

8001 - FACILITY USE POLICY

Purpose

Odyssey Charter School, Inc. (OCS, Inc.) Board property, facilities, and equipment are intended primarily for public educational purposes and shall not be adapted to a use which hinders or inhibits said purpose. However, they may be made available for community or other public use when such use is deemed compatible with the purpose of public education. All school and community-oriented groups and organizations are encouraged to use school facilities. Approval for use of facilities shall be secured at least ten (10) business days in advance of the requested use from the school Site Administrator or appropriate administrator assigned to facilities for each location. The Board shall adopt a fee schedule for use of facilities.

Use by School-Oriented Organizations and Nonschool-Oriented Groups Category of Facilities User(s)

To better assist the school, in collecting proper fees and certificates of insurance, this section is being created to clarify which groups must submit facility use agreement forms and certificates of insurance pursuant to Board policy and clarifies when and which groups should be charged due to their use of school facilities. In all cases with the exception of direct school or OCS, Inc. programs found in Category I, a completed facility use agreement form is required prior to all use of facilities. The form, certificate of insurance, and all required use fees must be submitted to the school principal a minimum of ten (10) business days prior to the group's use. For consistency in facility use fee rental payments, all use/rental charges shall begin when the facility user/renter enters the school building, competition/practices facilities, other ancillary property, and/or the pool gate and these charges shall end once the facility user/renter exits the building, competition/practices facilities, other ancillary property, and or the pool gate is locked at the end of use unless administration approves a change otherwise. The facility user/renter may be charged an additional fee for utilities, personnel costs, or a cleaning deposit as outlined in the guidelines below.

Category I

Any OCS, Inc.-owned and operated school, support/fund-raising organization to an OCS, Inc.-owned and operated school, or group/company contracted by an OCS, Inc.-owned and operated school/department that provides the delivery of educational services and programs to OCS, Inc. students as its priority. In other words, this category would include any group whose main purpose is to benefit the Board or the students that attend its owned and operated schools as its direct mission. Examples of these groups include but are not limited to: school related activities; school parent-teacher-student organizations; OCS, Inc. in-service workshops; school directed Florida High School Athletics activities (FHSAA); school approved OCS, Inc.-sponsored and non-OCS, Inc.-sponsored student clubs; school based intramural activities; athletic officials meetings; school directed before and after school childcare programs; school-directed night or weekend activities. School use including school related athletic activities are not required to, but upon request, may complete a facility use agreement form. All non-OCS, Inc. sponsored student clubs and all school support groups such as athletic officials, Parent Organization/booster clubs are required to complete a facility use agreement form and submit a certificate of insurance or evidence that they self-insure their exposures (athletic officials and non-OCS, Inc.-sponsored student clubs are not required to submit a certificate of insurance). No school related entity is required to pay for use, utilities, or personnel costs; the only exception to this would be when a school employee is required to work overtime or when additional staff is needed to support a school function.

In this case, the school or organization seeking use is responsible to reimburse these costs to the facility being used.

Category II

Any of the following organizations whose participants include students that attend OCS, Inc. owned and operated schools:

Government youth organizations, not-for-profit and non-OCS, Inc. related (NFP/NOR) community youth educational or recreational activities, NFP/NOR national or local youth clubs or groups, NFP/NOR youth athletic teams, NFP/NOR youth service clubs conducting general recreational activities, NFP/NOR entities that provide students with community service hours for their assistance during fund raising activities on campus, parent initiated student clubs that meet on campus, community affairs, or public hearings for which no admission charge is made during the use of school facilities. These groups shall complete a facility use agreement form and submit a certificate of insurance or in the case of governmental organizations evidence that they self-insure their exposures pursuant to F.S. 768.28. Unless the organization has an agreement describing exactly how cost are to be charged differently, these groups are responsible to pay a reduced facility use fee from that of a Category III facility user and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session.

Category III

K-12 public or private charter schools, K-12 private schools, K-12 parochial schools, out of county/State schools using facilities without OCS, Inc. participation, colleges/universities, governmental agencies or governmental direct support agencies, community or homeowner groups, churches, not-for-profit/non-youth clubs or organizations, non-school related labor unions, for-profit school age participant only organizations, or other for-profit organizations that need space for a periodic event where use of school property is not the main source of income (less than twenty-five percent (25%)) annually for the business. These groups shall complete a facility use agreement form and submit a certificate of insurance or in the case of governmental organizations evidence that they self-insure their exposures pursuant to F.S. 768.28. These groups are responsible to pay a facility use fee and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session.

Businesses can or that:

- A. charge participants a fee, tuition, collect donations, contributions, or offerings;
- B. conduct fund raising activities, meetings or services for non-profit organizations, child centered organizations, religion, or ideology; or
- C. do not meet the criteria as a Category I or Category II user.

Category IV

For-profit business enterprises or other similar ventures that utilize school property for a large percentage (twenty-five percent (25%) or more) of its annual revenue or any organization that does not meet the criteria listed in Category III. These organizations may utilize OCS, Inc. buildings and property and as such use may have the potential to earn a profit or loss from the use of OCS, Inc. facilities. These organizations may only utilize school property during the time students are not in a school building during the normal school day or after normal school hours when students are engaged in extra-curricular activities sponsored by the OCS, Inc. There may be exceptions to this rule, but only if the Leadership Team collectively approve the use and all adults employed by or cater to that Category IV organization sign in at the front office, have a current level II background screen through the local school district as a “vendor”, and their District vendor identification badge is displayed on their person at all times. These groups shall complete a facility use agreement form and submit a certificate of insurance.

These groups are responsible to pay a facility use fee and all utility expenses as well as required school personnel and/or any additional clean-up costs when the use takes place before the start of the school day or after the last class each school day, during the weekend, or at any time school is not in session.

Period or Term of Use

All use in Category I, II, III, or IV shall coincide with the OCS, Inc.'s fiscal year from July 1st to June 30th. If a user desires to use a facility beyond June 30th each year, a new application for use, along with all other user-required documents must be completed and submitted to the school Site Administrator for approval.

Policy Concerning the Use of Equipment and Facilities

Rental

Equipment, other than the normal furnishings or a particular facility, is not available for rental except by special permission of the OCS, Inc. Board of Directors. No property or equipment shall be used for any of the following purposes:

- A. commercial or personal gain by OCS, Inc. employees using their position to secure a special privilege in the use of OCS, Inc. facilities, property, or equipment
- B. programs involving any form of gambling or illegal activity
- C. private teaching except by institutions of higher learning
- D. activities in violation of an OCS, Inc. Board rule
- E. by any organization or party which believes in or teaches, directly or indirectly, the overthrow of the governments of the United States, the State of Florida, and/or Brevard County

Denial of Use

The Leadership Team and/or OCS, Inc. Board of Directors may deny use of facilities or equipment to any agency or organization whose purpose in using OCS, Inc. facilities and/or equipment is considered by the Leadership Team and/or OCS, Inc. Board of Directors to be obnoxious, inimical to the best interests of the Board, or incompatible with this rule.

Insurance and Indemnification

The following requirements are applicable to all Category I, II, III, and IV entities, with the exception of schools and non- curriculum student organizations meeting under Federal Equal Access Act listed in Category I.

Unless stated otherwise, all non-governmental Category I, II, III, and IV users shall provide a certificate of insurance evidencing general liability coverage under an occurrence basis policy, with minimum limits of \$1,000,000 per occurrence and \$1,000,000 or more in aggregate, combined single limit covering bodily injury, property damage, personal injury, premises, operations, products, completed operations, independent contractors, and contractual liability. There shall be no exclusions for contracted liability. Coverage must be written by a carrier which has and maintains a rating of "A" or better and a financial size category of "VII" or better according to A.M. Best Company. Odyssey Charter School, Inc. shall be named as a certificate holder and additional insured for claims arising out of any and all facility use under this policy.

All governmental users shall provide evidence of insurance or self-insurance to the limits set forth in F.S. 768.28.

Except as prohibited by F.S. 768.28, all Category I, II, III, and IV users shall agree to indemnify, defend, and hold the OCS, Inc.; its officers, agents, servants, employees, and Superintendent; harmless from any and all liability for any and all injuries or damage to any user or their associated participants, visitors, guests, and so forth including intentional acts which occur on any property or in any facility made available to the user by the OCS, Inc. Board pursuant to the facility use agreement and which occurs during the course of any program or activity sponsored by the user. This agreement to indemnify and hold harmless includes an obligation to indemnify and hold OCS, Inc. harmless for liability for any negligence on the part of the Board. The user's promise to indemnify and hold harmless also includes an obligation to assume full responsibility and expense for investigation (pre-suit, suit, trial, appeal, and post appeal proceedings), litigation, judgment, and/or settlement of any complaint, claim (including claims for intentional or negligent acts or omissions) or legal action.

General Terms and Procedures

The facility used by groups and organizations shall be at a time not needed for the conducting of regular school programs and for purposes not conflicting with OCS, Inc. Board rules and administrative directives.

Long-term agreements in excess of one (1) year for the use of school facilities shall be executed by written contract and approved by the OCS, Inc. Board.

The facility shall be used as equipped for OCS, Inc. Board use unless special arrangements are pre-approved. The appropriate OCS, Inc. employees or technical personnel shall operate school kitchens, equipment, and any other technical equipment as determined by the facility Site Administrator. Charges shall be assessed for the actual hourly rate, including applicable fringe benefits, of the personnel assigned.

The Site Administrator of the facility and/or equipment being used shall be responsible for securing the necessary facility use agreement forms, certificates of insurance, and shall receive checks for rental from users.

Rental fees for school facilities and equipment shall be distributed as follows:

- A. returned to school cost center sixty percent (60%) use fees
- B. returned to OCS, Inc. thirty-five percent (35%) use fees
- C. returned to maintenance department (five percent (5%)) use fees
- D. returned to cost center (100%) utility fees
- E. returned to OCS, Inc. labor budget (100%) administrative or custodial labor

Any agency or organization shall be required to pay for any and all damages arising from its use of school facilities and/or equipment by separate check to the school where the use took place.

Groups wishing to use a school's general area (i.e., parking lot, playgrounds, outside hall corridors, non-competitive soccer fields or open spaces, etc.) are required to complete an application for use of school building facilities and are required to meet the same applicable liability requirements as other users of school facilities. Individuals desiring to do the same, at the discretion of the school Site Administrator may be required to complete an application for use.

The school Site Administrator or other individual charged with the responsibility to care for or schedule a facility may require a security deposit as deemed appropriate to any category of user.

Application

To apply properly for use, the user shall verify that the school is able to accommodate the requested use and that such use is acceptable by OCS, Inc. Board policy. The school can provide the user with blank application for use forms and estimate a cost for use. Once the user is aware of availability, costs, and any other request by the school they shall complete a facility use agreement form, obtain and provide a certificate of insurance, and prepare a check for all required facility use charges payable to the school where the use will take place (a minimum of ten (10) business days in advance of the use).

Once the user submits all preliminary forms, the facility Site Administrator will classify the group as a Category I, II, III, or IV and will approve or disapprove the request for use based on the school's ability to schedule their building properly and when necessary with appropriate school personnel. Once the items listed above are met to the satisfaction of the school, the facility Site Administrator shall notify the applicant if they can use the facility and they shall then sign the completed facility use form.

The school shall then deliver all of the above documents to the Facilities Director. The Facilities Director will verify that the use agreement and the certificate of insurance meet the requirements as indicated in these procedures. Once the Facilities Director verifies the use agreement and certificate of insurance meet the OCS, Inc. requirements, s/he will sign the use agreement form, file the original copy, and send two (2) copies to the school. The school shall retain a copy and the other copy should be provided to the user.

The Director of Risk Management will send the check for the use of school facility to the school bookkeeper for processing.

If approved at this level, the check will be deposited, and the funds will be allocated to the correct accounts. Custodial services are included in the basic facility usage fee during normal school hours. A representative or custodian from the school shall be on the school grounds when the use involves a building that would be locked and not in use otherwise. When use takes place outside normal business hours the user is required to pay for any required school representative or custodian costs. Charges made for extra representatives or custodial services, described above, shall be the hourly rate of that individual plus applicable fringe benefit costs. The payment for personnel and utility costs starts thirty (30) minutes prior to use and ends thirty (30) minutes after the use ends. A qualified employee (cafeteria worker) must be present when the user requests use of major equipment in the cafeteria. The employee's presence does not imply that they can guarantee the safe operation of equipment or machinery by the user. The employee is present to supervise and protect OCS, Inc. Board property only. Charges will be assessed for the actual hourly rate, including applicable fringe benefits, for the employee on duty during the use.

Any group required to pay a cleaning deposit shall pay these costs by separate check payable to the school where the use will take place.

Any cancellations or changes in usage or payments should be forwarded in writing to the Facilities Director.

Fee Schedule for Facilities and Equipment

Custodial, cafeteria, and technical employee charges shall be assessed when these services are required because of use of facilities. Charges will be the actual labor costs of the employee including overtime and an additional forty percent (40%) for fringe benefits.

When administrators or other exempt employees are required to be present during the use of a Board facility by an outside agency after their regular work hours during the week, on the weekend, or during administrative holidays such outside users shall be charged for this service, the affected employees shall be reimbursed at a rate of \$25.00 per hour.

Instructional personnel are not allowed to be a representative of the facility.

Charges for use of the school facilities and equipment shall be consistent within OCS, Inc. as follows:

SCHOOL FACILITIES (per hour)	Category II Use Cost	Category III Use Cost	Category IV Use Cost	Utility Cost
Small Room (i.e., teacher workroom)	\$11.00	\$22.00	\$44.00	\$18.00
Medium Room (i.e., classroom, portable classroom)	\$15.00	\$30.00	\$60.00	\$18.00
Large Room (i.e., library, cafeteria, multipurpose room)	\$24.00	\$48.00	\$96.00	\$18.00
High School Gym	\$35.00	\$70.00	\$140.00	\$21.00
Non-Competitive Practice fields (per day fee)	\$15.00	\$30.00	\$125.00	
Basketball Courts Outside (per day fee)	\$15.00	\$30.00	\$125.00	
Parking Area Use Only (per day fee)	\$25.00	\$50.00	\$150.00	
Locker Rooms	\$12.00	\$24.00	\$48.00	\$5.00
Kitchen (in addition to cafeteria charge per hour)	\$15.00	\$30.00	\$60.00	\$12.00
SCHOOL EQUIPMENT (per use)	II Use Cost	III Use Cost	IV Use Cost	Cost
Electric Scoreboard	\$13.00	\$22.00	\$44.00	\$2.00
Public Address System	\$13.00	\$22.00	\$44.00	\$2.00
Media Equipment (i.e., projector, recorder)	\$4.00	\$6.00	\$12.00	\$1.00
Video Equipment	\$8.00	\$12.00	\$24.00	\$2.00

Individuals or Entities Denied Facility Use

Individuals or entities denied access to use OCS, Inc. facilities at the school level have the right to seek redress of the denial. To do so the individual or entity must draft a letter outlining why they feel they should be allowed access to use OCS, Inc. facilities. This letter should also include the following at a minimum:

- A. the names, address, telephone, and e-mail address of the individual or entity seeking facility access;
- B. a detailed description of the organization including its corporate make up such as officers, administrative staff, volunteers, number of participants, etc.;
- C. the individual or entities tax status with regard to profit or not-for-profit;
- D. a statement as to what facility was sought and for what purpose;
- E. a statement as to why they believe the school denied them access and/or a copy of any written correspondence to this effect from the school;
- F. a statement as to why the individual or entity feels that they were wrongly denied access.

Once the above letter is complete, the individual or entity should submit it to the school's Facilities Director, who will submit to the OCS, Inc. Leadership Team for re-consideration collectively. If the Leadership Team does not find in the individual or entities favor, the individual or entity may request a hearing on the matter at the next regularly scheduled Board Meeting for reconsideration to the OCS, Inc. Board of Directors. The same information must be submitted to the Board and they will deliberate on the issue make a final decision. All decisions of the Board shall be final.