

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: INITIAL READING: PROPOSED PROMULGATION OF NEW
POLICY 8390, ANIMALS ON DISTRICT PROPERTY, AND
AMENDMENTS TO SCHOOL BOARD POLICIES 7510, USE
OF DISTRICT FACILITIES, 8400, HEALTH AND SAFETY
ISSUES, AND 9160, PUBLIC ATTENDANCE AT SCHOOL
EVENTS**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT AND COMMUNITY ENGAGEMENT**

The Americans with Disabilities Act (ADA) and various other related federal and state laws and regulations require school districts to establish policies allowing the use of a service animal by an individual with a disability.

This item requests that the Board consider adopting new policy 8390, *Animals on District Property*, and amending Board Policies 7510, *Use of District Facilities*, 8400, *Health and Safety Issues*, and 9160, *Public Attendance at School Events*, to establish and clarify requirements for the use of animals in schools for educational purposes, in school security programs and assisting individuals with disabilities, including students, staff and members of the public. The new policy and the amendments establish the approval process and required documentation for the use of an animal on campus.

These policies were collaboratively developed and reviewed by several District offices, including Exceptional Student Education and Student Support, Human Capital, Office of Academics and Transformation, Transportation, Chief Operating Officer, Office of Civil Rights, and the School Board Attorney's Office.

Attached are the Notice of Intended Action and the proposed policy amendments. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to adopt new policy 8390, *Animals on District Property*, and amend Board Policies 7510, *Use of District Facilities*, 8400, *Health and Safety Issues*, and 9160, *Public Attendance at School Events*.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to amend new policy 8390, *Animals on District Property*, and amend Board Policies 7510, *Use of District Facilities*, 8400, *Health and Safety Issues*, and 9160, *Public Attendance at School Events*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 9, 2014, its intention to promulgate new Board Policy 8390, *Animals on District Property*, and to amend Board Policies 7510, *Use of Facilities*, 8400, *Health and Safety Issues*, and 9160 *Public Attendance at School Events*, at its regular meeting on May 14, 2014.

PURPOSE AND EFFECT: The purpose of the new and amended policies is to establish to establish and clarify requirements for the use of animals in schools for educational purposes, in school security programs and assisting individuals with disabilities, including students, staff and members of the public. The new policy and the amendments establish the approval process and required documentation for the use of an animal on campus.

SUMMARY: The federal Americans with Disabilities Act (ADA) requires that school boards adopt policies to allow service animals on school property to assist individuals with disabilities, including students, employees and members of the public. The policies provide for principals or their designees to approve the use of animals in schools for educational purposes, school security programs and to assist individuals with disabilities under certain criteria. The policy also identifies required documentation and allows service animals to accompany students on District-provided transportation.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:

1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.; 28 C.F.R. 35.104, 28 C.F.R. 35.136, F.S. 381.0056, 413.08, 1001.41, 1006.22, Section 504 of the Rehabilitation Act of 1973 (Section 504), The Americans with Disabilities Act (ADA), The Individuals with Disabilities Education Act (IDEA)

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF May 14, 2014, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by May 5, 2014, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED POLICY AND POLICY AMENDMENTS is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Walter J. Harvey, School Board Attorney
Date: March 19, 2014

NEW POLICY**ANIMALS ON DISTRICT PROPERTY**

Animals are personal property and permitted in schools, on other District property, District transportation, and at District-sponsored events only with prior approval and where necessary to support specific curriculum-related projects and activities, school security programs, or to serve as service animals as required by law.

Definition of Service Animal

- A. **Canine**: "Service animal" pursuant to 28 C.F.R. §35.104, means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
- B. **Equine**: The Americans with Disabilities Act (ADA) defines a miniature horse as a service animal if it has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In addition to training, health and safety considerations, the following additional considerations must be given before approval:
- a. the type, size and weight of the horse and whether the facility can accommodate those features;
 - b. whether the handler has sufficient control of the horse;
 - c. whether the horse is housebroken; and

- d. whether the horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Vaccination, Licensing and/or Veterinary Requirements

All animals, including service animals, housed on District property or brought on District property on a regular basis must meet every State and County veterinary requirement, including but not limited to, rabies vaccination or other inoculations required to be properly licensed.

The school shall not, however, require documentation that the animal has been certified, trained or licensed as a service animal. No inquiry can be made about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.)

Animals in Schools and Elsewhere on District Property

The Principal may permit animals to be present in classrooms to support curriculum-related projects and activities pursuant to Policy 8400 under the following conditions:

- A. the staff member seeking approval to have an animal in the classroom shall
 1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
 2. take necessary precautions to protect the health and safety of students and other staff;
 3. ensure that the animal is treated humanely in appropriate and clean housing;
 4. keep the surrounding areas clean and sanitary at all times; and
- B. ensure that other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments made to accommodate verified health-related or other concerns.

Except for service animals approved under this policy, the presence of an animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

Service Animals for Students

The student's need for and use of the service animal must be documented in writing in the student's individual educational plan (IEP), Section 504 Plan, or cumulative file.

Required Documentation

The following documentation is required prior to a service animal being allowed to accompany a student:

- A. written determination that the student will be allowed a service animal in school by IEP/504 team in current IEP or Section 504 Plan, or in student's cumulative file by a school staff team designated by the Principal if the student does not have a current IEP or 504 plan;
- B. current satisfactory health certificate or report of examination from a veterinarian for the service animal; and
- C. Level II criminal background check for the handler pursuant to Policy 8475 if the handler is not the student.

The IEP, 504, or other designated staff team, must convene as soon as a parent/student with disabilities requests a service animal for a student. The team, no matter how it is designated, shall determine only whether the student is a student with a disability and whether the animal is a service animal under the law and this policy. The Principal or designee shall make the final determination whether required documentation has been provided for the student's service animal and approving the use of a service animal in a school setting. When the required documentation has been provided, the service animal will be permitted to accompany the disabled student anywhere on the school campus where students are permitted to be.

Removing and/or Excluding a Student's Service Animal

When a service animal has demonstrated that (1) it is not under the control of the handler or student, (2) sufficiently housebroken, (3) the animal is a direct threat to the health or safety of others, or (4), the animal's presence would fundamentally alter the nature of the service, program or activity, the Principal shall document the behavior and determine if and when the service animal is to be removed and/or excluded from school property. When determining whether there is a "direct threat" to the health or safety of others, or a "fundamental alteration" of the service, program or activity, reasonable modifications or adjustments may be made, including keeping those students or staff who are afraid or allergic away from the animal and perhaps to another class or environment.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure in Policy 5517.02. These procedures are not intended to interfere with the rights of a student,

parents or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education's Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Eligibility of a Student's Service Animal for Transportation

A service animal is permitted to ride on a school bus owned or leased upon approval pursuant to this policy and notification by the Principal or designee to the school bus routing administrator of the Transportation Department.

The student, parents, and/or handler is responsible for providing information to the driver and bus assistant regarding critical commands needed for daily interaction and emergency/evacuation.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. While the bus is in motion, the service animal shall remain positioned on the floor at the student's feet. A representative of the Transportation Department will meet with the animal's owner to determine whether the service animal should be secured on the bus with a tether or harness.

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others;
- B. the service animal urinates or defecates on the bus; or
- C. the service animal does not remain in the designated area.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Administrative Director of Transportation.

Although transportation may be suspended for the service animal, the District shall continue to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

Service Animals for Employees

The District shall provide a reasonable accommodation for a qualified individual with a disability. An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. As required of all animals under this policy, an employee with a disability who will have a service animal as an accommodation will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal. The Principal or designee will determine if all requirements have been met and may remove or exclude a service animal under this section for the same reasons as listed above for students. An employee may appeal the school's decision regarding a service animal under this section according to the complaint procedures in 1362.02, 3362.02 and 4362.02.

Service Animals for Parents, Vendors, Visitors, and Others

Pursuant to Policy 9160, individuals with disabilities who are accompanied by their service animals shall be allowed access to all areas of the District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should notify the Principal that their service animal will accompany them during their visit.

As required of all animals under this policy, an individual with a disability who has a service animal shall provide a current satisfactory health certificate or report of examination from a veterinarian for the animal if they will visit an area of the District's facilities on a regular basis.

An individual with a disability who attends a school event shall be allowed to be accompanied by his/her service animal in accordance with Policy 9160. If the individual with a disability will attend a regularly scheduled series of events with his/her service animal, the individual with disabilities will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, which is required for all animals by this policy. The Principal or designee may remove or exclude a service animal under this section for the same reasons listed above for students and employees.

Restriction of District Responsibility for Service Animals

A service animal is the personal property of the individual with a disability. The School Board is not responsible for training, daily care, handling, or healthcare of service animals or for personal injury or property damage arising out of or relating to the presence or use of service animals on School Board property, at District-sponsored events, or on District-sponsored transportation.

A service animal shall be under the control of its handler at all times. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be

otherwise under the handler's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

School Preparation for Service Animals

Upon approval, the Principal or designee shall arrange to

- familiarize the service animal with the campus prior to the actual start date,
- orient the service animal to school faculty and students,
- implement a school-wide educational program to educate others on how to behave appropriately around the service animal,
- establish a place for the service animal to urinate/defecate (individual plan),
- establish an evacuation plan to include the service animal and practice this plan,
- establish a resting place for the animal,
- establish a rest time for the animal (during P.E., lunch and recess if possible since these are especially difficult times for a service animal to successfully endure), and
- identify an alternate accommodation in the event the primary handler (if not the student) or the animal is not able to accompany the student, and provide the parents with this policy and any other written procedures for including service animals in the school.

Administrative Procedures

The Superintendent is authorized to develop District and school site procedures to implement this policy.

28 C.F.R. 35.104, 28 C.F.R. 35.136

F.S. 381.0056, 413.08, 1001.41, 1006.22

Section 504 of the Rehabilitation Act of 1973 (Section 504)

The Americans with Disabilities Act (ADA)

The Individuals with Disabilities Education Act (IDEA)

1

USE OF DISTRICT FACILITIES

2 District grounds and facilities should be made available for community purposes,
3 provided the use does not infringe on the original and necessary purpose of the
4 property or interfere with the educational program. Temporary use of these facilities
5 for non-school educational, civic, cultural, recreational, artistic, or charitable
6 programs may be approved by the administrative staff as follows:

7 A. Renter must initiate an Application for Temporary Use of School
8 Building Facilities of the District - Temporary Use Agreement (Form
9 #FM-0117) which must be signed by the Principal and approved by
10 the Superintendent.

11 B. Renter must provide a certificate of insurance showing evidence of
12 Commercial General Liability insurance with minimum limits of
13 \$300,000 per occurrence. The School Board, its employees, and
14 agents are to be named certificate holders as well as additional
15 insured.

16 C. Renter must comply with the Jessica Lunsford Act, as required.

17 D. Renter shall prepay rental charges, if not waived by Region
18 Superintendent and Deputy Superintendent of School Operations.

19 Groups, organizations, or individuals employed by the Board or agent of the Board
20 using school facilities to execute official duties as required by Board rule, policy, or
21 directions are exempt from fees and charges. These groups should coordinate use
22 with the principal or site administrator of the facility.

1 **Rental Policies for Groups, Organizations, and/or Individuals**

2 There shall be a charge for the use of school facilities and equipment to groups,
3 organizations, and/or individuals based upon their rental classification(s) which
4 shall be established by the Superintendent based upon the facilities being used.
5 Payment shall be made in advance by certified check or money order payable to The
6 School Board of Miami-Dade County, Florida. A representative of the school shall be
7 on the school grounds during the hours of use of facilities, except for playgrounds.
8 Custodial services are included in the basic facility usage fee except when additional
9 services are needed and/or when the use of the facility occurs outside normal hours
10 when a representative of the District is not on the school campus. Charges made for
11 extra custodial services described above shall be assessed at an hourly rate,
12 including applicable fringe benefits. A qualified employee must supervise the
13 operation of all equipment in cafeteria, shops, etc. Charges will be assessed an
14 hourly rate, including applicable fringe benefits.

15 **Classification of Rental Organizations**

16 Rental charge classifications are as follows:

17 A. Non-School

18

19 Any organization or group not responsible for the operation of public
20 schools or not classified as school-allied.

21 B. Government

22

23 City, county, State, and Federal government groups requesting the
24 use of school facilities to carry out official functions or meetings.

25 C. Supplemental Educational Services (SES) Providers

26

27 Educational companies who provide tutorial services to qualified
28 students under the No Child Left Behind Act.

1 D. School-Allied
2

3 Organizations formed for the purpose of promoting the welfare of the
4 school and/or its students and distinguished from clubs and
5 organizations that are an integral part of the school program under
6 the direct policy leadership of the principal.

7 1. The following organizations are specifically classified as
8 school-allied:

9 a. Cub and Boy Scouts

10 b. Brownies and Girl Scouts

11 c. American Red Cross Greater Miami & The Keys

12 d. 4-H Clubs

13 e. Young Men's Christian Association

14 f. Young Women's Christian Association

15 g. Jewish Community Centers (Young Men's/Women's
16 Hebrew Association)

17 h. PTA/PTSA

18 i. PTO

19 j. Family Christian Association of America

20 k. Crime Watch

21 l. Registered Dade Partners, when such partners are, in
22 the judgment of the school administrator, functioning
23 in a role, which furthers a school-related or
24 educational purpose.

25 2. Other organizations that provide a program consistent with
26 item (1) above, and are available to all students of the school
27 or community on a no-charge basis as determined by the
28 Deputy Superintendent of School Operations or the Board.

- 1 E. Repetitious Use
2
3 Any group requesting the use of school facilities as often as once a
4 week for six (6) consecutive weeks.
- 5 F. Admission
6
7 Groups or commercial enterprises operating for profit, charging
8 admission, having sales or receiving contributions as a result of the
9 use of school facilities.
- 10 G. Non-admission
11
12 Any organization requesting the use of school facilities for the
13 purpose of holding a meeting that is free of charge and open to the
14 public. Organizations using school facilities may be reclassified
15 from Admission to Non-admission when all receipts from ticket
16 sales, donations, or collections resulting from the use of school
17 facilities are given entirely to a recognized charity and a request for
18 this consideration is completed properly on the standard form and
19 submitted with the initial application.

20 **Specific Rental Policies**

21 Rental charges for organizations using school facilities are determined as follows:

- 22 A. Basic charges are computed on a minimum usage of three (3) hours
23 on weekdays until 10:00 p.m. and the Board-approved hourly rate
24 after 10:00 p.m., and are computed on a minimum usage of four (4)
25 hours plus clean-up time on Saturday and Sunday at the Board-
26 approved hourly rate. Any additional time beyond the basic charge
27 hours will require an additional charge at the hourly rate set by the
28 Board. At the principal's discretion, a custodial supply fee may be
29 assessed.
- 30 B. Supplemental Educational Services (SES) Providers basic charges
31 are computed on a minimum usage of one (1) hour rate. A
32 minimum of four (4) hours will be charged for custodial services on
33 Saturday and Sunday at the hourly rate set by the Board.

- 1 C. The rental fee includes the area requested on the Application for
2 Temporary Use of School Buildings (cafeteria/cafetorium,
3 auditorium, classrooms, stadiums, etc.), restrooms, parking lot, and
4 custodial services. Additional space necessary must be requested at
5 the time the application is submitted or upon submission of an
6 additional application.
- 7 D. Schools may not determine either the organization's classification or
8 rental charges. Classification and charges will only be determined
9 by Facilities Operations, Maintenance - Finance Department based
10 upon Board-approved policies. Additionally, Facilities Operations,
11 Maintenance - Finance Department shall verify the pricing, data,
12 collect payment, and maintain appropriate records.
- 13 E. Except as otherwise provided, organizations must prepay all rental
14 charges before being given access to school facilities. All payments
15 shall be made by certified check or money order payable to The
16 School Board of Miami-Dade County, Florida and remitted to
17 Facilities Operations, Maintenance, Location 9241, 12525 N.W. 28th
18 Avenue, Miami Florida 33167, Attention: Finance Department,
19 Room 359.
- 20 F. Organizations desiring to cancel usage must do so in writing within
21 twenty-four (24) hours of the requested time. Organizations
22 canceling without giving twenty-four (24) hours' notice must pay any
23 cost incurred by the facility, but not less than one (1) hour at
24 custodial overtime rates. In the case of stadium rentals,
25 forty-eight (48) hours' cancellation notice is required. Organizations
26 canceling without forty-eight (48) hours' notice must pay any cost
27 incurred by the stadium.
- 28 G. Organizations must take the premises as they are at the time of
29 occupancy. Should it become necessary to remove, relocate, or alter
30 any stage rigging or equipment, including stadium/grounds
31 preparation, the changes shall be made by school personnel at
32 additional expense to the organization at the standard custodial
33 overtime rate specified in this policy. The premises shall be
34 returned as found following usage. All such changes must have
35 prior approval by the principal or his/her designee.
- 36 H. Organizations wishing to question the amount of the charges for use
37 of school facilities must do so prior to time of occupancy.

1 I. Governmental and school-allied organizations may be permitted free
2 use of the building when a custodian is regularly on duty subject to
3 the principal's judgment as to the number of groups that can be
4 accommodated. A Request for Fee Waiver for Utilization for School
5 Facility (FM-5576) must be initiated by the principal and approved
6 by the Region Superintendent and Deputy Superintendent, School
7 Operations or his/her designee.

8 J. Governmental and school-allied organizations will be assessed a
9 charge in the case of special activities such as fund-raising affairs,
10 dances, etc., and use under Reciprocal Use Agreement when the
11 school is normally closed and custodial overtime is required.
12 Facilities Operations, Maintenance - Finance Department will assess
13 the charges based on governmental and school-allied rental rates.
14 This does not supercede any reciprocal use agreements.

15 K. Delinquent payment or falsification of application and/or insurance
16 certification will be grounds for denial of future use.

17 L. Admission activities within a school building will not be permitted
18 on a repetitious basis. Use of school facilities for activities classified
19 "admission" shall be limited to one (1) production per producer
20 and/or organization within a fiscal year, except for leased parking
21 areas.

22 Facilities shall not be provided for extended periods of time and the rentals are on a
23 temporary basis. All applications for repetitious use of school facilities shall be
24 renewed annually on July 1st and shall be subject to review by the District.

25 **General Conduct Policies**

26 Organizations using school facilities must comply with the following general conduct
27 policies:

28 A. The flag of the United States of America shall be displayed.

29 B. The United States National Anthem may be played.

30 C. Custodians are not to be paid from school internal funds or by
31 non-school organizations. All payments to custodians are to be
32 made on an approved overtime roster processed through the Payroll
33 Department.

- 1 D. Steam tables and cafeteria kitchens are not to be used by
2 non-school groups. If school-allied groups use these areas, a
3 member of the school's food service staff shall be present. The
4 school-allied group will be billed and must remit payment to
5 Facilities Operations, Maintenance – Finance Department for the
6 food service personnel charge at the standard overtime rate.
- 7 E. Elementary classrooms may not be used for meetings without prior
8 approval from the Deputy Superintendent of School Operations.
- 9 F. Organizations shall not re-assign the Application for Temporary Use
10 of School Building, sublet the premises, or any part, or use the
11 premises for any purpose other than that specified within the
12 application without prior written consent.
- 13 G. Activities will not be permitted between midnight and 6:00 a.m.
14 without prior approval from the Deputy Superintendent of School
15 Operations.
- 16 H. School equipment will not be taken from the premises by any
17 organization under any circumstances.
- 18 I. No smoking, alcoholic beverages, illegal drugs/mood modifiers, or
19 any gambling devices will be allowed in schools or on Board
20 property. Weapons, including licensed, concealed weapons, are
21 prohibited, except when in the possession of law enforcement
22 officers during the execution of their official duties.
- 23 J. Any organization causing damage to school property will be held
24 responsible for cost of replacement or repair and may be denied
25 further use of facilities.
- 26 K. No unlicensed fireworks of any kind will be permitted on Board
27 property. No licensed fireworks demonstration will take place on
28 Board property without specific prior Board approval of the event.
- 29 L. All scout applications must be filed with the names and addresses of
30 the troop committee chairperson and the scoutmaster. Scouts shall
31 hold regular troop meetings in the school that the largest percentage
32 attend. If this percentage changes, the troop may be asked to
33 relocate.
- 34 M. Adequate adult supervision must be maintained at all times.
35 Failure to comply may cause suspension of activities.

- 1 N. When filling in the information "Hour Building Will Be Needed" and
2 "Hour Building Will Be Vacated," users should allow ample time for
3 such things as the following:
- 4 1. performers arriving for preparation, makeup, etc.;
- 5 2. time for the audience to be seated prior to the performance;
- 6 3. performers cleaning up and leaving after the performance;
- 7 4. moving out scenery, properties, etc.;
- 8 5. special furniture arrangements and preparations;
- 9 6. placing kneelers, prayer books, hymnals, etc.;
- 10 7. setting up altar;
- 11 8. anything else that needs time either before or after the actual
12 activity or performance.
- 13 O. Special or additional meetings, such as rehearsals and other similar
14 uses of the buildings, are never permissible during school hours.
15 Rehearsals and additional meetings are not included with the rental
16 charges, and if rehearsals or additional meetings are necessary, this
17 must be requested at the time the application is submitted.
- 18 P. Larger schools may have specific requirements regarding lights,
19 microphones, etc. The organization must contact the Principal.
- 20 Q. Individual use agreements for use of District facilities will specify
21 what equipment and/or personnel are included in the rental fee.
- 22 R. Overnight storage is not permitted except when such storage is
23 insignificant or of a temporary nature, and then only with the prior
24 consent of the principal.
- 25 S. Permanent signs will not be permitted on school property. However,
26 portable signs may be placed in front of the schools during the
27 period that religious services are scheduled.

- 1 T. This policy is intended for clarification only, not to release the
2 organization from the responsibility of knowing the conditions of the
3 Use Agreement on the reverse side of the standard rental
4 application.

5 **Use of School Facilities For Commercial Film Production**

- 6 A. All requests to use the exterior or interior of a school or other
7 District facilities in a film production must be made to the
8 Superintendent who may grant or deny such requests.
- 9 B. A summary of the script including descriptions of the use of any
10 special equipment or special effects that could endanger the safety
11 of students and staff, shall be obtained from the producer or film-
12 maker. Productions that would embarrass or ridicule the District or
13 create unnecessary safety hazards to students and staff will be
14 refused permission to film.
- 15 C. Production during school hours shall be conducted without
16 disrupting the students' educational process and permitted only
17 with the approval of the Superintendent. When more than one (1)
18 school facility is needed for the production, individual approval will
19 be required for each facility. The specific production schedule shall
20 be mutually determined by the producer and Principal. Every effort
21 shall be made to limit filming to days and hours when classes are
22 not in session.
- 23 D. If at any time during of production, the Principal determines it is
24 disrupting the normal activities in the building, the principal shall
25 immediately notify the Superintendent , who has absolute authority
26 to direct the production company to vacate the premises on twenty-
27 four (24) hour notice. The production company shall have ten (10)
28 hours in which to correct any disruptions.
- 29 E. Identification of the school used in the production can only be made
30 with the Superintendent's permission.
- 31 F. No photographs or filming of faculty or students or members of the
32 public shall take place at any school unless the production company
33 has been given a release by the individual or parents, or the
34 individual filmed has entered into a contract with the production
35 company.

- 1 G. No scenes depicting gratuitous nudity, sexual activities, sadistic
2 violence, or promoting the use of illegal drugs or alcohol abuse will
3 be filmed on any school property. The production company will
4 further guarantee that a film is intended to have a viewer rating not
5 more restrictive than "R".
- 6 H. The production company will provide liability insurance and a hold
7 harmless agreement to cover the Board, its agents and employees in
8 a manner satisfactory to the Office of Risk and Benefits
9 Management.
- 10 I. The production company will be responsible for costs of utilities,
11 custodial, or other expenses incurred for each day of production
12 that occurs on school grounds. Schools will be permitted to accept
13 and place in the internal accounts any donations received from the
14 production company.
- 15 J. Donations received must not be in lieu of facilities rental charges.

16 **Use of Grounds**

- 17 A. School playgrounds are made available for organized athletic leagues
18 when not in conflict with school programs upon receipt and
19 approval of a Board use agreement application, valid insurance
20 certificate and compliance with Jessica Lunsford Act.
- 21 B. Vendors selling products to students are to remain a minimum of
22 500 feet from school property at all times.
- 23 C. No aircraft, lighter-than-air-craft, automobiles, motor scooters,
24 motorbikes, or similar vehicles, licensed or unlicensed are to be
25 operated on school grounds.
26
27 Exceptions to the above rule:
- 28 1. Police or medical emergency vehicles, which are being
29 operated during a bona fide emergency.
- 30 2. Vehicles and aircraft affiliated with the Baker Aviation School.
- 31 3. Board-owned maintenance and transportation vehicles.
- 32 4. Vehicles of any type used for demonstration or educational
33 purposes.

- 1 5. Parking on school grounds pursuant to Board policies.
- 2 D. Pursuant to the requirements of Policy 8390, *Animals on District*
3 Property, animals are not permitted in/on school grounds, Board-
4 owned or leased properties ~~except~~ only for authorized Board-school
5 security programs, approved ~~science~~ educational programs, and ~~for~~
6 ~~the purpose of aiding people~~ individuals with disabilities.
- 7 E. No unlicensed fireworks of any kind will be permitted on Board
8 property. No licensed fireworks demonstration will take place on
9 Board property without specific prior Board approval of the event.
- 10 F. Buildings are not to be used unless an application for the use of rest
11 rooms has been approved and the organization has agreed to the
12 payment of the minimum standard charge.
- 13 G. Only the area assigned by the Principal is to be used, and the
14 organization will relocate on the field when requested to provide
15 even wear on the turf.
- 16 H. Damage to school or neighboring facilities will be cause for
17 suspension of use.
- 18 I. School grounds are available for public use at times when the
19 grounds are not being used for school purposes. Each case/use
20 shall be separately addressed according to Board policy and,
21 guidelines.
- 22 J. Use of school grounds for carnivals is limited to school-allied
23 organizations as stipulated in Board policy.
- 24 K. Use of grounds (except paved parking areas) on an admission basis
25 is limited strictly to school-allied organizations.
- 26 L. Paved parking lot or other school grounds may be used for parking
27 for fund raising purposes.
- 28 Leases to commercial enterprises are limited to paved parking areas. The
29 organization shall be responsible for restoration of grounds, adequate insurance and
30 security.

1 **Entertainment Sponsored by the School or its Allied Organizations**

2 Entertainment held on school property is subject to the following:

- 3 A. The use of school grounds and buildings for pony and other animal
4 rides, raffles, bingo and card playing is prohibited.
- 5 B. Senior high school-affiliated groups, with permission of the
6 principal, may sponsor privately-owned carnivals, carnival game
7 concessionaires, or carnival equipment, e.g., ferris wheel, roller
8 coaster, merry-go-round, etc., subject to guidelines issued by
9 Procurement and Materials Management. These guidelines should
10 include, but not be limited to, developing a contractual agreement
11 that would clearly define the responsibility of the carnival companies
12 for adequate liability coverage, damages to grounds or buildings
13 caused by their equipment, adequate security for crowd control, and
14 that also would restrict the carnival companies use of Board
15 utilities.
- 16 C. The handling of all proceeds must follow the Manual of Internal
17 Accounting pursuant to Policy 6610.
- 18 D. All forms of gambling and games of chance are prohibited. Games
19 based entirely upon skill are not to be considered games of chance.
- 20 E. Commercial food and drink vending concessionaires are permitted if
21 approved by the principal.
- 22 F. Any contest that is conducted by selling votes is prohibited.
- 23 G. Paved parking lots or other school grounds may be utilized for
24 parking for fund raising purposes. Leases to commercial enterprises
25 are limited to paved parking areas. The organization will be
26 responsible for restoration of grounds, adequate insurance and
27 security.
- 28 H. All entertainment shall be carefully screened by the principal to
29 eliminate scenes, language or jokes that are not compatible with an
30 educational institution.
- 31 I. Each school shall be responsible for submitting taxes and reports to
32 the proper authorities concerning proceeds from entertainment.
33 Setting a fixed contribution for entertainment is considered as
34 charging admission.

1 J. Motion pictures, using rented films, shall not be shown in a school
2 for admission charge, offering, or any other means of payment.
3 Schools sponsoring this type of entertainment must assume the
4 responsibility of royalty infringements and violations of any law
5 pertaining to such entertainment.

6 K. No activities pertaining to entertainment may violate, literally or in
7 spirit, Board policies on advertising (Policy 9700.01).

8 **Short and Long-Term Use**

9 All short and long-term use agreements for school facilities shall be executed by
10 written contract. When a standardized agreement has been adopted by the Board
11 for use of specific types of facilities, that agreement shall be executed. When uses
12 have not been made the subject of standardized agreements, the Superintendent
13 shall negotiate, in conjunction with the Board attorney, a specific agreement for
14 approval by the Board. This policy may not be circumvented by any agency or
15 organization through use of the Board or similar agreements.

16 **Personal Use of District-owned Vehicles**

17 A. Board security officers may be provided with vehicles on a
18 twenty-four (24) hour basis, if authorized by the Superintendent.
19 These vehicles are classified under IRS section 274(d) as qualified
20 non-personal use vehicles, used by law enforcement officers.
21 Personal use must be incidental to law-enforcement functions, such
22 as being able to report directly from home in an emergency
23 situation.

24 B. All other personal use of District-owned vehicles, such as
25 commuting to and from work, is prohibited, unless authorized by
26 the Superintendent. The value of any personal use will be reported
27 annually on the employee's W-2 as taxable income, subject to
28 current Internal Revenue Service rules.

29 **Temporary Facilities**

30 The Superintendent may lend temporary relocatable buildings to governmental
31 agencies as follows:

32 A. The period of use will be for one (1) year with an option to renew for
33 an additional year, but not to exceed a combined period of three (3)
34 years.

- 1 B. The use of the temporary relocatable building shall be that of the
2 primary governmental unit requesting the agreement and for a
3 purpose not in conflict with any Board policies.
- 4 C. Preference shall be given to governmental agencies that provide a
5 primary or secondary service to the District.
- 6 D. There shall be no expense to the Board for the maintenance and
7 care of the facility during the use period, and it shall be returned at
8 the end of the use period in like or better condition. Expenses
9 incurred by the Board in relocating a building shall be reimbursed
10 by the requesting governmental agency.

11 Should all or any part of the District's community be struck by a disaster, the Board
12 shall make District grounds and/or facilities available, for housing, feeding, and
13 care of victims or potential victims when requested by local, County, State, or
14 Federal governmental authorities.

15 The Superintendent shall develop administrative procedures for granting of
16 permission to use District facilities including a schedule of fees. Such procedures
17 are to include the following:

- 18 A. Each user shall present evidence of organizational/general liability
19 insurance to the limit prescribed by the District's administrative
20 procedures.
- 21 B. Use of school equipment in conjunction with the use of school
22 facilities must be requested specifically in writing, and may be
23 granted by the procedure by which permission to use facilities are
24 granted. The users of school equipment must accept liability for any
25 damage or loss to such equipment that occurs while it is in their
26 use. No item of equipment may be used except by a qualified
27 operator.
- 28 C. Users shall be liable financially for damage to the facilities and for
29 proper chaperonage.

30 **Exceptions**

31 Exceptions may be made on an individual basis, as determined by the specific
32 merits of each activity. Requests for such exceptions must be addressed to the
33 Deputy Superintendent School Operations for evaluation and decision.

1 **Liability**

2 No liability shall attach to the District, or any of its employees and officers,
3 specifically as a consequence of permitting access to these facilities.

4 F.S. 1013.10

1

HEALTH AND SAFETY ISSUES

2 The District shall develop and implement an environmental health and safety
3 program that is positive, proactive, integrates responsibilities within the District,
4 and promotes and incorporates the following:

5 A. Procedures for emergencies and other information are specified in
6 detail in the District Critical Incident Response Plan/Emergency
7 Operations Plan (EOP).

8 B. Procedures describing a hazard identification and abatement
9 program that requires the periodic inspection of District facilities,
10 the implementation of immediate and programmed corrective
11 actions when deemed necessary by such inspections. This program
12 should also provide procedures for identifying and responding to
13 hazards that are created by outside entities.

14 C. Procedures that promote environmental health and safety awareness
15 among employees, students, and stakeholders. These procedures
16 shall include, but not be limited to, the establishment of school and
17 District safety committees, and the establishment of a program of
18 regular communication with students, employees, and stakeholders
19 about pertinent safety and health issues through available mediums
20 in the District.

21 D. Procedures directed toward the safety and health of students during
22 transportation to and from school, at school, and during
23 participation in school-related activities. These procedures shall
24 include, but not be limited to, promoting bus safety for students,
25 assessing the safety of school traffic patterns, operating school
26 clinics, administering medication and medical treatment, promoting
27 laboratory and shop safety, promoting safety in sports and other
28 outdoor activities, inspecting playground equipment and promoting
29 safety on playgrounds, and assessing environmental exposure.

1 E. Procedures related to District employee health and safety issues that
2 include, but are not limited to, provision of work areas free from
3 recognized hazards and OSHA-related programs that are required by
4 Federal and State law, such as, employee safety and health training,
5 Hazard Communication including a system to provide Materials
6 Safety Data Sheets, and training in hazard recognition, and defining
7 employer and employee responsibilities and expectations related to
8 health and safety.

9 F. Procedures describing an accident reporting and investigation
10 system that provides for identification of root causes, determination
11 of remedial and programmed corrective actions, and provides
12 communication about accidents to employees and stakeholders.

13 **Phase-Out/Banned Products**

14 The Superintendent shall require that any chemicals, insecticides, or other materials
15 that the Federal government is phasing out and/or banning by a certain date be
16 immediately banned from use on Board property.

17 **Animals in Classrooms**

18 ~~Except for animals approved for use by students with disabilities, use of a~~Pursuant
19 to Policy 8390, *Animals on District Property*, animals are permitted in classrooms
20 only to accompany individuals with disabilities, for school security programs, and
21 where approved shall be limited to that necessary to support the for an educational
22 mission purpose. ~~Administrators shall consider the fact that some animals cause or~~
23 ~~exacerbate allergic reactions, spread bacterial infections or cause damage and create~~
24 ~~a hazard if they escape from confinement. Animals in classrooms shall be kept in a~~
25 ~~healthy condition in appropriate cages or tanks, which are kept clean.~~

26 **Asbestos**

27 In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA) and
28 the Florida Occupational Safety and Health Act (OSHA), the Board recognizes its
29 responsibility to:

- 30 A. inspect all District buildings for the existence of asbestos or
31 asbestos-containing materials;
- 32 B. take appropriate actions based on the inspections;
- 33 C. establish a program for dealing with friable asbestos, if found;

- 1 D. maintain a program of periodic surveillance and inspection of
2 facilities or equipment containing asbestos;
- 3 E. comply with EPA regulations governing the transportation and
4 disposal of asbestos and asbestos-containing materials.

5 The Superintendent shall appoint a person to develop and implement the District's
6 Asbestos-Management Program which will ensure proper compliance with the law
7 and the appropriate instruction of staff and students.

8 **Indoor Environmental Quality (IEQ)**

9 Excessive moisture levels within the schools can lead to conditions that promote
10 development of biological contaminants, such as mold and fungi on building
11 surfaces.

12 Contributing factors to excessive moisture levels include the following:

- 13 A. roof leaks
- 14 B. structural defects in the building
- 15 C. improperly controlled humidity levels
- 16 D. faulty HVAC systems

17 The District shall implement the following preventative measures:

- 18 A. address prevention of water intrusion as a priority Indoor Air
19 Quality (IAQ) issue and implement strategies toward its elimination
- 20 B. maintain environmental conditions in occupied areas that are in
21 compliance with applicable regulations and strive to conform to
22 consensus industry standards
- 23 C. implement a preventative maintenance program for HVAC systems
24 which shall include, but not be limited to, periodic filter
25 replacement, inspection, and cleaning.

1 D. implement a system for insuring materials used and purchased for
2 use in the construction, furnishing and maintenance, including
3 cleaning of facilities, do not contribute to the health hazards to
4 employees and students by degrading the quality of indoor air. In
5 addition, activities that create indoor air quality health hazards shall
6 not be permitted

7 In addition, the Superintendent shall develop administrative procedures for the
8 proper monitoring of the factors that contribute to excessive moisture and for the
9 development of mitigation plans when, and if, problems with IAQ are identified.

10 **Integrated Pest Management**

11
12 The District shall implement a pest management program according to the U.S.
13 Environmental Protection Agency's Integrated Pest Management (IPM) in Schools
14 Procedures. This program will include appointment of a District IPM Coordinator
15 and advisory committee, implementation of training for custodians, and provide for
16 notification to all affected persons when chemical use becomes necessary. The
17 advisory committee shall semiannually review and evaluate the District's progress
18 toward its pesticide use, reduction, and minimization goals. This program shall also
19 include implementation of an IPM awareness program. All persons applying
20 pesticides on District property shall hold appropriate State certification and be
21 approved by the District's IPM Coordinator.

22 **Diesel Exhaust and School Bus Idling**

23 The Board will take steps to reduce the negative effect of diesel exhaust on indoor
24 and outdoor air quality on school campuses. This effort shall include, but not be
25 limited to, reducing bus idling time and reinforcing smart driving practices.

26 The Superintendent shall develop the administrative procedures necessary to
27 establish these practices.

28 **Pollution Control and Prevention**

29 The District shall develop and implement procedures designed to prevent air and
30 water pollution, minimize or eliminate waste streams where possible, and identify
31 possible sources of air and water pollution.

1 See also the following related policies:

- 2 Policy 7430 - Risk Reduction Program
- 3 Policy 8410 - Critical Incident Response and Emergency Procedures
- 4 Policy 8420 - Emergency Evacuation and Closing of Schools
- 5 Policy 8442 - Reporting Accidents
- 6 Policy 8450 - Control of Casual-Contact Communicable Diseases
- 7 Policy 8453 - Direct Contact of Communicable Diseases
- 8 Policy 8453.01 - Control of Blood-Borne Pathogens

- 9 F.S. 381.0056, 403.021, 1006.07, 1006.22

