FACILITIES

Leasing and Community Use of Facilities

Leasing of School Facilities

This policy supersedes Policy 8410.3.

I. PURPOSE

The School Board encourages efficient and cost-effective use of space in school facilities and the use of grounds through the temporary leasing of space in excess of school needs. The lease program shall include the joint occupancy of space in operating schools and the partial or total lease of closed school buildings not considered to be permanently surplus to the school system's needs.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A Philosophy section has been added.
- A Responsibilities section has been added.
- Editorial changes have been made for clarity and understanding.

III. PHILOSOPHY

The Fairfax County School Board recognizes that programs shall be beneficial to Fairfax County Public Schools, the community, and the county taxpayers by encouraging economical use of space and by obtaining revenue through leasing fees.

IV. RESPONSIBILITIES

The activities in leased space shall not interfere with and shall be compatible with the regular school program and must be conducted in accordance with the School Board's policies and regulations.

V. AVAILABILITY

The space to be leased shall be projected to be in excess of school needs and shall not impair the efficiency of the schools.

VI. ACCESSIBILITY AND PROXIMITY TO THE EDUCATION PROGRAM

The space of joint occupancy shall be located in a portion or section of a building or on school grounds, which can be independent from the education program, preferably near a separate entrance, with adequate vehicle parking and traffic control. Facilities space that will require by occupancy shall be coordinated with the affected school.

VII. TENANT SELECTION

The following groups shall be considered for leasing of school facilities, according to the priority in which they are listed below.

A. Public-supported or private nonprofit groups providing education programs that benefit public school students enrolled in school-related programs and enhance the learning experiences for Fairfax County Public Schools students (including adult education).

B. Fairfax County governmental agencies and jurisdictions.

C. Community, public-supported, private nonprofit, or other private organizations that enhance learning experiences for students or provide needed community services.

D. Individuals or organizations engaged in acceptable for-profit private enterprise.

VIII. FEES

Lease fees shall be negotiated based on the type of organization and the proposed use. Lease fees shall be established to cover costs for preparing, operating, and maintaining the facility for lease and to defray a pro rata share of the outstanding debt service for the facility. The income shall be received as general revenue recorded in a separate account and used to the extent necessary to offset the cost of making the leased space available.

IX. CONTRACT APPROVAL

The Superintendent shall notify the School Board of pending contracts and provide adequate opportunity for School Board deliberation. In reaching its decision, the School Board shall take into consideration the programs compatible with school activities and/or the community in which the facility is located. The Superintendent is authorized to execute lease agreements for school facilities after School Board approval.

X. User's Responsibilities

1. Indemnification Clause and Liability
Community users are required to furnish proof of liability insurance coverage with minimum policy limits of $1,000,000 that include damage to rented premises or when, at the discretion of the Community Use Section, additional liability insurance is required by the nature of the activity. A certificate of insurance shall be required prior to approval of the community use request and shall name Fairfax County School Board as an additional named insured on such policy and show the central office address as: 8115 Gatehouse Road, Suite 3200, Falls Church, VA 22042. A hard copy or electronic copy of the certificate shall be provided by the user's insurance broker or agent and emailed, faxed, or mailed to the Community Use.

In addition, user shall indemnify and hold harmless the Fairfax County School Board, its members, officers, and employees (collectively, the "indemnities") from and against any and all liabilities, damages, costs and expenses (including attorneys' fees) arising out of user's use of FCPS facilities. In no event shall the Indemnities be liable to user or any third-party for any indirect, incidental, special, punitive, or consequential damages resulting from any action on the part of FCPS.

The person who signs a contract on behalf of an organization will be held financially liable for the contract provisions in the event the organization does not pay FCPS in full.

XI. EVALUATION

Annually, the Superintendent shall submit a report on lease space use to the School Board. This evaluation shall include but not be limited to square footage of space leased in closed and jointly occupied school buildings, the types of programs conducted in these facilities, Fairfax County Public Schools' operational costs, revenue projected from leasing, and proposed changes to existing contracts.

Legal References: Code of Virginia, Sections 22.1-129, 22.1-131, 22.132

Policy
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