipment needs in the Set-Up Requirement section of the SRF.
    g. All other procedures and requirements as outlined in this regulation will apply to the rental of the central office board room.

E. Related Information

Board Policy

a. Policy 112, *Promotion of a Drug-Free, Alcohol-Free, and Tobacco/Vape-Free Environment*

b. Policy 203, *Facilities and Grounds*

FCPS Regulations
a. Regulation 100-05, *Auxiliary Custodians*
b. Regulation 200-29, *School Security and Safety*

FCPS Resources
a. FCPS Community User Group Priority List (Table I)
b. Community User Group Fee Schedule (Table II)
c. Use Of Facilities Standard Operating Procedures
d. Use of FCPS Facilities Website

Federal Statutes
a. 26 USC § 501

Internal Resources
a. Inside FCPS Use of Facilities Webpage

F. Regulation History (Maintained by Legal Services)

Responsible Office	Office of the Chief Operating Officer
Adoption Dates	01/01/86
Review Dates	01/29/20, 05/10/23
Revision Dates	08/01/23; 08/27/24; 10/10/24