

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

February 14, 2012

MEMORANDUM

To: Members of the Board of Education

From: Patricia O'Neill, Chair, Board of Education Policy Committee

Subject: Final Approval, Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*

On October 11, 2011, the Montgomery County Board of Education tentatively adopted the updated Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*. The tentatively adopted policy was distributed for public comment. Three comments were received.

On January 17, 2012, the members of the Board of Education Policy Committee further discussed Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*. Language has been added to include input from the school community when there are two or more candidates for the same space.

The Policy Committee's recommended changes to the tentatively adopted policy are reflected in the Committee Recommended Draft as Attachment A. The public comments are summarized in Attachment B. The original public comments are included in Attachment C. The Draft for Public Comment is included as Attachment D.

The following resolution is provided for your consideration:

WHEREAS, Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*, sets forth the criteria for joint occupancy of Montgomery County Public Schools facilities; and

WHEREAS, The draft of Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*, was tentatively adopted by the Montgomery County Board of Education on October 11, 2011, and was sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received comments and the Board of Education Policy Committee's recommendations; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*, as updated in the attached committee recommended draft.

Present at the table for the discussion are Mr. James Song, director, Department of Facilities Management, Office of the Chief Operating Officer; Ms. Janice M. Turpin, real estate management team leader, Department of Facilities Management, Office of the Chief Operating Officer; Mrs. Stephanie P. Williams, director, Department of Policy, Records and Reporting, Office of Shared Accountability; and Ms. Sally M. Davis, policy specialist, Office of Shared Accountability.

PO:hp

Attachments

1 Related Entries: ECK, ~~ECL~~, ECM-RA, FAA, KGA-RA, KGC, KGC-RA
2 Responsible Office: Facilities Management

3
4
5 Joint Occupancy of Montgomery County Public Schools (MCPS)
6 Facilities

7
8
9 A. PURPOSE

10
11 To permit and set forth the criteria for joint occupancy of
12 ~~school~~ Montgomery County Public Schools (MCPS) facilities

13
14 B. ISSUE

15
16 Surplus space in MCPS facilities is identified when a school's
17 projected enrollment is less than 80 percent of the school's
18 rated capacity or when surplus space in a nonoperating school
19 facility is not needed for MCPS purposes. The Montgomery
20 County Board of Education (Board) permits joint occupancy of
21 its facilities with ~~by~~ eligible users to offset to the extent
22 feasible and practical the cost of maintaining surplus
23 classroom space.

24
25 CB. PROCESS AND CONTENT POSITION

26
27 21. Joint occupancy shall be ~~is~~ defined as the leased of
28 surplus space in a Board owned property required by the

29 to a non-MCPS user to be allocated exclusively to
30 his/her use, and which may not be subleased by the user,
31

32 2. Joint occupancy is distinguished from shared space,
33 which is space shared with MCPS for that part of a day
34 when it is not needed for MCPS educational programs.
35 ~~8. The Interagency Coordinating Board is responsible for~~
36 ~~locating the users of shared space.~~

37
38 3. The superintendent of schools shall actively seek joint
39 occupants who will support, enrich, and enhance the
40 educational experience of complement, support, and
41 benefit the educational program for MCPS students, their
42 families, or MCPS staff under this policy.
43

44 ~~54. Priority Order for Use of Available Space~~

45
46 ~~Priorities for~~ In order to best meet the needs of
47 children and to ensure prudent utilization of resources,
48 the superintendent of schools will incorporate input from
49 the school community into the decision-making process for
50 selection of users to occupy joint occupants for available
51 spaces in operating facilities schools. ~~will be determined~~
52 ~~by after his/her evaluation of information and reactions~~
53 ~~of community residents. The selection of users should be~~
54 ~~based upon the following~~

55
56 5. Criteria for Identification of Available Space
57

58 a) The space is projected to be surplus for at least
59 two years.

60
61 b) Joint occupancy arrangements that expand building
62 capacity through the use of relocatable units or
63 modular construction may be negotiated if site
64 conditions allow.

65
66 c) For joint occupancy agreements in operating
67 schools,

68
69 (1) No MCPS-operating school will be permitted to
70 house a nonpublic school serving parallel
71 school ~~g~~Grades K-12 in joint occupancy spaces.

72
73 (2) The projected student enrollment at the school
74 is below 80 percent of ~~less than the low range~~
75 ~~building~~the MCPS rated student capacity. This
76 criterion may be waived ~~if enrollment exceeds~~
77 ~~the low range capacity~~ with input from the
78 principal.

79
80 (3) The space is located in a portion or section
81 of the building which can be easily isolated
82 from the educational program, preferably near
83 a restroom and separate entrance.

84
85 6. When MCPS facilities are not fully utilized for student
86 enrollment, MCPS staff functions, or other MCPS programs,

87 space may be leased to non-MCPS users in operating
88 schools or nonoperating schools, as follows:

89 ~~a) MCPS school based /school related programs~~

90
91
92 a) Priority users for space in operating schools

93
94 (1) County programs that benefit MCPS students,
95 their families, or staff

96
97 ~~(2b) Educational programs, Child care providers in~~
98 ~~compliance with Maryland licensing~~
99 ~~requirements who support, enrich, or enhance~~
100 ~~the educational experiences of current and~~
101 ~~prospective MCPS students, their families, or~~
102 ~~staff **with** (public supported or private~~
103 ~~nonprofit) which will benefit the children~~
104 ~~specially enrolled in the regular school~~
105 ~~programs and enhance the learning experiences,~~
106 ~~preference given to child care programs that~~
107 ~~operate in partnership with MCPS for children~~
108 ~~(e.g., day care centers, preschool program,~~
109 ~~foreign language schools, data processing~~
110 ~~schools, or public college programs)~~

111
112 (3) Community programs that enrich or enhance the
113 learning experiences of children or provide
114 needed services to children and families

115

ATTACHMENT A
COMMITTEE RECOMMENDED DRAFT
ECM

116 (4)e) Other purposes for government agencies Housing
117 for other county agency function (e.g.,
118 offices for human resource projects, county
119 health services, or recreation department
120 staff)

121
122 b) Priority users for space in nonoperating schools
123

124 (1) County programs that benefit MCPS students,
125 their families, or staff
126

127 ~~e) Housing for school system staff or functions (e.g.,~~
128 ~~office space for staff of a federally funded~~
129 ~~project or location of any area resource room)~~
130

131 (2±) Nonpublic schools and/or nurseries child care
132 providers in compliance with Maryland
133 licensing requirements who support, enrich, or
134 enhance the educational experiences of
135 children (e.g., religious day schools) which
136 will not attract additional students from the
137 regular school program.
138

139 (3ā) Community programs (public supported or
140 private nonprofit) which will that enrich or
141 enhance the learning experiences for of
142 children or provide needed community services
143 to children, families, or the community (e.g.,

144 ~~elderly care centers, senior citizen centers,~~
145 ~~counseling centers, or nutrition centers)~~

146
147 (4) Other purposes for government agencies

148
149 (5f) Private enterprise

150
151 ~~(2) Private offices (e.g., real estate or~~
152 ~~lawyer consultant)~~

153
154 ~~(3) Private medical practice/community~~
155 ~~services (e.g., doctor, artist, beauty~~
156 ~~salon, or automation service)~~

157
158 ~~(4) Other private/political groups or~~
159 ~~organizations~~

160
161 7. In those cases where two or more candidates for the same
162 space within the same priority category are equally
163 desired, the space will be provided to the candidate
164 providing the most beneficial offer who best meets the
165 needs of the school community as determined by the Board,
166 with input from the school community.

167
168 68. Cost to User Group

169
170 MCPS establishes a per square foot rental rate each
171 fiscal year to be applied to joint occupancy leases in
172 order to recover operating costs. Each non-MCPS user of

173 available space shall be expected to reimburse MCPS on a
174 prorated basis for applicable costs related to this use,
175 — which may include normal building upkeep, building
176 services staff, utility expenditures, restroom supplies,
177 insurance, administrative costs, and other such items on
178 a square foot basis to be identified by the
179 superintendent of schools or his/her designee and
180 contained in the lease negotiated with each user group.
181 For each non-MCPS user group, the lease cost shall be
182 negotiated and be reflective of MCPS costs, comparable
183 market prices, and the profit/nonprofit status of the
184 proposed tenant. Lease fees may be negotiated with groups
185 which in some cases do not recover all MCPS costs for the
186 space to be leased. The income received from this
187 program joint occupancy leases will be received as general
188 revenue recorded in a separate account enterprise fund,
189 the Real Estate Management Fund. and used to offset the
190 cost of making available the space leased and the cost of
191 operating the joint occupancy program in accordance with
192 Internal Revenue Service regulations.

193
194 7. ~~Save Harmless Provision~~

195
196 The lease for each user group shall include appropriate
197 language to save the Board of Education and the school
198 system harmless against any and all claims, demands,
199 suits, or other forms of liability that may arise out of
200 this use of school space. Each proposed tenant must

201 ~~comply with all appropriate legal and zoning~~
202 ~~requirements.~~

203

204 D. IMPLEMENTATION STRATEGIES

205

206 ~~9. The superintendent of schools is authorized to negotiate~~
207 ~~fees for the use of surplus space. on the basis of the Board~~
208 ~~of Education cost guidelines.~~

209

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

212

213 EE. REVIEW AND REPORTING

214

215 1. The superintendent of schools and shall require ongoing
216 monitoring reports to be maintained ~~submit to the Board~~
217 ~~quarterly reports on fee schedules and the use of the~~
218 surplus space.

219

220 2. This policy will be reviewed ~~every three years~~ in
221 accordance with the Board of Education policy review
222 process.

223

224

225 *Policy History:* Adopted by Resolution No. 122-78, February 14,
226 1978; amended by Resolution No. 509-78, July 11, 1978; amended by
227 Resolution No. 1056-79, December 17, 1979; reformatted in
228 accordance with Resolution No. 333-86, June 12, 1986, and

ATTACHMENT A
COMMITTEE RECOMMENDED DRAFT
ECM

229 | Resolution No. 458-86, August 12, 1986, and accepted by Resolution
230 | No. 147-87, February 25, 1987-, amended

Summary of Responses to
Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*

| Public Response Number | Commentator | Issue/Concern Line #'s refer to the Draft for Public Comment | Staff Response Line #'s refer to the Committee Recommended Draft |
|-------------------------------|---|--|---|
| 1 | Samantha Wallack Meklr | <p>Add language to the end of C.7. to include “with stakeholder input from the school and community constituents including, but not limited to parents, local neighborhood associations or groups, and/or residents.”</p> <p>Suggest retaining C.6. (5) “private enterprise” only if it is further qualified and if the rental rate is not subsidized to a below market rate as may be the case for the other priority users. The private enterprise should meet a local need and reflect input from the school and community constituents as stated in the comments regarding the suggested language to C.7.</p> <p>Add language to C.5.a) (2) that lists child care providers as a priority group that makes reference to the pending Child Care policy under consideration and that includes priority for quality, NAEYC accredited (and not just licensed) child care.</p> | <p>The draft has been updated at line 166 in response to comment.</p> <p>There are no private enterprise tenants, because all available space is used by other higher priority tenants, but staff recommends retaining language regarding private enterprise as the lowest priority user without requiring specific uses.</p> <p>Child care providers are listed as a priority group at lines 97–107 and lines 131–135. See summary of responses for Policy KGC, <i>Child Care</i>, for response to public comment about quality.</p> |
| 2 | Marilyn Fleetwood, President of Academy Child Development Center, Inc. | Shared and joint occupancy programs in the public schools more than once a week should have requirements of criminal | Maryland law and regulations specify positions requiring criminal background checks. |

| Public Response Number | Commentator | Issue/Concern Line #'s refer to the Draft for Public Comment | Staff Response Line #'s refer to the Committee Recommended Draft |
|-------------------------------|------------------------------------|--|---|
| | | <p>background checks on staff.</p> <p>There should be one child care provider for each school regardless of age of student.</p> <p>Selection of child care should be based on quality and not solely on equal access.</p> <p>Once a child care center is selected there should not be an automatic rebid process required. Alternate methods of monitoring quality and community need should be instituted.</p> <p>If ICB/CUPF is responsible for the selection process, quality and safety for all children need to be the highest priority and should be stated in the mission statement for all programs and activities that lease space.</p> | <p>MCPS encourages options that suit a variety of student interests and needs.</p> <p>There is no language requiring equal access in selecting child care providers.</p> <p>The terms of leases and the rebidding process will be modified in the accompanying regulation under development.</p> <p>ICB/CUPF is not responsible for joint occupancy agreements.</p> |
| 3 | Isiah Leggett, County Executive | The new proposed requirement that requires that projected student enrollment be below 80 percent of the MCPS rated student capacity, should be more flexible. | Existing language provides sufficient flexibility: lines 61–64 allow arrangements to expand building capacity; and lines 75–78 provide a waiver process. |

Samantha Wallack Meklir
10385 Green Holly Terrace
Silver Spring, MD 20902
samanthamwallack@gmail.com

November 29, 2011

Office of the Superintendent of Schools
850 Hungerford Drive, Room 122
Rockville, MD 20850

RECEIVED
DEC 2 - 2011
OFFICE OF THE
SUPERINTENDENT OF SCHOOLS

Dear Sir or Madam:

Thank you for the opportunity to provide written comments on the draft policies on the *Joint Occupancy of Montgomery County Public Schools Facilities* and also on *Child Care*. My comments are described below.

Joint Occupancy of Montgomery County Public Schools Facilities

- Suggest adding language to #7 to the end of the sentence "as determined by the Board" to include "with stakeholder input from the school and community constituents including, but not limited to, parents, local neighborhood associations or groups, and/or residents".
- Suggest retaining (b) (5) "private enterprise" only if it is further qualified and if the rental rate is not subsidized to a below market rate as may be the case for the other priority users. Moreover, the private enterprise should meet a local need and reflect input from the school and community constituents as stated in the comments regarding the suggested language amendments to #7 stated above.
- Suggest including language in (a) (2) that lists child care providers as a priority group that makes reference to the pending *Child Care* policy also under consideration and that includes priority for quality, NAEYC accredited (and not just licensed) child care.

Child Care

- General statement- the policy does not define the use of the term "high quality child care". Define this term in a manner for which the entity can be measured and held accountable to either MCPS or to another body and consider requiring NAEYC accreditation or other nationally recognized standards and measures that the program uses for determining the quality of care of the overall program.
- For (2) (a) under collaboration, include "parents" as part of the coordinated efforts in addition to the other entities listed.
- Suggest adding an item (3) that considers specific child care needs of the community and other important issues such as:
 - Inclusivity of the child care setting (staff to assist children with special health care needs);
 - Flexibility of the hours and care (part-time care available, before and after care options for non-traditional work hours of parents);
 - Age of the children (infant care and toddler care slots are in great demand vs. preschool age).

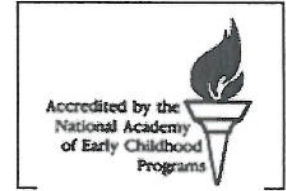
Thank you for your review and consideration of these comments.

Sincerely,

Samantha Wallack Meklir



Academy Child Development Center, Inc.
10109 Darnestown Road
Rockville, MD 20850
(301) 424-6282
www.academychild.com



December 29, 2011

Shirley Brandman, President
Board of Education
Montgomery County Public Schools
850 Hungerford Drive
Rockville, Maryland 20850

Policies ECM and KGC

Dear President Brandman,

I am a child care provider who has leased joint occupancy and shared space from Montgomery County Public Schools since 1981 and I applaud your exemplary history of a mission for quality child care. Over the years child care providers have worked diligently and successfully to raise the quality and professional level of this industry. To insure that this continues and that the mission statement of MCPS Board of Education reflects this, there needs clarification and consideration regarding the following points:

1. The monitoring of quality and safety must be required of all programs (not just child care) that will lease space (including shared and joint occupancy). Child care centers are licensed by MSDE Office of Child Care licensing and are required to complete criminal background checks and reports on all employees. At minimum other shared and joint occupancy programs that are in the public schools more than 1 time per week on a weekly basis should have requirements of criminal background checks on all staff for the safety of all children since they will be sharing bathrooms, playgrounds, hallways and working with children.
2. There should only be one child care provider selected for each school regardless of age of student. There should not be "child care-like" programs serving the same population during the same hours and days.
3. Selection of child care whether in shared or joint occupancy space should be based on quality as is stated in your mission and not solely on equal access.
4. Once a child care center is selected there should not be an automatic rebid process required as is the current requirement of ICB/CUPF. Alternative methods of monitoring quality and community need should be instituted as the first step in the process of maintaining quality child care.
5. If ICB/CUPF is to become responsible for the selection process, then quality and safety for all children need to be the highest priority and should be documented in their mission statement for all programs and activities that lease space.

I am available for discussion regarding my comments. Thank you for the opportunity to serve the working families of Montgomery County for over 30 years.

Sincerely,

Marilyn Fleetwood
President of Academy Child Development Center, Inc.

②





OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

December 22, 2011

RECEIVED

DEC 23 2011

OFFICE OF THE
SUPERINTENDENT OF SCHOOLS

Joshua P. Starr, Ed.D
Superintendent of Schools
850 Hungerford Drive
Rockville, Maryland 20850

Dear Superintendent Starr:

Thank you for requesting comment regarding two Board of Education policies: Policy ECM: *Joint Occupancy of the Montgomery County Public School Facilities*, and Policy KGC: *Child Care*. I appreciate the opportunity to share my views with you.

Our County has just weathered unprecedented economic times. It is crucial therefore that we make decisions that will contribute to sustainable government going forward into the future. Sharing our public land and facilities is one of the most efficient and economical ways to achieve several of our most important policy objectives, namely meeting the needs of our children by making it possible for them to enjoy high-quality, convenient child care in a safe environment, and allowing community programs to be located in schools to enrich children's learning experience.

There is a new proposed requirement in the draft MCPS Policy KGC, Child Care that joint occupancy arrangements to expand building capacity through the use of relocatable units or modular construction would require that projected student enrollment be below 80 percent of the MCPS rated student capacity.

Because joint occupancy often contributes greatly to our common policy objectives to bring beneficial community uses and child care services to our school population while maintaining a sustainable budget, I would recommend that the new criteria, rather than set a firm number, provide for greater flexibility. Although the criteria could be waived by the principal of the school, the burden would rest with the community or child care provider rather than the institution to overcome this barrier. In these challenging times where we depend on our nonprofit and business partners to assist us in the important goal of meeting the needs of our children, I believe that we must make every effort to accommodate these providers.

I appreciate your interest in my views on this issue. Please feel free to contact me if you have questions.

Sincerely,

Isiah Leggett
County Executive

cc: Shirley Brandman, President/BOE

1 Related Entries: ECK, ~~ECL~~, ECM-RA, FAA, KGA-RA, KGC, KGC-RA

2 **Responsible Office: Facilities Management**

3

4

5 Joint Occupancy of Montgomery County Public Schools (MCPS)

6 Facilities

7

8

9 A. PURPOSE

10

11 To permit and set forth the criteria for joint occupancy of
12 ~~school~~ **Montgomery County Public Schools (MCPS)** facilities

13

14 B. ISSUE

15

16 **Surplus space in MCPS facilities is identified when a school's**
17 **projected enrollment is less than 80 percent of the school's**
18 **rated capacity or when surplus space in a non-operating school**
19 **facility is not needed for MCPS purposes.** The **Montgomery**
20 **County Board of Education (Board)** permits joint occupancy of
21 its facilities ~~with~~ **by** eligible users to offset to the extent
22 feasible and practical the cost of maintaining surplus
23 ~~classroom~~ space.

24

25 ~~CB. PROCESS AND CONTENT~~ POSITION

26

27 21. Joint occupancy ~~shall be~~ defined as **the leased of**
28 surplus space **in a Board owned property** ~~required by the~~

29 to a non-MCPS user ~~to be allocated exclusively to~~for
30 his/her use. ~~and which may not be subleased by the user.~~

31
32 2. **Joint occupancy** ~~is~~ distinguished from **shared** space,
33 which is **space** shared with MCPS for **that** part of a day
34 when **it is** not needed for MCPS educational programs.
35 ~~The~~ Interagency Coordinating Board is responsible for
36 locating the users of shared space.

37
38 3. The superintendent **of schools** shall actively seek joint
39 occupants who ~~will support, enrich, and enhance the~~
40 **educational experience of** ~~complement, support, and~~
41 ~~benefit the educational program for~~ MCPS students, **their**
42 **families, or MCPS staff** ~~under this policy.~~

43
44 ~~54. Priority Order for Use of Available Space~~

45
46 ~~Priorities for~~ In order to best meet the needs of
47 children and to ensure prudent utilization of resources,
48 the superintendent of schools **will incorporate input from**
49 **the school community into the decision-making process for**
50 **selection of users to occupy joint occupants** for available
51 spaces in **operating facilities** ~~schools.~~ ~~will be determined~~
52 ~~by after his/her evaluation of information and reactions~~
53 ~~of community residents.~~ The selection of users should be
54 based upon ~~the following~~

55
56 5. Criteria for Identification of Available Space

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

- a) The space is projected to be surplus for at least two years.

- b) **Joint occupancy arrangements that expand building capacity through the use of relocatable units or modular construction may be negotiated if site conditions allow.**

- c) **For joint occupancy agreements in operating schools,**
 - (1) No ~~MCPS~~ operating school will be permitted to house **a nonpublic school serving** parallel school grades **K-12** in joint occupancy spaces.

 - (2) The projected student enrollment at the school is **below 80 percent of** ~~less than the low range building~~ **the MCPS rated student** capacity. This criterion may be waived ~~if enrollment exceeds the low range capacity~~ **with input from the principal.**

 - ~~b~~(3) The space is located in a portion or section of the building which can be easily isolated from the educational program, preferably near a **restroom and** separate entrance.

85 6. When MCPS facilities are not fully utilized for student
86 enrollment, MCPS staff functions, or other MCPS programs,
87 space may be leased to non-MCPS users in operating
88 schools or non-operating schools, as follows:

89
90 ~~a) MCPS school based /school related programs~~

91
92 a) Priority users for space in operating schools

93
94 (1) County programs that benefit MCPS students,
95 their families, or staff

96
97 ~~(2b) Educational programs, Child care providers in~~
98 ~~compliance with Maryland licensing~~
99 ~~requirements who support, enrich, or enhance~~
100 ~~the educational experiences of current and~~
101 ~~prospective MCPS students, their families, or~~
102 ~~staff with (public-supported or private~~
103 ~~nonprofit) which will benefit the children~~
104 ~~specially enrolled in the regular school~~
105 ~~programs and enhance the learning experiences,~~
106 ~~preference given to child care programs that~~
107 ~~operate in partnership with MCPS for children~~
108 ~~(e.g., day care centers, preschool program,~~
109 ~~foreign language schools, data processing~~
110 ~~schools, or public college programs)~~

111

112 (3) Community programs that enrich or enhance the
113 learning experiences of children or provide
114 needed services to children and families

115
116 ~~(4e) Other purposes for government agencies Housing~~
117 ~~for other county agency function (e.g.,~~
118 ~~offices for human resource projects, county~~
119 ~~health services, or recreation department~~
120 ~~staff)~~

121
122 b) Priority users for space in non-operating schools

123
124 (1) County programs that benefit MCPS students,
125 their families, or staff

126
127 ~~e) Housing for school system staff or functions (e.g.,~~
128 ~~office space for staff of a federally funded~~
129 ~~project or location of any area resource room)~~

130
131 ~~(2±) Nonpublic schools and/or nurseries child care~~
132 ~~providers in compliance with Maryland~~
133 ~~licensing requirements who support, enrich, or~~
134 ~~enhance the educational experiences of~~
135 ~~children (e.g., religious day schools) which~~
136 ~~will not attract additional students from the~~
137 ~~regular school program.~~

138

139 (3d) Community programs ~~(public-supported or private~~
140 ~~nonprofit)~~ which will **that enrich or** enhance
141 **the** learning experiences ~~for~~**of** children or
142 provide needed ~~community~~ services **to children,**
143 **families, or the community** ~~(e.g., elderly care~~
144 ~~centers, senior citizen centers, counseling~~
145 ~~centers, or nutrition centers)~~

146
147 (4) **Other purposes for government agencies**

148
149 (5f) Private enterprise

150
151 ~~(2) Private offices (e.g., real estate or~~
152 ~~lawyer consultant)~~

153
154 ~~(3) Private medical practice/community~~
155 ~~services (e.g., doctor, artist, beauty~~
156 ~~salon, or automation service)~~

157
158 ~~(4) Other private/political groups or~~
159 ~~organizations~~

160
161 7. In those cases where two or more candidates for the same
162 space within the same priority category are equally
163 desired, the space will be provided to the candidate
164 ~~providing the most beneficial offer~~**who best meets the**
165 **needs of the school community as determined by the Board.**

166
167 68. Cost to User Group

168
169 **MCPS establishes a per square foot rental rate each**
170 **fiscal year to be applied to joint occupancy leases in**
171 **order to recover operating costs.** ~~Each non-MCPS user of~~
172 ~~available space shall be expected to reimburse MCPS on a~~
173 ~~prorated basis for applicable costs related to this use.~~
174 ~~—which may include normal building upkeep, building~~
175 ~~services staff, utility expenditures, restroom supplies,~~
176 ~~insurance, administrative costs, and other such items on~~
177 ~~a square foot basis to be identified by the~~
178 ~~superintendent of schools or his/her designee and~~
179 ~~contained in the lease negotiated with each user group.~~
180 ~~For each non-MCPS user group, the lease cost shall be~~
181 ~~negotiated and be reflective of MCPS costs, comparable~~
182 ~~market prices, and the profit/nonprofit status of the~~
183 ~~proposed tenant. Lease fees may be negotiated with groups~~
184 ~~which in some cases do not recover all MCPS costs for the~~
185 ~~space to be leased. The income received from this~~
186 ~~program~~ **joint occupancy leases** will be received as general
187 revenue recorded in a separate account **enterprise fund,**
188 **the Real Estate Management Fund.** ~~and used to offset the~~
189 ~~cost of making available the space leased and the cost of~~
190 ~~operating the joint occupancy program in accordance with~~
191 ~~Internal Revenue Service regulations.~~

192
193 ~~7. Save Harmless Provision~~

194
195 ~~The lease for each user group shall include appropriate~~
196 ~~language to save the Board of Education and the school~~

197 ~~system harmless against any and all claims, demands,~~
198 ~~suits, or other forms of liability that may arise out of~~
199 ~~this use of school space. Each proposed tenant must~~
200 ~~comply with all appropriate legal and zoning~~
201 ~~requirements.~~

202

203 **D. IMPLEMENTATION STRATEGIES**

204

205 ~~9. The superintendent of schools is authorized to negotiate~~
206 ~~fees for the use of surplus schools. space on the basis of the~~
207 ~~Board of Education cost guidelines.~~

208

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

211

212 **EE. REVIEW AND REPORTING**

213

214 1. **The superintendent of schools and shall require ongoing**
215 **monitoring reports to be maintained** ~~submit to the Board~~
216 ~~quarterly reports on fee schedules and~~ the use of the
217 surplus space.

218

219 2. This policy will be reviewed ~~every three years~~ in
220 accordance with the Board of Education policy review
221 process.

222

223

224 *Policy History:* Adopted by Resolution No. 122-78, February 14,
225 1978; amended by Resolution No. 509-78, July 11, 1978; amended by

**ATTACHMENT D
DRAFT FOR PUBLIC COMMENT
ECM**

226 Resolution No. 1056-79, December 17, 1979; reformatted in
227 accordance with Resolution No. 333-86, June 12, 1986, and
228 Resolution No. 458-86, August 12, 1986, and accepted by Resolution
229 No. 147-87, February 25, 1987~~+~~, **amended**