

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** ECK, ECL, ECM  
**Responsible Office:** Chief Operating Officer  
Facilities Management

### Joint Occupancy of MCPS Facilities

#### I. PURPOSE

To publish the procedures concerning the leasing of surplus school space by nonpublic school users and to establish guidelines for implementation of the policy statement (ECM)

#### II. PROCEDURES

##### A. Identification of Schools to House Joint Occupants

1. Each spring, the school facilities planners will compare each school's projected enrollment to its low-range capacity and identify those schools whose projected enrollment is below its low-range capacity. Schools with utilization above the low-range capacity may be considered for joint occupancy subject to the needs of the instructional program as approved by the principal.
2. The community superintendent, real estate management specialist, and affected school principal will be notified, prior to June 1, if a school enrollment has been projected to be less than the low-range building capacity for at least the next two years.
3. Each affected school principal, community superintendent, and real estate management specialist will meet to discuss the feasibility of jointly sharing the underutilized facility and to recognize all applicable zoning restrictions covering non-educational use of spaces.
4. Community residents and other appropriate persons or agencies should be notified in an effort to obtain reactions. County government and college officials are to be alerted that the school is being considered for joint occupancy.

5. The principal and community may, if desired, present their case to the community superintendent indicating that joint occupancy at that school should or should not be implemented. The community superintendent will decide if joint occupancy is to be implemented at a school.
6. The principals at those schools selected for joint occupancy will identify the spaces available for joint occupancy, preferably near an outside exit.
7. The real estate management specialist may advertise available facilities.

**B. Application for Use of Space**

1. Groups interested in sharing space in a Montgomery County public school will provide the real estate management specialist with a joint occupancy application obtained from his/her office.
2. The real estate management specialist will notify the applicant of spaces available, general conditions of leasing space, and the next steps or decision points.
3. The real estate management specialist will ensure, as appropriate, that each group being considered for joint occupancy provides copies of license approvals from supervisory agencies and is fully capable of meeting lease requirements.

**C. Priorities for Utilization of Space**

Consideration of priorities for selection of programs to utilize vacant classroom space is to be determined countywide by the real estate management specialist. This shall be done annually for each ongoing user group. Prime consideration should be given to using school space so as to benefit the learning experiences of children.

**D. Identification and Selection of Joint Occupants**

1. The real estate management specialist will maintain a file of applicants.
2. The community superintendent, central and school-based administrators may identify and forward to the real estate management specialist the types of desirable joint occupants which would complement or enrich the educational program.

3. Upon identification of an operating school for joint occupancy, the real estate management specialist will meet with the principal, PTA, civic associations, and other appropriate community representatives to identify desirable tenants. Upon identification of a closed school for joint occupancy, community input will be sought from affected civic associations.
4. The real estate management specialist may advertise and engage the services of real estate firms to seek desirable joint occupants of the types identified by the MCPS administrators and/or the school/community representatives.
5. The real estate management specialist will identify the eligible applicants for the surplus space and seek community reactions to the proposed tenants through public hearings, meetings, or surveys.
6. The real estate management specialist will negotiate with acceptable applicants to share the school space and will develop a lease with maximum benefit to the school system within the intent of the Board of Education policy and these guidelines. The agreements for use of the space must be developed and coordinated with other occupants of the building.
7. The community residents will be informed by the real estate management specialist of the applicant(s) selected to share the space jointly.
8. In those cases where two or more candidates for the same priority category are equally desired, the space will be leased to the candidate providing the offer most beneficial to MCPS.

**E. Lease Agreements**

The superintendent of schools or his designee signs lease agreements on behalf of the Montgomery County schools. The lease agreement should contain relevant terms and conditions to include the following:

1. Length of lease
2. A provision to save the school system harmless against any and all claims, demands, suits, or other forms of liability that may arise out of shared use of space
3. Clauses which describe the insurance to be carried by the tenant

4. A cancellation clause permitting termination at any time by mutual agreement
5. Statements describing the property lease and a subleasing prohibition
6. Services to be provided, if any, by the Montgomery County Public Schools
7. Types of facility modifications permitted
8. Type of activity and hours of operation permitted in the surplus school space
9. Types of expenditures for which the tenant is responsible
10. Types of services the tenant will provide to Montgomery County Public Schools
11. Lease costs for the surplus space
12. Agreement to follow Rules and Regulations as outlined in Section F

**F. Operation of Programs**

The real estate management specialist will be responsible for the day-to-day operation of the joint occupancy program. He will carefully coordinate the joint occupancy with the building principal ensuring the least possible interference with the educational program. The coordinator will make certain that all joint occupants comply with all lease terms, rules, and regulations promulgated by the local school, MCPS, Maryland State Department of Education, Maryland State Department of Health and Mental Hygiene, and other appropriate agencies, codes, and requirements. Prior to occupying surplus school space, each selected tenant will be provided a set of rules and regulations governing the operation of joint occupancy. In addition to the lease terms for the joint occupant, the rules and regulations will cover such additional items as:

1. Parking and access to the building
2. Standards for custodial services, security, trash removal, and client control
3. Safety and emergency procedures
4. Use of facilities during school closure, holidays, or emergency conditions

5. Use and/or access to site and playground
6. Installation of telephone service
7. Accident and liability insurance
8. Complaint/problem procedures for joint occupant
9. Periodic review of lease

**Regulation History:** New Regulation, October, 1982; directory information updated May, 1987; reviewed May 2, 1988; revised May 1, 2005.