

Office of Superintendent of Schools
Board Meeting of June 18, 2014

June 4, 2014

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

SUBJECT: **FINAL READING: PROPOSED 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.

At its May 7, 2014, regular meeting, the Board approved Board Agenda Item G-1 ("Animals on District Property") authorizing rulemaking to adopt new policy 8390, *Animals on District Property*, and amendments to 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.

The Notice of Intended Action was published in the *Miami Daily Business Review* on May 12, 2014, in various places for public information and mailed to various organizations representing persons affected by the amended policy and to individuals requesting notification. The time to request a hearing or protest the adoption of this amendment has elapsed.

In accordance with the Administrative Procedure Act, these new and amended policies are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the new and amended policies in the official records of The School Board of Miami-Dade County, Florida.

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

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, adopt new policy 8390, *Animals on District Property*, and amendments to Board Policies 7510, *Use of District Facilities*; 8400, *Health and Safety Issues*; and 9160, *Public Attendance at School Events*, and authorize the Superintendent to file the new and amended policies with The School Board of Miami-Dade County, Florida, to be effective June 18, 2014.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 7, 2014, its intention to promulgate new Board Policy 8390, *Animals on District Property*, and to amend Board Polices 7510, *Use of Facilities*, 8400, *Health and Safety Issues*, and 9160 *Public Attendance at School Events*, at its regular meeting on June 18, 2014.

PURPOSE AND EFFECT: The purpose of the new and amended policies is 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 June 18, 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 June 3, 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 NEW 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.

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

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

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D. School-Allied

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

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

- a. Cub and Boy Scouts
- b. Brownies and Girl Scouts
- c. American Red Cross Greater Miami & The Keys
- d. 4-H Clubs
- e. Young Men's Christian Association
- f. Young Women's Christian Association
- g. Jewish Community Centers (Young Men's/Women's Hebrew Association)
- h. PTA/PTSA
- i. PTO
- j. Family Christian Association of America
- k. Crime Watch
- l. Registered Dade Partners, when such partners are, in the judgment of the school administrator, functioning in a role, which furthers a school-related or educational purpose.

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

- 1 E. Repetitious Use
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3 Any group requesting the use of school facilities as often as once a
4 week for six (6) consecutive weeks.
- 5 F. Admission
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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
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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 from
15 Admission to Non-admission when all receipts from ticket sales,
16 donations, or collections resulting from the use of school facilities are
17 given entirely to a recognized charity and a request for this
18 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 minimum
32 of four (4) hours will be charged for custodial services on Saturday
33 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, auditorium,
3 classrooms, stadiums, etc.), restrooms, parking lot, and custodial
4 services. Additional space necessary must be requested at the time
5 the application is submitted or upon submission of an additional
6 application.
- 7 D. Schools may not determine either the organization's classification or
8 rental charges. Classification and charges will only be determined by
9 Facilities Operations, Maintenance - Finance Department based upon
10 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, Room
19 359.
- 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 custodial
24 overtime rates. In the case of stadium rentals, forty-eight (48) hours'
25 cancellation notice is required. Organizations canceling without forty-
26 eight (48) hours' notice must pay any cost incurred by the stadium.
- 27 G. Organizations must take the premises as they are at the time of
28 occupancy. Should it become necessary to remove, relocate, or alter
29 any stage rigging or equipment, including stadium/grounds
30 preparation, the changes shall be made by school personnel at
31 additional expense to the organization at the standard custodial
32 overtime rate specified in this policy. The premises shall be returned
33 as found following usage. All such changes must have prior approval
34 by the principal or his/her designee.
- 35 H. Organizations wishing to question the amount of the charges for use
36 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 by
6 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 on a
18 repetitious basis. Use of school facilities for activities classified
19 "admission" shall be limited to one (1) production per producer and/or
20 organization within a fiscal year, except for leased parking areas.

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

24 **General Conduct Policies**

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

- 27 A. The flag of the United States of America shall be displayed.
- 28 B. The United States National Anthem may be played.
- 29 C. Custodians are not to be paid from school internal funds or by
30 non-school organizations. All payments to custodians are to be made
31 on an approved overtime roster processed through the Payroll
32 Department.

- 1 D. Steam tables and cafeteria kitchens are not to be used by non-school
2 groups. If school-allied groups use these areas, a member of the
3 school's food service staff shall be present. The school-allied group
4 will be billed and must remit payment to Facilities Operations,
5 Maintenance – Finance Department for the food service personnel
6 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 property.
20 Weapons, including licensed, concealed weapons, are prohibited,
21 except when in the possession of law enforcement officers during the
22 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.

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

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

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

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

- 1 G. No scenes depicting gratuitous nudity, sexual activities, sadistic
2 violence, or promoting the use of illegal drugs or alcohol abuse will be
3 filmed on any school property. The production company will further
4 guarantee that a film is intended to have a viewer rating not more
5 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 Management.
- 9 I. The production company will be responsible for costs of utilities,
10 custodial, or other expenses incurred for each day of production that
11 occurs on school grounds. Schools will be permitted to accept and
12 place in the internal accounts any donations received from the
13 production company.
- 14 J. Donations received must not be in lieu of facilities rental charges.

15 **Use of Grounds**

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

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- 1
2 4. Vehicles of any type used for demonstration or educational purposes.
- 3 5. Parking on school grounds pursuant to Board policies.
- 4 D. Pursuant to the requirements of Policy 8390, *Animals on District*
5 *Property*, animals are permitted in/on school grounds, Board-owned
6 or leased properties only for authorized school security programs,
7 approved educational programs, and aiding individuals with
8 disabilities.
- 9 E. No unlicensed fireworks of any kind will be permitted on Board
10 property. No licensed fireworks demonstration will take place on
11 Board property without specific prior Board approval of the event.
- 12 F. Buildings are not to be used unless an application for the use of rest
13 rooms has been approved and the organization has agreed to the
14 payment of the minimum standard charge.
- 15 G. Only the area assigned by the Principal is to be used, and the
16 organization will relocate on the field when requested to provide even
17 wear on the turf.
- 18 H. Damage to school or neighboring facilities will be cause for
19 suspension of use.
- 20 I. School grounds are available for public use at times when the
21 grounds are not being used for school purposes. Each case/use
22 shall be separately addressed according to Board policy and,
23 guidelines.
- 24 J. Use of school grounds for carnivals is limited to school-allied
25 organizations as stipulated in Board policy.
- 26 K. Use of grounds (except paved parking areas) on an admission basis
27 is limited strictly to school-allied organizations.
- 28 L. Paved parking lot or other school grounds may be used for parking
29 for fund raising purposes.
- 30 Leases to commercial enterprises are limited to paved parking areas. The
31 organization shall be responsible for restoration of grounds, adequate insurance and
32 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 principal,
6 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 that
11 would clearly define the responsibility of the carnival companies for
12 adequate liability coverage, damages to grounds or buildings caused
13 by their equipment, adequate security for crowd control, and that also
14 would restrict the carnival companies use of Board utilities.
- 15 C. The handling of all proceeds must follow the Manual of Internal
16 Accounting pursuant to Policy 6610.
- 17 D. All forms of gambling and games of chance are prohibited. Games
18 based entirely upon skill are not to be considered games of chance.
- 19 E. Commercial food and drink vending concessionaires are permitted if
20 approved by the principal.
- 21 F. Any contest that is conducted by selling votes is prohibited.
- 22 G. Paved parking lots or other school grounds may be utilized for
23 parking for fund raising purposes. Leases to commercial enterprises
24 are limited to paved parking areas. The organization will be
25 responsible for restoration of grounds, adequate insurance and
26 security.
- 27 H. All entertainment shall be carefully screened by the principal to
28 eliminate scenes, language or jokes that are not compatible with an
29 educational institution.
- 30 I. Each school shall be responsible for submitting taxes and reports to
31 the proper authorities concerning proceeds from entertainment.

1 Setting a fixed contribution for entertainment is considered as
2 charging admission.

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

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

10 **Short and Long-Term Use**

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

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

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

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

30 **Temporary Facilities**

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

33 A. The period of use will be for one (1) year with an option to renew for
34 an additional year, but not to exceed a combined period of three (3)
35 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 care
7 of the facility during the use period, and it shall be returned at the end
8 of the use period in like or better condition. Expenses incurred by the
9 Board in relocating a building shall be reimbursed by the requesting
10 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 care of
13 victims or potential victims when requested by local, County, State, or Federal
14 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 are
17 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 use.
26 No item of equipment may be used except by a qualified operator.
- 27 C. Users shall be liable financially for damage to the facilities and for
28 proper chaperonage.

29 **Exceptions**

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

1 **Liability**

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

4 F.S. 1013.10

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HEALTH AND SAFETY ISSUES

2 The District shall develop and implement an environmental health and safety program
3 that is positive, proactive, integrates responsibilities within the District, and promotes
4 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, the
10 implementation of immediate and programmed corrective actions
11 when deemed necessary by such inspections. This program should
12 also provide procedures for identifying and responding to hazards
13 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 participation
23 in school-related activities. These procedures shall include, but not
24 be limited to, promoting bus safety for students, assessing the safety
25 of school traffic patterns, operating school clinics, administering
26 medication and medical treatment, promoting laboratory and shop
27 safety, promoting safety in sports and other outdoor activities,
28 inspecting playground equipment and promoting safety on
29 playgrounds, and assessing environmental exposure.

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

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

Phase-Out/Banned Products

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

Animals in Classrooms

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

Asbestos

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

A. inspect all District buildings for the existence of asbestos or asbestos-containing materials;

- 1 B. take appropriate actions based on the inspections;
- 2
- 3 C. establish a program for dealing with friable asbestos, if found;.
- 4 D. maintain a program of periodic surveillance and inspection of facilities
- 5 or equipment containing asbestos;
- 6 E. comply with EPA regulations governing the transportation and
- 7 disposal of asbestos and asbestos-containing materials.

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

11 **Indoor Environmental Quality (IEQ)**

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

14 Contributing factors to excessive moisture levels include the following:

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

19 The District shall implement the following preventative measures:

- 20 A. address prevention of water intrusion as a priority Indoor Air Quality
21 (IAQ) issue and implement strategies toward its elimination
- 22 B. maintain environmental conditions in occupied areas that are in
23 compliance with applicable regulations and strive to conform to
24 consensus industry standards
- 25 C. implement a preventative maintenance program for HVAC systems
26 which shall include, but not be limited to, periodic filter replacement,
27 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 proper
8 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 and
15 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

