

SECTION: PROPERTY

TITLE: USE OF DISTRICT FACILITIES
FOR BEFORE AND AFTER
SCHOOL CHILD CARE
PURPOSES

EASTON AREA SCHOOL DISTRICT

ADOPTED: March 22, 2016

REVISED: March 15, 2016

<p>1. Purpose</p> <p>2. Authority</p> <p>3. Delegation of Responsibility</p> <p>4. Guidelines</p>	<p style="text-align: center;">707.1. USE OF DISTRICT FACILITIES FOR BEFORE AND AFTER SCHOOL CHILD CARE PURPOSES</p> <p>The Board recognizes the importance of child care before and after school for working families. In an effort to better assist parents, the district shall permit limited use of its facilities for outside providers to provide before and after-school child care.</p> <p>The child care provided under this Policy is not a program or service of the district but, rather, a service provided by a private provider utilizing district facilities. The Board shall make all final decisions on acceptance/approval of applications by child care providers for such use of facilities, as well as determining an applicable fee for the program's use of district facilities. Before and after care providers are expected to conduct both their student selection process, as well as all aspects of their program in a non-discriminatory manner and to comply with all applicable laws and regulations.</p> <p>The Superintendent or designee shall be responsible for reviewing all applications to ensure compliance with this Policy.</p> <p>The Board may limit approved Child Care Provider status to one provider within all district school buildings at any given time. The initial approval for a given provider shall be granted for a one-year period. All subsequent approvals shall be granted for no more than a three-year period but may be revoked by the district at any time.</p> <p>This Policy simply governs the use of facilities for before/after school care programs run by external providers. Before and after care programs for which the district grants facilities-use permission are not programs run by or in any other way affiliated with the district. The district shall not be responsible for the selection of students who participate in the program or the actual program itself. Employees of the before and after care programs are not employees of the district. Students in the program shall be deemed not under the direction, care and/or control of the district.</p>
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Application Requirements

Upon release of the RFP, Child Care Providers seeking to utilize district facilities for their programs are required to submit to the Superintendent a formal application detailing the specific program to be offered within the district. Upon reviewing the application to ensure compliance with this Policy, the Superintendent shall forward it to the Board for consideration. Such application must contain:

- A description of the program, including times when the program would be open to students;
- A list of positions of any/all employees who would be working within the district's facility;
- Detailed information regarding the amount that would be charged for each student's participation in the program;
- Information regarding the minimum and maximum numbers for enrollment within the program housed within the district;
- A detailed description of the nature and extent of the facility-use needs, including how many classrooms would be required, any additional space needed, etc.;
- A detailed description of what educational services (tutoring, etc.) are provided to students in the program;
- A certificate of insurance that meets the specific requirements set forth, below;
- A list of references, which must include a minimum of ten (10) parents of students who are currently enrolled in the child care program with the entity; this requirement shall be waived, upon request, for new entities that do not have children currently enrolled in their program; for entities that do not have children currently enrolled but who have provided child care services in the past, those entities must seek out references from past parents – where none can be found, a waiver may be granted at the discretion of the Board upon satisfactory proof that due diligence was made in the effort to locate past participants;
- Proof of negative TB tests for all employees who will be working within the district's facilities;
- Proof of compliance with Department of Human Services Child Care Regulations;
- Background checks and clearances for all employees who will be working within the school building, which shall include the following for each employee:
 - State Police Criminal History Record
 - Dept of Human Services Child Abuse Report
 - Federal Criminal History Report (CHRI) – FBI Report

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Fees

The district shall charge a fee for the use of its building(s) by the before/after care provider. The Child Care facility and the Board shall enter into a formal agreement detailing applicable fees and any additional restrictions that the Board deems necessary, provided that such restrictions are not contradictory to this Policy.

Prohibited Activities

The following activities are strictly prohibited in district facilities:

1. Possession, use or distribution of illegal drugs and/or alcoholic beverages.
2. Possession of weapons.
3. Conduct that would alter, damage or be injurious to any district property, equipment or furnishings.
4. Conduct that would constitute a violation of the Pennsylvania Crimes Code, and/or state and federal laws and regulations.
5. Gambling, games of chance, lotteries, raffles or other activities requiring a license under the Local Option Small Games of Chance Act, unless such activity has been expressly authorized by the Board or administration.
6. Use of tobacco products anywhere on school property.

Violations

The school district reserves the right to remove from school district premises any individual or community group who fails to comply with the terms and conditions of this Policy, established procedures and/or any contract with the district.

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In the event that the child care provider violates this Policy or the terms under which permission was granted to use district facilities under this Policy, the Board authorizes the Superintendent, at his/her discretion, to immediately prohibit further use of the building, and the provider forfeits the right to submit future written requests to use school district property, unless otherwise decided by the Board.

Schedule

Programs approved under this Policy shall be authorized to operate no earlier than 7 a.m. and end no later than 6 p.m.

The schedule for the before/after care program shall be determined by the Superintendent or designee and provided to the before and after school program supervisor by May 1 of the prior school year. The schedule may include care during the summer months at the discretion of the Board and the Superintendent. All applicable fees shall be applied for any facility open during the summer months.

For weather-related early dismissals and cancellations, the before/after care program must defer to the district's schedule. On days where school is cancelled due to weather or facility problems, the facilities may not be used for before/after care programs, unless approved by the Superintendent or designee. On days when there is a late arrival, the facilities may not be used for before-school care. On days when there is a weather-related or emergency early dismissal, the facilities may not be used for after-school care. In the event of scheduled early dismissals per the school calendar, the child care facility may remain open.

In the event of a lockdown or other building emergency, the child care provider shall follow the rules established by the district. Where a lockdown is already in place prior to the beginning of the child care services, after-school child care may be cancelled for that day. In the event of this or any other type of emergency, the building principal, in consultation with the Superintendent or designee, shall be responsible for cancelling after-school care where necessary for the safety of the staff or students.

Any scheduled school activity, whether taking place during the school day or otherwise, shall have priority over any other activity for the use of such facility. In the event of school activity is postponed due to inclement weather, etc., and the make-up day conflicts with a planned community or other activity, the school program shall have priority and the community activity and/or other activity shall be postponed and may be rescheduled. Scheduled activities that are cancelled due to inclement weather, which are not rescheduled, are eligible for a refund of fees paid.

Building Use And Condition

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All areas of a building requested must be kept in such condition that there will be no interference with normal school operations.

Building use is strictly restricted to those rooms, hallways and restrooms identified in the contract.

The district reserves the right to require any before/after care program to hire additional janitorial staff, at the before/after care program's expense, where the district determines that such additional janitorial staff is needed due to the before/after care program's use of the building. Such determination shall be made through recommendations by the building principal to the Superintendent or designee.

Any equipment, scenery, decorations, furniture, etc., to be used by the before/after care program must be approved, in writing, by the building principal. If approved, such materials shall be delivered to the facility involved at a time as determined by the building principal that will not interfere with normal school operations prior to the event. It must then be removed at a time determined by the school principal, Superintendent and/or designee, but no later than the day following the activity or program.

Indemnification And Insurance Requirements

The before/after care program must agree to exercise proper care in the use of the property and facilities to indemnify and hold harmless the school district for any and all damages to school or other property by any parent, visitor, student and/or before/after care program employee and to indemnify and hold harmless the school district against liability for any and all damage to any person or person for injuries including death.

A certificate of insurance must be attached to the application. The minimum limits of liability are: a minimum of \$500,000 for all damages arising out of bodily injury/person/accident; \$1,000,000 aggregate for all damages sustained by two (2) or more persons/accidents and \$500,000 Property Damage Liability. The certificate also must include directors and officers for errors and omissions, including employment practices liability. In such event, the applicant shall furnish the Superintendent and/or designee with a certificate showing that such insurance has been obtained. The Certificate of Insurance MUST list Easton Area School District as a certificate holder and as an additional insured.

In all cases, the certificate of insurance must be presented to the district at least twenty-one (21) days before the program is to begin.

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	<p>Documentation must provide evidence that the school district shall be held harmless by the user for any liability that arises from use of school facilities by the individual or group.</p> <p><u>Fees</u></p> <p>All fees due to the school district for the use of a facility are due and must be paid monthly. If fees are not paid, approval shall be automatically withdrawn.</p> <p>The Board additionally reserves the right to charge an interest rate of 15% for all facilities usage fees that are past due more than sixty (60) days. The Board also reserves the right to revoke the permission for the entity to use the facilities for its program if fees are past due for more than ninety (90) days.</p> <p><u>Regulations For Use</u></p> <ol style="list-style-type: none">1. Facilities may not be filled beyond rated capacity. The maximum number of participants and spectators in that activity must be supplied on the application form.2. Program staff must refrain from any conduct or activities not specifically related to the before/after care program.3. Advertisements or promotions of the before/after care program to be held at school facilities, individuals and community groups must clearly communicate that the program is not a district program but, rather, run by the approved entity.4. At least one supervisor must remain on the premises at all times until all participants and program employees have left the facility.5. Accidents involving persons and /or property must be immediately reported to school officials.6. The use of auditoriums, gymnasiums and/or swimming pool is not included in the program contract and must be applied for separately, as per Board Policy 707, unless approved through the initial application. Applicable fees shall apply. District site managers, lighting/sound staff and/or lifeguards may be required and are subject to the requirements of Board Policy 707.7. The school principal and building administrators may set additional reasonable restrictions or regulations for building use. Appeals of or complaints regarding such additional restrictions or regulations must be made directly to the Superintendent in writing.
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8. The use of school facilities is subject to cancellation by the school district based upon emergency situations, including inclement weather, and when the use under such conditions may damage such facilities or pose a safety concern. In such cases, before/after care program supervisors will be notified immediately.
9. After the application has been approved, the applicant may **not** assign, sublet, or transfer its right of privileges to any other individual, group, or organization.
10. A custodian/custodians and/or other school district personnel must be on duty at all times when a facility is in use.
11. The district reserves the right to require district personnel, such as an administrator, nurse, additional custodian and/or security, to be present during the before/after care program hours. If the Superintendent finds that such individuals are necessary for the safety of the students and/or the security of the building, the costs of such employees shall be paid by the before/after care program. Fees for the use of school district personnel will be billed directly, along with the program's regular monthly fee.
12. The before/after care program will be responsible for all thefts of school property, damage thereto or destruction thereof, and shall make restitution to the school district for such thefts, damage, or destruction. Restitution will be based on new replacement or repair costs including labor.
13. No special arrangements to the facility (decorations, scenery, furniture, and similar items) may occur prior to the time contracted for use unless written permission has been obtained from the Superintendent.
14. The Superintendent and/or designee or school principal has the power to revoke the before/after care's permission to use the building if, in his/her judgment, the school facility is not being properly used. In such cases, Program officials shall be given at least 48 hours' notice.

Adult Supervision

Responsible adult supervision in adequate numbers must be provided by the sponsoring organization. The ratio of staff to students must at all times be consistent with or greater than (higher number of staff) the information provided on the application.

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Staff Restrictions And Mandatory Reporting

The reporting requirements found in 24 P.S. §1-111 shall be required of all employees of child care entities approved under this Policy. Individuals convicted of one or more of the crimes enumerated in 24 P.S. §1-111 are permanently prohibited from providing child care services on district property. Individuals convicted of felonies other than those listed in 24 P.S. §1-111 are prohibited from providing child care services on district property within the district from ten (10) years from the date of expiration of the sentence for the offense. Individuals convicted of first-degree misdemeanors are prohibited from providing child care services on district property from five (5) years from the date of expiration of the sentence of the offence, with the exception of first-degree-misdemeanor driving-under-the-influence (DUI), for which a three-year (3) prohibition shall be in effect.

Employees who are arrested or convicted of one of the enumerated offenses listed in 24 P.S. §1-111 must report such arrest/conviction to his/her supervisor, who is required to make a report the Superintendent and the building principal in writing within seventy-two (72) hours of the arrest/conviction.

Supervisors and/or individuals responsible for making employment decisions who have reason to suspect that an employee of the child care entity has been arrested for and/or criminally convicted of an offense enumerated in 24 P.S. §1-111, and such employee has not provided written notice of the arrest/conviction, shall require such employee to submit to the supervisor a current report of criminal history record information, as required by 24 P.S. §1-111. The child care entity shall be responsible for the costs of such reports.

Child care entities that fail to comply with these reporting requirements shall be subject to immediate termination of program in the district.

TB Testing

The before/after care program is responsible for providing proof of a negative TB test prior to having any new employee of the program work in any of the district's facilities. Such proof shall be submitted to the Superintendent.

Conduct Of Parents/Guardians

Parents attending meetings must confine themselves to the rooms, corridors, grounds or areas assigned to their use. Non-parent/guardian visitors shall be prohibited from entering the district buildings without prior approval from the building principal.

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It shall be the responsibility of the organization using the facilities to control the conduct of persons attending the activity. Such control shall include the prevention of:

1. Disrespect to a school representative.
2. Disorder or misconduct inside or outside the building prior to, during, or after the program hours.
3. Permitting food and/or drink in the auditorium, gymnasium or other restricted area.
4. Parking vehicles on grass areas or any areas not designated as a parking area.

Use Of Cafeteria

Use of the cafeteria requires separate authorization and permission under Board Policy 707.

Care Of Property And Facilities

The use of a building is restricted to the purposes and areas for which the application was submitted and approved. The Board reserves the right to restrict and supervise the use of the property in accordance with the intent of these rules and regulations.

The before/after care program is responsible for directing vehicles during drop-off and pick-up times. Program employees must ensure that all cars are parked on paved parking areas and that drop-off and pick-up occurs in an orderly fashion that limits disruption and prevents blockage of roadways and other throughways.

Any school equipment that is to be used in conjunction with requested facilities shall be identified at the time that the request for use of facilities is made. This includes blackboards/dry-erase boards, etc. The use of school computers is prohibited. Use of district equipment without proper permission may result in the termination of the contract. The before/after care program shall be responsible for any damage or loss to such equipment that occurs while it is in their use, regardless of whether permission was obtained, and must save, hold harmless and indemnify the district for claims, injuries and damages to persons and property arising out of the use of district equipment. Where rules so specify, no item of equipment may be used except by a qualified operator.

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Student Enrollment/Participation

Students may only attend child care programs in the building in which they attend school, and child care programs approved under this Policy may not enroll or permit the participation of children other than those who attend school in the building of the particular child care program unless approved through the initial application. Where one provider provides child care services in multiple district buildings, the child care site in each building is permitted to provide services only to students who lawfully attend school in that building.

Weekend Usage

Before/after care programs are permitted to utilize district facilities only during the week during the hours set forth in the application. Board Policy 707 applies to weekend usage, and a separate application must be made under Pol. 707 for that purpose.

Applicable Laws:

School Code – 24 P.S. Sec. 511, 775, 779

State Board of Education Regulations – 22 PA Code Sec. 403.1

Department of Health Regulations – 18 PA Code Sec. 18.42

Department of Revenue Regulations – 61 PA Code Sec. 901.1, 901.701

School Tobacco Control – 35 P.S. Sec. 1223.5

Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.