

CHAPTER 4 PROPERTY

Article 1

DONATION OF SURPLUS PERSONAL PROPERTY

Section 4-1.1. Conditions for donation of surplus property.— Any equipment, supplies and materials, including school buses, determined by the superintendent to be of no further benefit to the school system, and declared surplus by the School Board, may be donated to a nonprofit charitable organization by an affirmative recorded vote of the School Board, so long as the following conditions are met:

- a. That a request in writing has been received by the superintendent from an organization requesting that the School Board donate to them certain equipment, supplies, and materials;
- b. That the organization making the request is (i) a nonprofit organization recognized by Section 501 (c)(3) of the Internal Revenue Code; or (ii) a Parent Teacher Association (PTA) directly associated with Suffolk Public Schools; or (iii) any other club; committee and/or organization directly associated with Suffolk Public Schools;
- c. That the organization making the request is primarily involved in offering educational, social, and/or recreational opportunities for children in the City of Suffolk, Virginia;
- d. That the organization making the request certifies in writing that in providing services to the general public, it will not discriminate against any person on account of race, sex, religion, or national origin;
- e. That the organization making the request agrees in writing that any equipment, supplies and materials donated by Suffolk City Public Schools will not be resold to any person, firm, corporation, or other entity whatsoever; and
- f. That the organization certifies that it agrees to hold Suffolk City Public Schools, its agents and/or assigns, harmless from any inquiry that may result to any individual as a result of any equipment, supplies, and/or materials donated by Suffolk City Public Schools to the requesting organization. (Issued October 10, 1996)

Legal Authority - School Board Policy §§2-2.1.10 & 4-13.2.

SUFFOLK PUBLIC SCHOOLS

Article II

LOSS OF OR DAMAGE TO SCHOOL BOARD PROPERTY

Section 4-2.1. Student liability; vandalism; refunds— A. Students are financially liable for loss of or damage to School Board property, even when malicious intent is not involved. If malicious intent is involved, the case is treated as vandalism. The responsible student shall be charged a replacement fee for the lost or damaged item. Fees collected for damaged School Board property shall be accounted for in accordance with procedures disseminated by the division's Director of Finance.

B. Deliberate and malicious damage to School Board property will be paid for by the student(s) responsible for the damage or by his or her parents/guardians, in accordance with Sections 8.01-43 and 8.01-44 of the Code of Virginia (1950), as amended. Funds collected by schools will be forwarded to the division's business office.

C. Schools may make refunds to students if they return lost items.
(Issued August 10, 1995)

Legal Authority - School Board Policy §§10-10.3 & 5-2.7

Article III

PLAYGROUND EQUIPMENT

Section 4-3.1. Recommendations for use.— Recommendations for use of school playground equipment shall be developed through the office of the Director of Facilities and Planning as follows: (1) a School Playground Committee will be appointed by the superintendent; (2) the School Playground Committee will use the latest safety guidelines which are applicable to playground equipment in the selection of appropriate playground equipment; (3) the School Playground Committee will make recommendations concerning the use of creative playground equipment to the Director of Facilities and Planning; (4) the Director of Facilities and Planning will have final approval of equipment to be installed at all schools.
(Issued February 9, 1995)

Legal Authority - School Board Policy §§6-3.1 through 6-3.3

Article IV

COMMUNITY USE OF SCHOOL FACILITIES

Section 4-4.1. Certain substances and weapons prohibited; School Board authority.— A. Use or possession of alcoholic beverages, illegal substances, and weapons of any kind, as defined in School Board Policy, are not allowed on school property at any time.

B. The School Board may cancel permission to use school buildings and grounds when such action is necessary for the best interest of the school division. The principal or his agent shall be present for all activities. (Issued January 12, 1995; Revised October 12, 1999)

Legal Authority - School Board Policy §§10-11.1 & 10-11.2

Section 4-4.2. Use by school groups; non-school groups; 100 Day Limit on facilities constructed using tax exempt governmental bonds.— A. Use of buildings and grounds by school groups within the same school for educational purposes after school hours shall be handled by the principal of the school for educational purposes after regulations of the School Board. The school group shall submit to the principal its request for use of the facility on the standard use of facility form. If approved by the principal, notice of the approval along with a copy of the use of facility form must then be sent by the principal to the superintendent for informational purposes only.

Use of buildings and grounds by school groups within the division but not within the same school requires the submission of the standard use of facility form to the principal. If the principal approves the use, he/she will then forward the form to the superintendent or designee for final approval.

B. Use of buildings and grounds by non-school groups requires the submission of the standard use of facilities form to the principal, which must be subsequently approved by the superintendent or designee. Requests shall be presented for action no less than twenty-one days prior to the date scheduled for the event. The custodial services of a School Board employee are required. Payment for this service shall be based on an hourly rate (including overtime where necessary) plus related fringe benefit costs and shall be collected by the administrative office of the Suffolk Public Schools. Custodial fees shall not be charged to P.T.A.s, Scouts and 4-H clubs. Where the use of a school kitchen and equipment is requested, an employee of the Food Services Department must be present.

C. The 100 day limit on use of school facilities as set forth in School Board Policy 10-11.2 shall apply on to school facilities constructed after 2007 where tax exempt government bonds were issued to finance school construction and the obligation for payment on bonds remains outstanding. (Issued January 12,

1995; Revised October 12, 1999; Revised May 8, 2008; Issued May 8, 2008)

Note: The 2008 revision to this regulation inserted Subsection C.

Legal Authority – School Board Policy §§ 10-11.1 & 10-11.2

Section 4-4.3. General regulations; fees and payment of.— A. Any person, group, or organization wanting to use a Suffolk Public School facility must adhere to the following:

- (1) Provide Suffolk Public Schools with the current address and telephone number of a contact person, and that contact person will agree to work cooperatively with the principal and provide assurance that the person, group or organization will follow all policies of the School Board and all applicable rules and/or regulations of Suffolk Public Schools.
- (2) Provide Suffolk Public Schools with a certificate of insurability, upon request of the superintendent, to show the following:

Commercial General Liability - \$1,000,000 each occurrence
(Bodily Injury)

- \$2,000,000 general aggregate
(Bodily Injury)

- \$3,000,000 each occurrence
(Property Damage) or

A combined single limit of \$1,000,000

Coverage is to include Products Liability, Personal Injury, and Fire Damage Legal Liability. The Certificate shall certify that the policy has been endorsed to name, as an additional insured, Suffolk Public Schools, with respect to the use of the premises. If the organization has an employee(s), the Certificate must also show evidence of Worker's Compensation coverage.

These amounts may be adjusted by Suffolk Public Schools depending upon the risk exposure factors present.

- (3) Agrees to hold harmless and indemnify Suffolk Public Schools with respect to any claim of loss, injury, or damage

because of negligence of the user or user's employees or agents, including damage to School Board property for which the School Board would be liable.

- (4) Shall arrange and pay for such insurance and security personnel as required by Suffolk Public Schools. Security is defined as either a Suffolk police officer(s) or a Suffolk Sheriff Department Deputy(ies). In determining the amount of insurance and the level of security, if any that will be required, the superintendent will consider the following:
 - (a) The nature of the activity
 - (b) The time of day
 - (c) The length of time encompassing the activity
 - (d) Historical antecedents associated with the activity or a like activity
 - (e) Crowd analysis to include (1) size; (2) student mix; (3) mix of students and adults; (4) the involvement of students from more than one school; (5) the need to separate and control different elements of the crowd; (6) the likelihood that the activity will attract persons not interested in the activity; (7) the presence of the other groups using the facility at the time; (8) the likelihood of vandalism or theft occurring in the parking area; (9) traffic control; and (10) any other relevant factor unique to the activity.
- (5) Agrees to comply with safety regulations and policies of the Suffolk Fire and Police Departments.
- (6) Agrees not to place signs, banners or other advertising devices on Suffolk Public School property without the written approval of the Director of Facilities and Planning for Suffolk Public Schools.

B. Any organization requesting use of school facilities shall be assessed a rental fee for such use, along with any custodial and/or cafeteria fees which may be applicable, as set forth in the schedule of fees adopted by Suffolk Public Schools.

C. The superintendent shall determine minimum custodial and/or cafeteria fees required by the event. All rental fees and the minimum

custodial/cafeteria fees shall be paid by the group or organization prior to the date of the event and shall be considered the deposit. The deposit will be applied to the final bill subsequent to the event. (Issued January 12, 1995; Revised October 12, 1999)

Legal Authority - School Board Policy §§10-11.1 & 10-11.2

Section 4-4.4. Waiver of rental fee and insurance requirement; writing required.—A. The School Board may permit waiver of the rental fee and/or the insurance requirement for any organization if:

- 1) On recommendation of the superintendent, it would be in the best interest of Suffolk Public Schools that waiver should be granted; or
- 2) The group or organization meets the definition of a Group I organization as set forth herein; and
 - i) within three months prior to applying for waiver, the Group I organization has sponsored at least one program and/or activity which benefited school age children in Suffolk Public Schools; and
 - ii) has an office in Suffolk; and
 - iii) the activity and/or program sponsored by the Group I organization, for which waiver is being requested, will be free and open to the public.

B. Any organization seeking a waiver fee must submit its request in writing to the superintendent explaining, in sufficient detail, the reason(s) that the organization is requesting waiver. Within ten work days after receiving the request for waiver, the school superintendent will issue a written notice to the applicant indicating the superintendent's intention to recommend to the School Board that the request be either granted or denied. If the superintendent intends to recommend to the School Board that the request for waiver be denied, the reason(s) therefore shall be set forth in the notice of intent. (Issued January 12, 1995; Revised October 12, 1999)

Legal Authority - School Board §§10-11.1 & 10-11.2

Section 4-4.5. Appeal.—Any organization that does not agree with the notice of intent received from the superintendent, can appeal directly to the School

Board. Any appeal to the School Board must be submitted in writing to the School Board within seven calendar days from the date of the superintendent's notice of intent. Any appeal to the School Board may be in writing or the party requesting the appeal may appear in person before the School Board. The decision of the School Board shall be considered final. (Issued January 12, 1995; Revised October 10, 1999)

Legal Authority - School Board Policy §10-11.1.

Article V

SMOKING IN SCHOOL BUILDINGS ON SCHOOL GROUNDS PROHIBITED

Section 4-5.1. Smoking in school buildings and school grounds of Suffolk Public Schools Prohibited.—All buildings owned by the Suffolk City School Board are designated smoke free facilities. Smoking in buildings and on grounds of Suffolk Public Schools is hereby prohibited. (Issued January 12, 1995; Revised June 26, 2008)

Note: The **2008** revision deleted in its entirety criteria for designated smoking areas and inserted a new section making all buildings owned by the Suffolk City School Board smoke free facilities.

Legal Authority - School Board Policy §7-6.5.

Article VI

DISTRIBUTION OF MATERIALS

Section 4-6.1 Purpose stated; approved organizations; display only organizations; approval process; withdrawal of approval; principal notification.—A. The purpose of this regulation is to set forth the procedures to be followed in reviewing informational materials and announcements for distribution or display in Suffolk Public Schools. This regulation is intended to govern all displays and distributions of information including, but not limited to, information sent home with students, information on community display tables or bulletin boards, and information made available at Back-to-School nights, Open Houses, or other such events.

B. Informational materials and announcements from the following organizations may be approved for distribution directly to students: (i) Suffolk Public Schools; (ii) Agencies or departments of the City of Suffolk,

Commonwealth of Virginia, or federal government; (iii) Parent Teacher Associations; and (iv) Licensed day care providers operating on school campuses of Suffolk Public Schools.

C. Informational materials or announcements from any organization not listed in subsection B above may be approved for display only if the activity or event primarily concerns one of the following topics: (i) educational services directly related to Suffolk Public Schools' instructional program, such as test preparation courses and enrichments courses; and (ii) community sports or cultural activities serving Suffolk youth.

D. Whenever an organization seeks to display or distribute informational materials or announcements, the organization must first provide the designated Suffolk Public Schools official with a copy of the material or announcement sought to be displayed or distributed, along with a written request specifying whether the request is for display or distribution and the scope of the dissemination sought.

E. If the school superintendent, principal, or designated school official determines that the display or distribution of informational material from any source would not be consistent with School Board Policy, regulations promulgated by Suffolk Public Schools, or could reasonably be predicted to cause substantial disruption of, or material interference with school activities, such approval may be withdrawn.

F. Principals will be notified of informational materials and announcements that have been approved for distribution or display. Informational materials or announcements approved for display may be made available to students and parents in the area of the school so designated by the principal where students and/or parents may take copies of the informational materials or announcements if they wish. Only informational materials and announcements approved for distribution in accordance with subsection B may be sent home with students. (Issued: October 13, 2006)

Legal Authority— School Board Policy § 10-7.3