



CHRISTIAN LEGAL SOCIETY  
CENTER FOR LAW AND  
RELIGIOUS FREEDOM

January 24, 2020

Dr. George Arlotto  
Superintendent  
Anne Arundel County Public Schools  
2644 Riva Road  
Annapolis, MD 21401  
garlotto@aacps.org

Dear Superintendent Arlotto:

Christian Legal Society's Center for Law and Religious Freedom is the nation's oldest organization dedicated to defending religious freedom. On several previous occasions, we have written to Anne Arundel County Public Schools ("AACPS") about its illegal discrimination against religious groups, such as Child Evangelism Fellowship ("CEF"), by charging them more than other groups for use of school facilities. Each time, wisdom has prevailed, and AACPS has restored CEF's access to school facilities. Indeed, the Board of Education previously indicated that its "intent is that no charges will be imposed on any such student groups at any public school in Anne Arundel County." See Exhibit 1.

As a result, for many years, CEF's Good News Clubs have met after school at Hilltop, Point Pleasant, and Crofton Woods schools. However, we have been informed that once again CEF has been prevented from meeting at several of these AACPS schools. But under well-settled law in the Fourth Circuit, a school district's denial of access for Good News Club meetings is unconstitutional. In *Child Evangelism Fellowship of S.C. v. Anderson Sch. Dist. Five*, the Fourth Circuit noted that "government may not bar religious perspectives on otherwise permitted subjects, as it constitutes viewpoint discrimination to permit 'the presentation of all views ... except those dealing with the subject matter from a religious standpoint.'" 470 F.3d 1062, 1068 (4th Cir. 2006) (quoting *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384, 393 (1993)).

Under the "Community Use of School Facilities" guidance, the District has indicated that "Before/After Care" organizations, including "non-profit organizations" may use AACPS facilities without fees. See Exhibit 2 at 4-5. For years, in AACPS schools, CEF has "sponsor[ed] after-school moral and religious instruction through 'Good News Clubs' for children between the ages of five and twelve." *CEF of S.C.*, 470 F.3d at 1064. There is no legitimate basis to distinguish between secular non-profit organizations with after-school programs and religious organizations with after-school programs like CEF.

The law against denying access to public elementary schools to an organization on the basis of their religious beliefs is clearly established. See *Good News Club v. Milford*

*Cent. Sch.*, 533 U.S. 98, 107 (2001) (“Milford’s exclusion of the Good News Club based on its religious nature ... constitutes viewpoint discrimination.”); *Child Evangelism Fellowship of Md. v. Montgomery County Public Schs.*, 457 F.3d 376, 379 (4th Cir. 2006) (“[A]t oral argument MCPS changed its position, ‘conced[ing] that under controlling precedent,’ the exclusion was ‘unconstitutional viewpoint discrimination’ violating CEF’s First Amendment free speech rights.” (quoting *Child Evangelism Fellowship of Md. v. Montgomery County Public Schs.*, 373 F.3d 589, 593 (4th Cir. 2004))); *Fairfax Covenant Church v. Fairfax County Sch. Bd.*, 17 F.3d 703, 708 (4th Cir. 1994) (“The School Board’s policy of rent discrimination against religious organizations moves the School Board into a non-neutral, anti-religion corner by burdening free speech and the free exercise of religion.”). Under these precedents, it is likely that not only will AACPS be found to have violated CEF’s constitutional rights, but also the public officials who have been involved in the removal of CEF from AACPS facilities will face personal liability given that the law is so clearly established.

We trust that, as in the past, reasonable minds will again prevail, and AACPS will once again fully restore CEF’s access for the purposes of holding Good News Club at Hilltop, Point Pleasant, and Crofton Woods schools and any other schools to which CEF is otherwise constitutionally entitled to access.

We look forward to a favorable response by Friday, January 31. If it would be helpful to discuss the matter, I can be reached at (703) 894-1081 or [rsmith@clsnet.org](mailto:rsmith@clsnet.org).

Respectfully,



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Reed N. Smith  
Director of Litigation  
Christian Legal Society

CC: Laurie Pritchard  
Director of Legal Services  
[lpritchard@aacps.org](mailto:lpritchard@aacps.org)

Mr. Rick Anthony  
Director  
Anne Arundel County Recreation and Parks  
1 Harry S Truman Pkwy  
Annapolis, MD 21401  
[ranthony@aacounty.org](mailto:ranthony@aacounty.org)

# **EHXIBIT 1**

**From:** Tyson Bennett [mailto:ptb@Reese-Carney.com]  
**Sent:** Wednesday, April 13, 2005 1:42 PM  
**To:** Steve Aden  
**Subject:** Child Evangelism Fellowship

Dear Mr. Aden:

Please excuse the informality of this message, but I am going out of town tomorrow morning and am rushing to finish up things in the office.

The Board of Education of Anne Arundel County has advised the principals at Harman, Freetown and Lake Shore Elementary Schools to stop charging the Good News Clubs at those schools. The intent is that no charges will be imposed on any such student groups at any public school in Anne Arundel County. I fully expect that the revised Board policy, which should be completed this Spring or Summer, will spell that out specifically. In the meantime, no charges will be imposed.

I shall be out of state until April 21, but would be pleased to discuss this matter with you further at that time.

P. Tyson Bennett  
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# Anne Arundel County Public Schools

## Community Use of School Facilities

### Division of Facilities

9034 Fort Smallwood Road

Pasadena, Maryland 21122

Rev. 07/17

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# Community Use of Facilities

The ***Community Use of School Facilities*** publication is designed to facilitate and implement procedures and processes for the use of public school property, land, grounds, sites, buildings, and structures (school facilities) by community based organizations and groups (user groups). Additionally, we hope that the design of this publication will enhance the understanding of the procedures necessary for user groups to use public school facilities and provide school administration with clear and concise guidelines on how to administer the process.

## **POLICY STATEMENT**

The Board of Education of Anne Arundel County (Board) recognizes that facilities paid for by the taxpayers of Anne Arundel County should be utilized to the fullest extent possible. The Board believes that the interests of the Anne Arundel County community merit the use of Anne Arundel County Public Schools' (AACPS) facilities. Thus, the use of AACPS facilities for community purposes is encouraged by the Board and is in accordance with Maryland law as outlined in Policy Code KC502 and Regulation Code KC-RA AR 502 issued on 3/18/2015.

## **DISCLAIMER**

The Superintendent/Designee reserves the right to establish or enforce special policies, procedures, restrictions, conditions, and fees governing the use of school facilities if, in the judgement of the Superintendent/Designee, the situation demands such action. User groups may be denied the use of facilities if, in the judgement of the Board/Superintendent, such groups fail to meet the requirements set forth herein. The right is reserved to revoke or annul any approved application for noncompliance with policy or procedural requirements.

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# General Standards

The following general standards apply to all user groups and must be considered before applying for the School Facilities Use Application and Permit.

1. Use of school facilities during regular school hours for other than school purposes, shall require the approval of the Superintendent/Designee.
2. School facilities shall not be used for parties, celebrations, weddings, showers, or other ceremonies or rituals that are private in nature.
3. The number of people using the facility at any time shall not exceed the limit set-forth by the Fire Marshal for the respective facility. (See appendices – Crowd Management Certification)
4. No organization, public or private, shall be granted use of school facilities for any activity which includes the use of games of chance, roulette wheels, or gambling of any kind.
5. The use of tobacco is prohibited on or in school facilities. Tobacco means products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, smokeless tobacco, electronic cigarettes, or vapor pens, whether or not containing tobacco products.
6. The sale, use, distribution, manufacture, possession, or dispensing of drugs, synthetic or mind altering substances or alcohol in any form is prohibited at all times (24 hours a day, every day) on or in school facilities.
7. School facilities may not be used for activities which are disorderly and unlawful; of a nature which could incite others to disorder; are restrictive by reason of perceived race, color, religion, national origin, sex, age, marital status, sexual orientation, genetic information, genetic identity, or disability.
8. Use of School facilities for overnight activities is not permitted. The Superintendent/Designee may approve exceptions that are consistent with the purposes and intent of Board policy, regulation, and mission.
9. School facilities shall not be used for dances unless school sponsored.
10. The following activities are prohibited: animal shows, animal training classes, obedience classes, car washes, carnivals, circuses, flea markets and yard sales; to include grounds and parking lots.
11. Activities deemed high risk that exposes the Board, students, employees, and volunteers to an elevated risk of personal injury or property damage must be submitted for review to the Insurance and Safety Management Office. (See appendices – High-Risk Activities)
12. Commercial organizations/groups who promote profit-making ventures that further the monetary gain of a specific individual or individuals are prohibited. The Superintendent/Designee may approve exceptions that are consistent with the purposes and intent of Board policy, regulations, and mission.

13. The use of the school kitchen shall not be permitted unless a *Kitchen/Dining Room Use Application and Permit* form (<https://www.aacps.org/site/handlers/filedownload.ashx?moduleinstanceid=7022&dataid=15921&FileName=kitchen.pdf>) has been completed and approved and an authorized AACPS cafeteria worker is present to supervise the operations of the equipment and safeguard food and supplies when access is needed to kitchen storage areas.
14. The Carol S. Parham Building is limited in availability to user groups.
15. For commercial or religious use, a certificate of general liability insurance must be obtained in the amount of \$1,000,000 (See Indemnification/Insurance).
16. Applicants agree and acknowledge that for various economic or business reasons, the environmental conditions, to include heating and air conditioning, in school facilities may vary with those that exist during normal school hours.
17. Use of decorations is limited to non-flammable materials and must meet local fire codes. The principal may deny, or direct modifications to, the use of decorations.
18. Failure to leave areas used by the user group in a satisfactory condition shall allow school authorities and/or the Recreation and Parks to refuse further use.
19. In the event of mechanical malfunction of heating or cooling equipment, AACPS will make every effort to correct the situation, however, users will not be eligible to claim partial or full refund of the fee paid if AACPS is unable to correct the situation.
20. No subsidiary business or service (concession) can be operated for private profit on school property nor shall an activity be allowed where an individual user accrues private profit.
21. Areas restricted to user groups within school facilities include but are not limited to:
  - Boiler and mechanical rooms
  - Penthouse areas
  - Tunnels and crawlspaces
  - Roofs
  - Warehouses and lesser storage areas
  - Office areas, including all non-school administrative facilities
  - Receiving and storage areas
  - Custodial and maintenance areas
  - Attic spaces
  - Teacher lounges and workrooms
  - Gated and restricted areas
22. Organizers of groups expecting 200 or more persons in attendance and serving food or drink must provide and/or use the clearly distinguished recycling receptacles. Recycling containers shall be placed immediately adjacent to each trash receptacle. Glass, plastic (no Styrofoam), metal, and non-soiled paper shall be recycled. A person that violates this section is subject to a civil penalty not exceeding \$50 for each day on which the violation exists. Visit the following website for more information <http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?pid=&tab=subject5&stab=&ys=2016RS&article=gen&section=9-1712&ext=html&session=2016RS>.
23. Any group or organization using school property shall indemnify and hold harmless the Board for any expenses, losses, damages, claims, lawsuits, or liabilities that are in any way caused by or result from their use of school property. (See Indemnification section)



# User Classifications

Community based organizations and groups (user groups) shall be assigned in accordance with the below priority placement schedule. These user groups must have definite structure, organization, and sponsorship to be considered eligible to use public school facilities.

User Listed in Placement Schedule (See Safety/Security requirements)

School Sponsored Groups:	Athletic teams practices and games, school booster groups, school clubs, school committees, PTA, PTO, CAC, and Board related activities
Department of Recreation and Parks	Anne Arundel County Department of Recreation and Parks (Recreation and Parks) programs, their sponsored Recreation Councils and permitted recreation associations (Boy Scouts of America, Girl Scouts of America, 4H Clubs, Y, etc.)
Before/After Care	Centers sponsored by Recreation and Parks, sponsored by the individual school, non-profit organizations, and approved commercial child-care providers
State, County and City Agencies	State of Maryland, Anne Arundel County Government and City of Annapolis related activities
Higher-Education Groups	Community, state and private colleges and universities
Community Groups	Civic associations and other community groups (Homeowners Associations, Condominium Associations, etc.)
Religious Groups	Where membership is limited by reason of their religious beliefs
Athletic Training/Sports Camps	Organized/directed by school personnel
Non-Profit Groups	Educational, civic, social, religious, and recreational activities
For-Profit Groups	These groups shall be limited to those using school facilities where there is a direct benefit to AACPS students or for when they are supporting non-profit activities such as athletic programs, fund-raising activities for charitable purposes, employee support activities, and the community at large

***Fee Schedules: (Fee schedules are updated annually)***

<https://www.aacps.org/site/handlers/filedownload.ashx?moduleinstanceid=7022&dataid=15899&FileName=energyrates.pdf>

<https://www.aacps.org/site/handlers/filedownload.ashx?moduleinstanceid=7022&dataid=15900&FileName=hourlyfee.pdf>

# Conditions/Terms of Use

The following user groups may be denied use of facilities if the conditions described below are not observed.

## **School Sponsored Groups (See Security Requirements)**

1. No fees for room use or energy. custodial overtime is charged for events held after hours.
2. All activities will be entered into the Active.net system provided by Anne Arundel County Recreation and Parks.

## **Recreation and Parks**

1. Fees for room use, energy and/or custodial overtime as outlined in the annual Memorandum of Understanding (MOU) between Anne Arundel County Public Schools (AACPS) and Anne Arundel County Recreation and Parks.
2. Scheduled through Active.net system provided by Anne Arundel County Recreation and Parks.

## **Before and After Care**

1. No fees for room use, energy or custodial coverage. Custodial overtime is charged during summer months.
2. Designated rooms for Before and After Care may be used by the school during the school hours if agreed upon with the provider and school. If agreement can't be reached, the request shall be sent to the Director of Facilities for a decision.

## **County and City Agencies**

1. No fees for room use or energy. Fees apply for custodial coverage.

## **Higher Education Groups**

1. Colleges/Education Institutions, with the exception of Anne Arundel Community College, shall be required to schedule the use of a facility with the Office of Staff Development.
2. Educational institutions that fulfill federal and state requirements and other needs of AACPS shall not be charged for the use of the facility (i.e. SciKidz).

## **Community Groups (HOA, Condominium, etc.)**

1. Fees for room use, energy and custodial coverage if required.

## **Religious Groups**

1. Religious groups wishing to hold Services in AACPS facilities must have the Superintendent's approval for the first five years of usage.
2. The Superintendent/Designee may grant additional extensions of up to two, six month periods for the following reasons:

- a. The facility into which the religious organization will move is substantially complete but an occupancy permit has not yet been granted;
- b. Compliance of permit requirements is beyond the control of the religious organization; and
- c. The religious organization provides evidence of need of short term occupancy.

**Athletic Training and Sports Camps**  
**Organized/directed by school personnel**

1. Athletic Training and Sports Camps must meet the following conditions:
  - a. Approval from the principal for use of the school facility;
  - b. Verification from the school athletic director that the camp meets all Maryland Public Secondary School Athletic Association rules and does not conflict with maintenance issues related to the school; and
  - c. If there is a fee charged for the camp, individuals or groups conducting the camp must donate back to the school all proceeds from the camp after expenses.
  - d. Camp budgets must be reviewed and approved by the Coordinator of Athletics before the camp starts.
  - e. All camps must be submitted to Anne Arundel County Recreation and Parks for verification of availability and for scheduling.

**Non-Profit Groups**  
**(not accredited by Anne Arundel County Recreation and Parks, charging a fee to attendees)**

1. Fees apply for room rental, energy and custodial coverage. (non-work hours)
2. All groups must complete activities prior to 6:00 pm on weekdays and no use on weekends. Exceptions may be requested and must be approved by the Director of Facilities and Anne Arundel County Recreation and Parks staff.

**For-Profit Groups (See Security Requirements)**

Fees apply for room rental, energy and custodial coverage.

# Fields and Outdoor Facilities

An AACPS employee may not be on duty unless access to the building is required or concession stands are to be used. The principal will make this determination.

1. Proposed installation of any equipment, layout of fields, or other changes in existing conditions must be included in the ***School Facility Use Application & Permit Form*** for use. Approval for such is in effect for that school year only and subject to removal, relocation, or alteration at the end of the season.
2. Permanent installations which alter the playing field, such as outfield fences, storage containers or portapotties are subject to the approval by the principal, Facilities Director, Coordinator of Athletics, and the Coordinator of Physical Education with the understanding that these fences and buildings are subject to removal at any time. Written applications for such installation must contain detailed plans, materials, designs, and location. The principal's approval must be obtained through the use of the Principal Approval Form (Substitute documents are not permissible).
3. In the case of inclement weather, the principal may deny the use of a playing field in order to prevent damage to an established athletic field. This applies to all activities, especially to contact sports such as football, soccer, or lacrosse.
4. Motor vehicles shall be parked only on paved surfaces or in designed areas. Do not park in fire lanes or obstruct access to fire hydrants.
5. Tables, chairs, and benches shall not be placed on running tracks or on the playing surface of tennis and multi-use courts. Heavy mechanical equipment shall not be brought on the grounds except on driveways and parking areas. Portable booths, canopies, and equipment shall be removed immediately after the activity.
6. User groups may not dig holes or drive stakes into the ground. Only portable booths, canopies, and equipment can be used but must be properly weighted.
7. Lines shall not be painted on tennis, multi-use courts, or on any other unapproved surface.
8. If concession stands are permitted, all products must be provided in or on disposable containers. No glass containers of any type are permitted. User groups will leave the grounds in the same condition as they were found. Groups must properly dispose of all trash and litter into proper trash or recycling receptacles.
9. Exterior school PA systems or scoreboards may not be used unless an authorized representative of the school is available to operate such equipment, such as Athletic Director or other AACPS Athletic Staff.
10. In the event a school sponsored program needs to be rescheduled because of inclement weather, the school has the authority to cancel the use of a permitted school facility.
11. Grounds may not be used for commercial or religious activities.

12. Smoking, possession or consumption of alcohol beverages, or possession, consumption and/or distribution of controlled substances will result in immediate cancellation of a facility use permit.

## Procedures for Use

User groups considering the use of school facilities must follow the procedures described below.

### **General Provisions**

1. The school principal will determine the suitability of the user group and facility availability for the requested activity. If questions or disputes arise regarding eligibility, the applicant shall be directed to the Director of Facilities.
2. The user group representative will contact the school principal for *final* determination of fees and charges at least **three** weeks prior to the scheduled date of the event or activity.
3. The school principal may require more than one staff member to be present if the function is large or involves the use of special facilities. The user group will bear all additional costs.
4. Prior to the activity, the school principal may require a meeting with the user group's sponsor and/or supervisory staff for planning purposes. A representative of the group shall honor this request.
5. After approval, a copy of the ***School Facility Use Application & Permit*** form and check shall be sent to:

Anne Arundel County Public Schools  
Finance Office  
2644 Riva Road  
Annapolis, MD 21401

### **School Sponsored Groups**

1. The user group representative contacts the school principal/designee to request use of the school facility.
2. User group completes the ***School Facility Use Application & Permit*** form and submits it to the school principal for review, approval, and signature.
3. All approved activities must be entered in the scheduling system Active.net, provided by Anne Arundel County Recreation and Parks.

### **Religious Groups**

1. The user group representative will contact the school principal/designee to request use of the school facility.
2. User group completes the ***School Facility Use Application & Permit*** form <https://www.aacps.org/site/handlers/filedownload.ashx?moduleinstanceid=7022&dataid=15920&FileName=appl.pdf> and submits it to the school principal for review and approval. It must then be submitted to the Director of Facilities for final approval after consultation with Anne Arundel County Recreation and Parks.
3. During the first five years of usage, religious organizations shall pay for energy and custodial coverage. (<https://www.aacps.org/site/handlers/filedownload.ashx?moduleinstanceid=7022&dataid=15899&FileName=energyrates.pdf>) for the use of the facilities excluding the room usage fee unless they have no intentions of building a church and moving out of an AACPS facility, in which case they will pay the commercial rate including the room usage fee (<https://www.aacps.org/site/handlers/filedownload.ashx?moduleinstanceid=7022&dataid=15900&FileName=hourlyfee.pdf>).
4. Beyond five years, religious organizations shall pay the room usage fee in addition to energy and custodial coverage unless meeting the exceptions described below.
  - a. The Superintendent/Designee may grant additional extensions of up to two, six month periods at the commercial rate excluding the room usage fee for the following reasons:
    - i. A facility into which the religious organization will move, is substantially complete but an occupancy permit has not yet been granted; or
    - ii. Compliance of permit requirements is beyond the control of the religious organization; and
    - iii. The religious organization provides evidence of need of short term occupancy.

### **All Other Groups**

All other user groups should be directed to Anne Arundel County Recreation and Parks (410-222-7300) for guidance and accreditation.



# Hours of Operation and Cancellation Provisions

AACPS facilities may only be used at times that shall not interfere with regular school hours and/or other school sponsored activities and programs.

1. The hours of operation for user group use of facilities shall normally be restricted to start one hour after school dismissal and up until 10:00 p.m. on regular school days, and from 8:00 a.m. to 10:00 p.m. on non-school or weekend days. Gymnasium and outside athletic field use times may be adjusted at the discretion of the school principal/designee.
2. If schools are closed for inclement weather on a school day, all use of school facilities will be cancelled for that day or evening. If it snows on Friday and schools are closed, activities may be cancelled for Saturday and Sunday in order to facilitate snow removal. For Recreation and Parks scheduled activities, please confirm cancellation information by calling the weather cancellation hotline at 410-222-7312 or by visiting the Recreation and Parks website at [www.aacounty.org](http://www.aacounty.org). Commercial groups should follow Recreation and Parks direction for closures.
3. Use of school facilities is prohibited on designated holidays. The only exception is when the activity is school sponsored and where advance approval has been granted by the principal to use the school facilities.
4. The use of school facilities during weekends may be restricted, modified, and/or revoked when inclement weather occurs, or when building maintenance or construction is required. Every effort will be made to notify the user group(s) in a timely manner if a previously scheduled event or activity must be cancelled or rescheduled.
5. The use of school facilities during the summer, during extended holidays, or at any other time may be restricted, modified and/or revoked when building maintenance or construction is required. Every effort will be made to notify user group(s) in a timely manner if a previously scheduled event or activity must be cancelled or rescheduled.
6. The rescheduling of postponed school events and Recreation and Parks activities will follow the priority placement schedule established under the User Group Classification.
7. Unanticipated use of school facilities for school-related activities and educational programs may occasionally arise. The rescheduling of postponed school athletic events, practices, and the scheduling of school sponsored district, regional, county, and state contests will take precedence over all other uses whether already scheduled or not. The normal function of the athletic and intramural program will not, under any circumstances, be curtailed or become a second priority to any other user group activity.

# Indemnification/Insurance

## **Evidence of Insurance Required**

All commercial and religious user groups must show evidence that they have general liability insurance in the minimum amount of one million dollars (\$1,000,000). A certificate of insurance demonstrating that this insurance coverage is in place must accompany the **School Facility Use Application & Permit** form (signed by the principal) as well as the check being submitted to the AACPS Finance Office.

## **Indemnification/Hold Harmless Requirement for all User Groups**

Any group, agency or organization (user group) using public school property described herein and on the **School Facility Use Application & Permit** acknowledges and agrees that neither Anne Arundel County, MD or the Board of Education of Anne Arundel County, the individual members thereof, their agents and employees shall not be responsible for any expenses, losses, damages, claims, lawsuits, or liabilities that are in any way caused by or result from the use of the school property authorized by the permit. Additionally, each party or person using the school facility described in this application acknowledges and agrees that each such party or person is jointly and individually responsible for any and all expenses of, cost of defense, losses to, damages or claims made against Anne Arundel County and/or the Board of Education of Anne Arundel County or their agents and employees that are in any way caused by or result from the use of the school facility under this permit. In the event property loss is incurred, as the result of the permitted use of the public school property by the user group, the amount of damage shall be determined by the principal in conjunction with Facilities staff, **and the user group will pay for said damage**, to include labor costs as determined by AACPS. If damage reimbursement is not received in a reasonable amount of time, legal action may be taken by AACPS and the responsible user group may be denied future facility use until restitution is satisfied.





# Responsibilities

## **AACPS Custodial Staff**

The duties and responsibilities of AACPS custodial staff during the use of school facilities shall be to attend to and care for Board of Education property; to provide light, heating/air-conditioning (if applicable), and access to the permitted space. A member of the school custodial staff must be on duty during the time any building facility is being used by a user group.

### **Saturday/Sunday/Holiday School Staff shall:**

1. Arrive at the school 30 minutes before the scheduled activity; check boilers or chillers upon arrival.
2. Unlock the necessary doors and turn on lights as needed.
3. Along with the designated representative of the user group, school staff will assist with the set-up of furniture as needed for the activity when prior approval has been granted per the School Facility Use Application & Permit form.
4. Be available to assist the organization before and during the activity with routinely assigned duties along with inspecting the areas for damage.
5. At the completion of the user group's activity, school staff shall lock all doors and windows, clean area restrooms, empty trash/recycling containers, turn off all lights, and secure the building.
6. It is not the duty of school staff to discipline, supervise, or to maintain order with any user group.
7. School system staff shall not accept funds, nor be paid directly by user groups.
8. Custodial personnel are required to clean sidewalks during a snow or ice event if the school has been opened for any Recreation and Parks sponsored event.
9. The custodian or school stage crews are not obligated to assist in changing scenery.

## **User Groups**

1. The user group must have received a signed, approved ***School Facility Use Application & Permit***.
2. The user group using the facility must accept the entire responsibility for providing personnel to monitor, supervise, and secure corridors and other areas of the facility in order to confine those in attendance only to the parts of the facility that are expressly approved for use. Permission to

use the facility governs and extends only to that part of the premises assigned in the **Permit** and to the adjacent lavatories.

3. Except for restrooms, the user group must clean the areas used and place trash and recycling in proper trash receptacles.
4. The user group must ensure that proper use is made of the parts of the building assigned in the **Permit** and that care is taken with all equipment and furnishings contained therein.
5. The designated representative of the user group shall cooperate with the designated school staff member on duty in meeting reasonable requests such as moving tables, setting up folding chairs, or other similar arrangements.
6. Make no alterations or adjustments and bring no large pieces of equipment or furniture into the building without securing permission from the school principal in advance.
7. Observe all Life Safety Code requirements and see that exits, fire extinguishers, and fire alarm pull stations are left clear for any emergency that may arise. No flammable decorations or items, nor any volatile liquid, explosives, or any device producing open flames will be used.
8. Assume complete responsibility for prohibiting the use of illegal drugs, alcoholic beverages, tobacco products, and weapons in the building and/or on school premises in accordance with school board policy and the Public School Laws of Maryland.
9. Assume financial responsibility to repair or replace damage to the building, equipment, or property that may result from its use other than normal wear and tear. (See Indemnification/ Insurance).
10. Failure to provide adequate supervision or to enforce safety and security requirements may warrant denial of future use by the user group.
11. If the use of a school facility involves the receipt and/or temporary storage of supplies and/or equipment for the benefit of the group, this information must be included as part of the original request. Schools will not be responsible for the receipt and/or temporary storage of supplies or equipment. Schools will not be responsible for the damage to or loss of this property.
12. All deliveries must be made in accordance with the school receiving policy as outlined on the AACPS Purchasing website (<https://www.aacps.org/Page/1513>). Vehicles must unload and load in zones designated for this type of activity. Under no circumstance are vehicles to drive on approved surfaces, pavements, or grounds not designated for vehicular traffic.

# Safety and Security

Groups using the facilities shall comply with federal, state and local laws and all regulations and policies of the State Board of Education, the Anne Arundel County Board of Education, the local Health Department, and the State of Maryland Fire Marshal.

1. School sponsored groups that will have unsupervised contact with students must complete the AACPS commercial background check for each employee [https://inquiriesinc.secure-screening.net/escreening/OApp\\_LoginEntrance\\_ml.asp?mode=direct&code=AACPS2&lc=EN](https://inquiriesinc.secure-screening.net/escreening/OApp_LoginEntrance_ml.asp?mode=direct&code=AACPS2&lc=EN). Please allow 2 weeks for processing. Only representatives who have successfully completed the background check process may have access to the school. It is the responsibility of the school to verify that background processing has occurred. User groups are required to meet any security requirement set forth by the Anne Arundel County Public Schools Security Office. In addition, minimum insurance coverage as outlined in Indemnification/Insurance must be met.
2. It is the responsibility of each user group to establish an on-site contact person during the entire course of each activity, whose responsibility shall be to monitor the arrival and departure of its participants, ensure that the only designated entrances to the facilities are utilized, and to ensure that only those participating in the activity gain entrance to the facility.
3. Identification badges or labels shall be worn and properly displayed by the designee and adults supervising the activity. The information should include the name of the person and the name of the group or activity. The representative shall either place a person at the designated entrance to allow **only** their participants' entry until fifteen minutes after the event begins or provide a cell number for participants to contact for entry later than fifteen minutes after the event begins.
4. Each user group shall inform participants to arrive no earlier than fifteen minutes prior to the scheduled start times of the activity and to leave the facility within fifteen minutes after the scheduled ending time of the activity. The designee is not to vacate until all participants have exited.
5. The designee shall inform the staff member on duty that the activity is concluded and that the building/room may be secured.
6. The designee shall ensure that they have access to a cell phone to reach law enforcement or emergency personnel should the need arise.
7. Approval for the use of school facilities may not be transferred from one organization, group, or individual to another.
8. At no times shall fire lanes, emergency access drives or fire hydrants be blocked or otherwise obstructed.



### **CROWD MANAGEMENT CERTIFICATION**

The Anne Arundel County Fire Marshal’s Office requires that “assembly occupancies” are to have the appropriate number of trained “Crowd Managers” for any assembly of 50 or more persons and another manager for each additional 250 persons.

“Uniform Fire Code NFPA 1 – 20.1.4.6 Crowd Managers – Assembly occupancies shall provide a trained Crowd Manager during all hours of operation. An additional trained person is required if the capacity reached 250 persons and for each additional 250 persons after that. The posted capacity (occupant load) may never be exceeded for any reason.”

Training may be completed by taking the Crowd Manager Training Course at: [www.ncdoi.com/OSFM/Fire\\_Safety\\_Programs](http://www.ncdoi.com/OSFM/Fire_Safety_Programs) Manager Training or by going to the AACPS Intranet (school access only) School Security site (<https://intranet.aacps.org/Dept/security>) and accessing the link under “Training Opportunities.” After the course is successfully completed, a certificate should be printed out and kept on file in the school office.

It is important to train anyone who may have supervisory responsibilities or other duties at your various events. This could include all administrators, ticket takers, coaches, choral and band directors, etc. Keep in mind that some events, such as large sporting events, could have as many as 3,000 attendees or more requiring at least 12 Crowd Managers. Cafeterias will have at least 50 and often more than 250 persons in attendance in larger schools. Also, understand that not everyone trained as a Crowd Manager will be present at every event or activity. An ample number of persons to cover all events should be trained.

Having trained Crowd Managers at events will help to ensure the safety of all those attending. We want to provide for the safe enjoyment of any and all school activities.

If you have any questions, please contact the Office of School Security at 410-222-5083.

# Supplies, Equipment and Furnishings

1. Instructional equipment and supplies may not be used, lent, traded, encumbered, or consumed under any circumstances by user groups.
2. With prior permission of the school principal, use may be made of non-instructional stage and lighting equipment. Use of this equipment requires additional fees so that a school employee properly trained in the use of this equipment will be in attendance to operate that equipment for the duration of the activity or event. A meeting to determine the required number of staff members required will be held prior to determining the total rental and use fees. If adequate school coverage is not available, the school principal/designee shall not schedule the event or activity.
3. Use of other non-instructional equipment such as bleachers, furniture, etc. must be approved by the principal/designee.
4. Posted maximum seating capacity shall be observed in the multi-purpose rooms, auditoriums, cafeterias, and gymnasiums.
5. User groups using gymnasium spaces are prohibited from adjusting bleacher sections.
6. Any alteration to electric service panels or electrical equipment is prohibited.
7. Use of school wireless networks are prohibited.

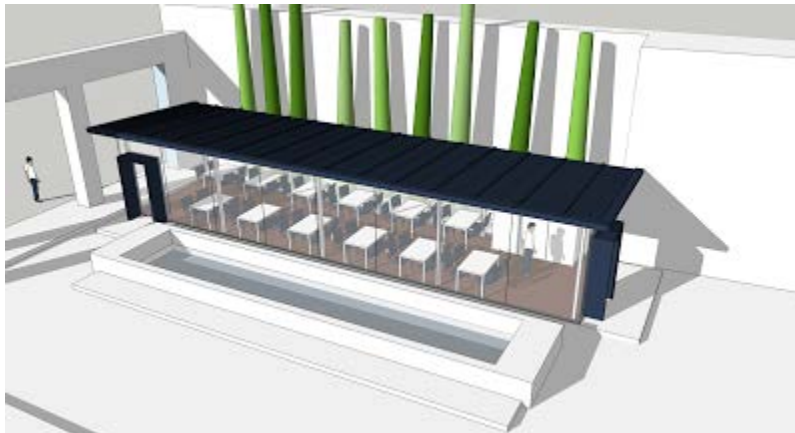
## **KITCHEN USE**

The following guidelines are to be implemented concerning payment to food service workers who secure and operate food service equipment at times other than normal working hours, in order to comply with state law:

- Kitchen facilities may be used by school affiliated organizations. A group may use kitchen facilities for any fundraising activity if all proceeds directly benefit the school or a school club.
- The use of the kitchen appliances shall not be permitted unless an authorized AACPS Food Service employee is present to supervise the operations of the equipment and safeguard food and supplies when access is needed in these storage areas. The user group shall be charged to cover incurred expenses.
- The ***Kitchen/Dining Room Use Application and Permit*** form located at the following website <https://www.aacps.org/site/handlers/filedownload.ashx?moduleinstanceid=7022&dataid=15921&FileName=kitchen.pdf> will be completed by the organization representative in cooperation with

the cafeteria manager. Application is to be made at least three weeks prior to the activity. Details are specified on the form.

- Upon completion of the application, the cafeteria manager will receive a check from the representative made payable to Anne Arundel County Public Schools, Division of Food and Nutrition Services. The standard fee is on the application.
- The cafeteria manager will give a copy of the application to the organization representative after payment is made.
- When specified equipment is not used (See application form section A & B) and access to storage areas is not requested, a food services employee does not have to be on duty. However, a ***Kitchen/Dining Room Use Application and Permit*** is required and the organization/group representative assures safeguarding equipment/supplies and cleaning the premises following the activity. The Food Services Manager gives the representative a copy of the *Guidelines to Meet Requirements for Temporary Food Service Facilities*. The group's representative may need to contact the Anne Arundel County Department of Health, Office of Food Control and Recreational Waters, by calling 410-222-7239 for further guidance.



## APPENDIX A

### Principal's Checklist

In order to fulfill the responsibility and accountability for the use of his/her building to a user group, the following checklist should be utilized:

- Upon receipt of a **School Facility Use Application & Permit** form from the user group, the principal or designee decides whether to approve or disapprove the Permit based on:
  - Establish suitability of the user group
  - Type of use requested
  - Availability of the facility
  - Adequate custodial coverage
- Verification of Safety and Security Guidelines
  - Background checks
  - Minimum insurance met as outlined in (Indemnification/Insurance)
- Active.net Entry – Availability of space shall be verified before approval.
- Follow-up steps at the conclusion of the activity should include:
  - Inspection of the areas occupied
  - Upon discovery of damages or the need for related custodial services, a submission of said claims should be reported in writing to the Department of Recreation and Parks or AACPS Facilities.
- It should be understood that the principal may designate another administrator to handle the operations of the use of building procedures.
- If an approved activity is cancelled for a user group, other than a school sponsored event, the Budget Office and Recreation & Parks must be notified immediately.
- Should adequate school custodial coverage become unavailable after the event or activity has been scheduled, the school principal or designee shall promptly notify the Operations Office to request substitute coverage.
- The principal's authority is sufficient to handle these procedures; however, please notify the Director of Facilities at 410-439-5658, should the need arise.



**APPENDIX B**

**High-Risk Activities and Prohibited Activities**

High-risk activities are those that expose the Board of Education, students, employees, and volunteers to an elevated risk of personal injury or property damage. These activities are often difficult to control and pose substantial liability considerations.

All school-sponsored high-risk activities or programs must be submitted for review to the Insurance and Safety Management Office using the **Request for Activity Review of School Sponsored Activities** form, available at AACPS Intranet>Forms>Insurance and Safety Management Office. School-sponsored activities are those that are planned and/or controlled by school personnel regardless of whether the activities take place on or off school property or occur during normal or after school hours. This also includes activities sponsored by a PTA, PTO, or Booster Group that occur on school property. Submissions need to be done as early in the planning stage as possible in the event the activity is not approved and an alternative activity needs to be identified. Please refer to the list below for examples of activities that are considered high-risk (not all inclusive).

If your school is required to enter into a contract or sign a release form for the activity to take place, attach a copy to the **Request for Activity Review of School Sponsored Activities** form prior to signing the document. If the activity requires a vendor to provide equipment or services on school property, and your school is hosting and sponsoring the activity, attach a copy of the completed **School Agreement for Independent Consultant or Contractor**, which can be found at AACPS Intranet>Departments>Support Services>Purchasing Office>Contract Templates>School Agreement for Independent Consultant or Contractor, to the Request for Activity Review of School Sponsored Activities form. If the PTA, PTO, or Booster Group is hosting the activity on school grounds, attach a copy of the completed **PTA/PTO/Booster Group School Vendor Contract**, which can be found at AACPS Intranet>Forms>Insurance and Safety Management Office, to the **Request for Activity Review of School Sponsored Activities** form. If the **PTA/PTO/Booster Group School Vendor Contract** is being used, also attach the required certificate of insurance.

If you have any questions, please feel free to contact the Insurance and Safety Management Office at 410-222-5223.

**Examples of High-Risk Activities**

Amusement equipment, games, inflatables	Roller skating
Adventure courses	Rollerblading
Boating	Snow boarding
Climbing walls	Snow, cross country skiing
Ice skating	Therapeutic horseback riding, pony rides
Pool parties	Tobogganing
Student use of ladders, scaffolding, lifts, and catwalks	





### **Prohibited Activities**

- Activities in direct conflict with private enterprise in the community
- Activities involving weapons whether real, look alike or antique
- Aircraft rides (other than commercial transportation)
- Bike races
- Bungee jumping, runs
- Car washes
- Carnival, circuses, or similar traveling shows
- Caving or spelunking
- Contact karate, boxing
- Domestic pets, animal shows, training classes, obedience classes, or exhibits on school grounds except those used in regular instructional programs and needed as a service animal/ADA accommodation
- Donkey basketball/baseball
- Dunk tanks
- Extreme sporting events
- Helicopter rides, landings on school property
- Hot air balloon rides/exhibits
- Items thrown from aircraft
- Jet skiing
- Mechanical amusement equipment
- Mechanical bull riding
- Motorcycling
- Ocean sports (surfing, snorkeling, scuba diving)
- Partisan political meetings
- Polar Bear Plunge\*
- Pyrotechnical events
- Rock climbing, rappelling
- Rodeo and roping events
- Skateboarding
- Skydiving, parasailing
- Snow caving
- Suspension or elevated stunts
- Trampolines
- Use of schools for overnight activities
- Velcro-climbing walls
- Water skiing
- Whitewater rafting and float trips

\*Not to be confused with their Friday student only plunge, an activity that has been sanctioned by the Superintendent of Schools.



**Anne Arundel County Public Schools  
&  
Anne Arundel County Department of Recreation and Parks**

**After-Hours Event Monitor Guidelines For**

**Monday - Friday – Recreation & Parks Permitted Organizations**

The Department of Recreation and Parks (DRP), in cooperation with Anne Arundel County Public Schools (AACPS), will require all permitted organizations using AACPS facilities to designate a volunteer as an Event Monitor. This representative will be stationed at the main, front door during the user group’s permitted times. Failure to comply may result in the loss of permit(s). It is imperative that DRP permitted organization representative(s) have a current copy of their approved *School Facility Use Application & Permit form* with them during the scheduled event. DRP permitted organizations are responsible for providing Event Monitor(s) during weekday (Monday – Friday) scheduled times. Events to be held during the weekend (Saturday and Sunday) will not require a user group Event Monitor. The AACPS custodian on site will assume responsibilities.

The instructions below provide general guidelines for volunteer personnel, known as an Event Monitor, overseeing authorized Department of Recreation and Parks activities while utilizing Anne Arundel County Public Schools facilities. The instructions are illustrative and not all-inclusive; every conceivable hazard unique to each location cannot be anticipated, and prudent judgement must be used during emergency situations. For routine use, however, organizations and authorized persons utilizing AACPS locations shall designate an Event Monitor to ensure adherence to required protocols.

Event Monitor responsibilities:

- Event Monitors should meet with AACPS Operations personnel (custodian) five minutes prior to their permit time to obtain a highly-visible Event Monitor vest and/or lanyard. The vest and/or lanyard will be worn at all times during the approved facility use and returned to the custodian upon event conclusion.
- Ascertain from the custodian which areas are permitted for use and those specifically prohibited.
- Be stationed at the facility main front door; all entry and non-emergency exits will occur at this door.
- Do not allow access until the permitted representative of the activity has arrived.
- In the event of a discrepancy in schedules or a copy of the fully executed “Use of Facilities” permit has not been received, the Event Monitor is to contact his/her representative or the Recreation & Parks Facilities Scheduling Office the next business day 410.222.7315. The Recreation & Parks Facilities Scheduling Office will determine who has proper authority to use the facilities.

Event Monitors will work with their permitted organizations to ensure the following:

- Inform participants, coaches, representatives, etc., that the facility main door will remain closed and locked when the permitted activity begins.
- Ensure all other doors to the exterior remain **closed and locked** at all times; oversee all facility entry to ensure the legitimate purpose of each visitor and/or participant.
- Assist supervising areas locked or otherwise cordoned off from use; these areas will be secured in accordance with fire regulations.
- Supervise persons utilizing AACPS facilities under approved use agreements and ensure participants adhere to regulations related to the approved agreements.
- Do not confront any person or group who becomes angered or dissatisfied by the procedures of school facilities use.
- Immediately contact his/her organization representative about any problems to adequately address the situation.
- Notify custodial staff of maintenance requirements, i.e., spills, heating/cooling issues and other facility needs.
- Summon the fire department via 911 and pull the fire alarm in the event of fire, smoke, gas leak, and medical emergency or other similar event.
- Summon law enforcement via 911 for criminal matters, including but not limited to: fighting, disorderly conduct, threat of violence, child-custody dispute, sex offense, domestic dispute, drug/alcohol violations, trespassing and/or other potentially dangerous activities.
- Report potential protocol violations to the appropriate Department of Recreation & Parks Facilities Scheduling Office the next business day at 410.222.7315.
- Notify custodial staff of any incidents requiring emergency fire, medical or police response.
- In the event a power outage occurs all personnel must evacuate the building immediately.

The regulations above are intended to ensure all AACPS facility users enjoy a safe and secure experience. Further, the safety of students, faculty and school staff during normal school hours is contingent upon facilities remaining secure during after-hours community use. Permitted organizations who fail to adhere to security protocols may have the use-authorization revoked. Your cooperation is anticipated and appreciated in maintaining a safe and enjoyable experience for all.

**Please sign, date and provide information below to acknowledge receipt of the AACPS and  
DRP Event Monitor Guidelines.**

\_\_\_\_\_

Organization Representative

\_\_\_\_\_

Title/Organization

\_\_\_\_\_

Date



**Anne Arundel County Public Schools  
&  
Anne Arundel County Department of Recreation and Parks  
Event Monitor Guidelines for**

**Saturday/Sunday and Holidays – AACPS Custodial Staff**

**The Department of Recreation and Parks (DRP), in cooperation with Anne Arundel County Public Schools (AACPS), require AACPS Operations custodial staff to act as a DRP Event Monitor responsible for overseeing authorized Department of Recreation and Parks activities on Saturdays, Sundays, and as applicable, on Holidays.**

The instructions below provide general guidelines and are illustrative and not all-inclusive; every conceivable hazard unique to each location cannot be anticipated, and prudent judgement must be used during emergency situations. For routine use, however, organizations and authorized persons utilizing AACPS locations on Saturdays and Sundays shall adhere to required protocols.

Custodial Event Monitor responsibilities:

- AACPS Operations personnel (Custodian) be identified by wearing a highly-visible Event Monitor vest and/or lanyard. The vest and/or lanyard will be worn at all times during the approved facility use and returned to schools designated location by the custodian upon event conclusion.
- Will inform organizations and authorized permitted users which areas are permitted for use and those specifically prohibited.
- Be stationed at the facility main front door; all entry and non-emergency exits will occur at this door.
- Prohibit access until the permitted representative of the activity has arrived.
- In the event of a discrepancy in schedules or a copy of the fully executed "Use of Facilities" permit has not been received, the user group is to contact his/her representative or the Recreation & Parks Facilities Scheduling Office the next business day 410.222.7315. The Recreation & Parks Facilities Scheduling Office will determine who has proper authority to use the facilities.

Custodian Event Monitors will work with their permitted organizations to ensure the following:

- Inform participants, coaches, representatives, etc., that the facility main door will remain closed and locked when the permitted activity begins.
- Ensure all other doors to the exterior remain **closed and locked** at all times; oversee all facility entry to ensure the legitimate purpose of each visitor and/or participant.

- Assist supervising areas locked or otherwise cordoned off from use; these areas will be secured in accordance with fire regulations.
- Supervise persons utilizing AACPS facilities under approved use agreements and ensure participants adhere to regulations related to the approved agreements.
- Do not confront any person or group who becomes angered or dissatisfied by the procedures of school facilities use.
- Immediately contact any organization representative about any problems to adequately address the situation.
- Respond to custodial maintenance requirements, i.e., spills, heating/cooling issues and other facility needs.
- Summon the fire department via 911 and pull the fire alarm in the event of fire, smoke, gas leak, and medical emergency or other similar event.
- Summon law enforcement via 911 for criminal matters, including but not limited to: fighting, disorderly conduct, threat of violence, child-custody dispute, sex offense, domestic dispute, drug/alcohol violations, trespassing and/or other potentially dangerous activities.
- Report potential protocol violations to the appropriate Department of Recreation & Parks Facilities Scheduling Office the next business day at 410.222.7315.
- Notify user groups of any incidents requiring emergency fire, medical or police response.
- In the event a power outage occurs, make sure all personnel evacuate the building immediately.

These rules are intended to ensure all AACPS facility users enjoy a safe and secure experience at all times. Further, the safety of students, faculty and school staff during normal school hours is contingent upon facilities remaining secure during after-hours community use. Permitted organizations who fail to adhere to security protocols may have the use-authorization revoked. Your cooperation is anticipated and appreciated in maintaining a safe and enjoyable experience for all.

**Principals are requested to please provide this information to all school-based Operations custodial staff covering weekend Department of Recreation and Parks activities.**