

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ECK, ECL, ECM-RA

Joint Occupancy of Montgomery County Public Schools Facilities

A. PURPOSE

To permit and set forth the criteria for joint occupancy of school facilities

B. PROCESS AND CONTENT

1. The Board of Education permits joint occupancy of its facilities with eligible users to offset to the extent feasible and practical the cost of maintaining surplus classroom space.
2. Joint occupancy shall be defined as leased surplus space required by the user to be allocated exclusively to his/her use and which may not be subleased by the user, as distinguished from space which is shared for part of a day with MCPS when not needed for MCPS educational programs.
3. The superintendent shall actively seek joint occupants who will complement, support, and benefit the educational program for MCPS students under this policy.
4. Criteria for Identification of Available Space
 - a) The space is projected to be surplus for at least two years.
 - b) The space is located in a portion or section of the building which can be easily isolated from the educational program, preferably near a separate entrance.
 - c) The projected student enrollment at the school is less than the low-range building capacity. This criterion may be waived if enrollment exceeds the low-range capacity.

5. Priority Order for Use of Available Space

Priorities for selection of users to occupy available spaces in MCPS facilities will be determined by the superintendent of schools after his/her evaluation of information and reactions of community residents. The selection of users should be based upon the following in order to best meet the needs of children and to ensure prudent utilization of resources:

- a) MCPS school based-/school-related programs
- b) Educational programs (public-supported or private nonprofit) which will benefit the children specially enrolled in the regular school programs and enhance the learning experiences for children (e.g., day care centers, preschool program, foreign language schools, data processing schools, or public college programs)
- c) Housing for school system staff or functions (e.g., office space for staff of a federally funded project or location of any area resource room)
- d) Community programs (public-supported or private nonprofit) which will enhance learning experiences for children or provide needed community services (e.g., elderly care centers, senior citizen centers, counseling centers, or nutrition centers)
- e) Housing for other county agency function (e.g., offices for human resource projects, county health services, or recreation department staff)
- f) Private enterprise
 - (1) Nonpublic schools and/or nurseries (e.g., religious day schools) which will not attract additional students from the regular school program. No MCPS operating school will be permitted to house parallel school grades in joint occupancy spaces.
 - (2) Private offices (e.g., real estate or lawyer consultant)
 - (3) Private medical practice/community services (e.g., doctor, artist, beauty salon, or automation service)

(4) Other private/political groups or organizations

In those cases where two or more candidates for the same space within the same priority category are equally desired, the space will be provided to the candidate providing the most beneficial offer.

6. Cost to User Group

Each non-MCPS user of available space shall be expected to reimburse MCPS on a prorated basis for applicable costs related to this use which may include normal building upkeep, building services staff, utility expenditures, restroom supplies, insurance, administrative costs, and other such items on a square foot basis to be identified by the superintendent of schools or his/her designee and contained in the lease negotiated with each user group. For each non-MCPS user group, the lease cost shall be negotiated and be reflective of MCPS costs, comparable market prices, and the profit/nonprofit status of the proposed tenant. Lease fees may be negotiated with groups which in some cases do not recover all MCPS costs for the space to be leased. The income received from this program will be received as general revenue recorded in a separate account, and used to offset the cost of making available the space leased and the cost of operating the joint occupancy program in accordance with Internal Revenue Service regulations.

7. Save Harmless Provision

The lease for each user group shall include appropriate language to save the Board of Education and the school system harmless against any and all claims, demands, suits, or other forms of liability that may arise out of this use of school space. Each proposed tenant must comply with all appropriate legal and zoning requirements.

8. The Interagency Coordinating Board is responsible for locating the users of shared space.

9. The superintendent is authorized to negotiate fees for the use of surplus school space on the basis of the Board of Education cost guidelines and shall submit to the Board quarterly reports on the use of the surplus space.

10. The Creative Enrichment Program shall continue to be administered by MCPS.

C. REVIEW AND REPORTING

This policy will be reviewed every three years in accordance with the Board of Education policy review process.

Policy History: Adopted by Resolution No. 122-78, February 14, 1978; amended by Resolution No. 509-78, July 11, 1978; amended by Resolution No. 1056-79, December 17, 1979; reformatted in accordance with Resolution No. 333-86, June 12, 1986, and Resolution No. 458-86, August 12, 1986, and accepted by Resolution No. 147-87, February 25, 1987.