

## **Appendices P-T**

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## Appendix P: School Closing Procedures Policies

Source: Frederick County Board of Education, July 30, 2003 and Code of Maryland Regulations, January 15, 1989



<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>
<b>UNUSED SCHOOL PROPERTY</b>	<b>SECTION 108</b>
<b>108.1 Disposal or Relocation</b> <b>108.2 Retention</b> <b>108.3 Lease</b> <b>108.4 Sale</b>	<b>Adopted:</b> <b>7/30/03</b> <hr/> <b>Amended:</b>



**108.1 Disposal or Relocation of Unused School System Property**

The board will make every effort to efficiently and cost-effectively use property until such time as it becomes obsolete or impractical.

When school system property is determined to be of no use to the public school system of Frederick County due to obsolescence or condition, or is discontinued at its current location, the items will be disposed of via an equipment transfer form and identified as relocated to an alternative site, surplus, obsolete, junk, or trade-in.

Designated staff will be identified by the appropriate associate superintendent or executive director as the individual with the responsibility to determine the future status of the items. (7/30/03)

**108.2 Retention**

The board may decide to retain ownership to a property for future development.

**108.3 Lease**

If retained, leasing to a local community group may be arranged with a formal contractual agreement.

**108.4 Sale**

When the board, with the approval of the state superintendent, shall determine that grounds, school sites, or buildings are no longer needed for school purposes, they shall be transferred by the board to the county commissioners and may be utilized, sold, leased, or otherwise disposed of (except by gift) by the county commissioners. All expenses of transfer shall be secured from the interagency committee. Any outstanding bonding obligations at the time of transfer to the county commissioners must be assumed by the county commissioners. (Section 4-115, Education Article)



# Title 13A STATE BOARD OF EDUCATION

## Subtitle 02 LOCAL SCHOOL ADMINISTRATION

### Chapter 09 Closing of Schools

Authority: Education Article, §§2-205, 4-101, 4-119, and 4-205, Annotated Code of Maryland

#### **.01 Adoption of Procedures to Govern School Closings.**

A. Each local board of education shall establish procedures to be used in making decisions on school closings.

B. The procedures shall ensure, at a minimum, that consideration is given to the impact of the proposed closing on the following factors:

- (1) Student enrollment trends;
- (2) Age or condition of school buildings;
- (3) Transportation;
- (4) Educational programs;
- (5) Racial composition of student body;
- (6) Financial considerations;
- (7) Student relocation;
- (8) Impact on community in geographic attendance area for school proposed to be closed and school, or schools, to which students will be relocating.

C. The procedures shall provide, at a minimum, for the following requirements:

(1) A public hearing to permit concerned citizens an opportunity to submit their views orally or to submit written testimony or data on a proposed school closing. This includes the following:

(a) The public hearing shall take place before any final decision by a local board of education to close a school;

(b) Time limits on the submission of oral or written testimony and data shall be clearly defined in the notification of the public meeting.

(2) Adequate notice to parents and guardians of students in attendance at all schools that are being considered for closure by the local board of education. The following apply:

(a) In addition to any regular means of notification used by a local school system, written notification of all schools that are under consideration for closing shall be advertised in at least two newspapers having general circulation in the geographic attendance area for the school or schools proposed to be closed, and the school or schools to which students will be relocating;

(b) The newspaper notification shall include the procedures that will be followed by the local board of education in making its final decision;

(c) The newspaper notification shall appear at least 2 weeks in advance of any public hearings held by the local school system on a proposed school closing.

D. The final decision of a local board of education to close a school shall be announced at a public session and shall be in writing. The following apply:

(1) The final decision shall include the rationale for the school closing and address the impact of the proposed closing on the factors set forth in Regulation .01B;

2) There shall be notification of the final decision of the local board of education to the community in the geographic attendance area of the school proposed to be closed and school or schools to which students will be relocating;

(3) The final decision shall include notification of the right to appeal to the State Board of Education as set forth in Regulation .03.

### **.02 Date of Decision.**

Except in emergency circumstances, the decision to close a school shall be announced at least 90 days before the date the school is scheduled to be closed but not later than April 30 of any school year. An emergency circumstance is one where the decision to close a school because of unforeseen circumstances cannot be announced at least 90 days before the date a school is scheduled to close or before April 30 of any school year.

### **.03 Appeal to State Board of Education.**

A. An appeal to the State Board of Education may be submitted in writing within 30 days after the decision of a local board of education.

B. The State Board of Education will uphold the decision of the local board of education to close and consolidate a school unless the facts presented indicate its decision was arbitrary and unreasonable or illegal.

**Effective date: August 2, 1982 (9:15 Md. R. 1516)**

**Regulations .01 and .03 amended effective August 26, 1985 (12:17 Md. R. 1707); January 15, 1989 (15:27 Md. R. 3131)**

## Appendix Q: FCPS Redistricting Policies

Source: Frederick County Board of Education, July 13, 2016





<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>		
<b>SCHOOL ATTENDANCE AREAS AND REDISTRICTING</b>		<b>POLICY 200</b>	
<b>200.0 Policy Statement</b> <b>200.1 Attendance Areas</b> <b>200.2 Redistricting</b> <b>200.3 School Closing or Consolidation</b>			

**200.0 Policy Statement**

The Board of Education (Board) believes in building collaborative relationships between the school system and the community. The Board acknowledges that schools are the foundation of the community and have a lasting impact on its citizens. However, there will be times of enrollment fluctuations and changes to the educational landscape that indicate the need to shift attendance areas, redistrict and even close schools. The Board has the unique responsibility to allocate resources based on various student needs and will consider strategies and solutions and seek high levels of communication and transparency with stakeholders.

**200.1 Attendance Areas**

- A. The county shall be divided into appropriate school attendance areas by the Board. With the exception of some special programs, students are expected to attend the school assigned based on their primary residence. The Superintendent will prepare regulations concerning attendance areas. If the Superintendent of schools determines that the number of out-of-district students attending child care centers is a significant factor in causing enrollment pressures within a specific school attendance area, the Superintendent shall reassign those out-of-district students before moving students whose permanent residence is within the attendance area. The Superintendent is responsible for making recommendations for attendance area adjustment based on conditions set forth in Board policy and for coordinating community involvement and a communication plan.
- B. The Superintendent has discretion to make minor adjustments to attendance area maps without Board approval under the following conditions where:
  - 1. Attendance area boundary lines divide properties.
  - 2. Maps do not clearly define school assignments of current or future students.

<b>Legal Reference</b>	§ 4-115, Education Article, <i>Annotated Code of Maryland</i>		
	COMAR 13A.02.09 <i>Closing of Schools</i>		
<b>Policy History</b>	Reviewed: 2015, 2016	Adopted: 9/24/03	Revised: 7/13/16

- 3. Maps may not accurately identify current school assignments due to unforeseen factors.
- C. The Chief Operating Officer will be responsible for updating attendance area maps annually to reflect any changes in boundary maps.
- D. The Board reserves the right to modify proposals, alternatives or recommendations presented by the Superintendent, Frederick County community members or during Board votes.

## 200.2 Redistricting

Purpose: To establish conditions under which school attendance boundary adjustments will be developed as well as the procedural and community engagement guidelines the Board will use in decisions that impact attendance areas.

- A. The Board may consider school attendance area adjustments under one or more of the following conditions:
  - 1. A new school, addition or renovation that adds capacity.
  - 2. Closure or significant damage of an existing school facility.
  - 3. Changes to student enrollment numbers or projections that are significantly and consistently outside of state rated capacity.
  - 4. Program changes that impact a school's state rated capacity.
  - 5. Any situation that would compel an attendance boundary adjustment to promote student safety and well-being or enhance efficiencies.
- B. The annual presentation of the Educational Facilities Master Plan (EFMP) to the Board shall include a state rated capacity review that will guide Board decisions in regard to optimal usage of school system facilities. This will also include a status report of the Adequate Public Facilities Ordinance (APFO) and approved residential developments.
- C. The Board shall consider the following factors in developing school attendance area boundaries:
  - 1. Educational welfare of students.
  - 2. Frequency of redistricting, with every attempt being made to limit individual student redistricting to not more than once every five years.
  - 3. Proximity to schools, in order to maximize walkers and minimize distance or time of bus runs.
  - 4. Student demographics.
  - 5. Student academic performance.
  - 6. Operating and capital costs.
  - 7. Established feeder patterns.
  - 8. Impact on neighborhoods and communities.
  - 9. Impact on specialized school programs or a change to school capacity.
  - 10. Instructional and operational capacity of involved schools.
  - 11. Any other factor that is unique or pertinent to the proposed redistricting.

It is important to note that the above criteria are not in priority order. While the Board will take all factors into consideration, it may not be possible to incorporate each factor into all adjustments.

#### D. Redistricting Study Process

1. The Superintendent will provide a scope of work, including defined study area, process and schedule, as well as a community engagement plan for a proposed redistricting study to the Board for review, discussion and approval prior to the commencement of the study.
2. The community engagement plan shall include a variety of engagement strategies emphasizing maximum community involvement and transparency.
3. Following initial data collection, school system staff will engage the school communities involved in the redistricting to present the scope of work, schedule and community engagement plan. Collected data will also be presented to the school communities for review and discussion. Input will be gathered regarding questions and concerns about the proposed redistricting.
4. School system staff will develop a variety of school attendance boundary options utilizing information gathered earlier and factors outlined in Board Policy 200.2(C) above. These options will be presented to the school communities, in accordance with the community engagement plan, for review and comment. The proposed options will be revised and presented to the school communities to prepare an appropriate recommendation for the Superintendent's consideration.
5. The Superintendent will forward redistricting recommendation(s) to the Board, including all pertinent data, information, considered options and details of community engagement.
6. The Board will hold a minimum of one work session and a minimum of one public hearing regarding the proposed school attendance area boundary adjustment(s). The Board acknowledges that public input is a priority.
7. The Board may direct the Superintendent to provide additional information or develop alternative attendance boundary options for the Board's consideration.
8. The Board will have a final public hearing and take final action at a public meeting.
9. Consideration will be given to granting "grandfathering" status to students entering 5<sup>th</sup>, 8<sup>th</sup> and 12<sup>th</sup> grades if space is available.

### 200.3 School Closing or Consolidation

Purpose: To establish procedural and community engagement guidelines for reorganizing facilities and closing schools in accordance with Maryland law. <sup>1</sup>

When considering closing or consolidating a school, the Board shall direct the Superintendent to examine the feasibility of such action. The Superintendent shall prepare such reports as necessary to describe proposed closing or consolidation and allow adequate public review and comment.

- A. At a minimum, the following shall be considered when evaluating criteria for closing a school:
1. Student enrollment trends in relation to state rated capacity;
  2. Age and/or condition of school buildings;
  3. Transportation;
  4. Educational programs;
  5. Racial composition and levels of poverty of student body;
  6. Financial considerations;
  7. Student relocation;
  8. Impact on community in geographic attendance area for both the proposed closing school and schools impacted by relocating students; and
  9. Any other factors the Board deems relevant to rendering its decision.

Prior to acting on a decision to close a school, the Board may, in its discretion, appoint a committee to assist with evaluating the above criteria and making a recommendation to the Board.

B. Procedures for Community Engagement

1. Public Hearing

- a. A public hearing <sup>2</sup> shall take place before any final decision by the Board to close a school.
- b. Time limits on the submission of oral and written testimony and data shall be clearly defined in the notification of the public meeting.

2. Adequate Public Notification

- a. In addition to regular electronic and written communication used by FCPS, written notification of all schools being considered for closure shall be advertised in at least two newspapers having general circulation in the geographic attendance areas for the school(s) impacted by closing or relocation of students.
- b. The newspaper notification shall include the procedures to be used by the Board in making a final decision.

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<sup>1</sup> COMAR 13A.02.09

<sup>2</sup> For purposes of this policy, public forum is defined as: "A forum provided to concerned citizens to submit their views, testimony, data and/or concerns to the Board by either commenting publicly or submitting statements in writing."

c. The newspaper notification will be placed at least two weeks prior to any public hearing held by the school system on the proposed closing.

C. The Board shall render its vote publicly and in writing.

1. The final written decision should include the rationale and basis used for a school closure.

2. The written decision shall address the impact of the proposed closing on the factors set forth in Maryland law.<sup>3</sup>

3. There shall be notification of the final decision by the Board to the community in the geographic attendance area of the school to be closed and the school(s) impacted by the relocation of students.

4. The final decision shall include notification of the right to appeal to the State Board of Education as identified in Maryland law<sup>4</sup> and Board Policy 105 *Appeal and Hearing Procedures*.

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<sup>3</sup> COMAR 13A.02.09

<sup>4</sup> COMAR 13A.02.09

<b>FREDERICK COUNTY PUBLIC SCHOOLS</b>	<b>Reg. No. 100-02</b>
<b>Subject: REDISTRICTING</b>	<b>Issued: 9/1/79</b>
<b>Preparing Office: Office of the Superintendent</b>	<b>Amended: 9/26/07</b>

- I. Policy 200
- II. Procedures
  - A. Temporary measures shall be examined and considered prior to any permanent change in attendance areas.
    - 1. The chief operating officer and the deputy superintendent may recommend to the Superintendent the need for temporary adjustments due to student enrollment. Consideration should be given to the following:
      - a. Use of old school facilities as buffers for crowded schools when feasible during periods of growth and where cost effective.
      - b. Use of portable classrooms.
      - c. Use of rental properties.
      - d. Change in grade structure.
      - e. Other arrangements as may be necessary.
    - 2. The Superintendent may hold public meetings to provide an opportunity for affected citizens to react to recommendations for temporary adjustments for housing students.
    - 3. The Superintendent implements temporary adjustments.
  - B. School attendance areas may need to be adjusted periodically as a result of current and/or projected enrollments to better utilize available classrooms and/or to establish attendance areas for new schools.
    - 1. If the chief operating officer determines that the temporary adjustments utilized are inadequate to handle enrollments, he/she will consult with school principals, deputy superintendent and the Superintendent concerning a possible need for redistricting.
    - 2. If a redistricting is judged necessary, the chief operating officer will be charged with developing a redistricting proposal including alternatives. The factors and priorities found in Board Policy 200.2 shall serve as guidance in this effort.
    - 3. The chief operating officer will schedule public meetings to provide an opportunity for residents to be informed of and comment about proposed alternatives. Appropriate records will be kept of all public comments received and forwarded to the Superintendent and Board of Education for their consideration.

4. The chief operating officer will recommend to the Superintendent a proposed plan for redistricting, including a description of other alternatives considered but not selected.
  5. Following review of this recommendation, the Superintendent will recommend to the Board of Education a redistricting plan for appropriate action.
  6. The Board of Education will schedule hearings to receive public comments about the Superintendent's recommendation. The Board may approve, deny or modify the recommendation.
- C. The Superintendent has discretion to make minor adjustments to attendance area maps without Board approval under the following conditions where:
- Attendance area boundary lines divide properties.
  - Maps do not clearly define school assignments of current or future students.
  - Maps may not accurately identify current school assignments due to unforeseen factors.
1. Changes to attendance areas will be based on the recommendation of the chief operating officer following consultation with school principals, the FCPS Department of Transportation and the FCPS Department of Student Services.
  2. Changes to attendance areas that affect current students will be made with advanced written notification to the parents or guardian.
  3. The Division of Operations will be responsible for updating attendance area maps annually to reflect any changes in boundary maps.

Approved:

*Original signed by*

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Linda D. Burgee  
Superintendent







## Appendix R: FCPS Use of School Facilities Policy and Regulation

Source: Frederick County Public Schools Office of the Superintendent, July 1, 2015

R

R

<b>FREDERICK COUNTY PUBLIC SCHOOLS</b>	<b>Reg. No. 100-01</b>
<b>Subject:</b> <b>RENTAL OF FREDERICK COUNTY PUBLIC SCHOOLS FACILITIES</b>	<b>Issued:</b> <b>1/1/86</b>
<b>Preparing Office:</b> <b>Office of the Superintendent</b>	<b>Amended:</b> <b>7/1/15</b>

- I. Policy 203
- II. Procedures

**A. Rental of Frederick County Public Schools (FCPS) Facilities**

The Board of Education (Board) recognizes that FCPS facilities are public buildings and, subject to provisions established by Maryland school laws, encourages their use by the public when they are not being used for FCPS purposes. The Superintendent is authorized to establish administrative procedures and regulations which will provide for the use of FCPS facilities by non-school groups without profit to the Board; provided, however, that the costs of operation and maintenance are defrayed by the users or are covered by budget allocation from the Board of County Commissioners.

1. Non-Profit or Not-for-Profit Organizations

FCPS buildings and grounds may be used for educational, civic, social, religious, and recreational activities by approved non-profit or not-for-profit organizations for such purposes as athletic programs, fundraising activities for charitable purposes, and employee-related activities.

To meet the FCPS requirement as a non-profit organization, an organization needs to be recognized by the Internal Revenue Service (IRS) as a non-profit 501(c)(3) organization. When requested, the organization must submit an IRS determination letter stating this status to the school system. Organizations will be directed to [www.irs.gov](http://www.irs.gov) regarding questions about IRS recognition as a non-profit organization and/or IRS determination letters.

2. For-Profit Organizations

Rental of FCPS buildings by for-profit businesses or organizations is not permitted.

**B. FCPS Facilities Restricted for Outside Use**

Because of the special purpose design of Rock Creek School, Career and Technology Center, Heather Ridge School, Earth and Space Science Lab, FCPS Staff Development Center in Walkersville, and future special purpose schools and the equipment located in those facilities, after-hour use of those facilities shall be limited to school-related groups or community groups directly related to the facility. Related community groups using the Rock Creek School will include only groups comprised of or serving disabled persons. Those using the Career and Technology Center will include only Frederick Community College and organizations directly involved in the career education effort.



**C. Special Operating Requirements**

The Board recognizes individual schools may have special operating requirements under the auspices of "Park School" agreements or other agreements approved by the Board and that these agreements may contain provisions which sometimes may be at variance with Board policy or FCPS regulation in order to meet the needs of specific situations.

**D. Classification of Users and Charges**

Tables I and II, as attached to this regulation, identify priorities of users and charges. Charges for use of FCPS facilities will be reviewed annually to determine whether the charges assessed by regulation are, in fact, designed to cover costs of operating the facilities.

**E. Applications**

1. Application forms for the use of FCPS facilities are available on the FCPS web site [www.fcps.org](http://www.fcps.org). Applications are to be completed and submitted by a responsible Frederick County resident except applications being submitted by government agencies. In this latter case, the submission by the responsible government official will suffice.
2. The electronic request shall be submitted to the Facilities Services Division for initial registration. Once registration has been approved, the community user group will apply for use of interior space or fields by completing the electronic application found on the FCPS web site.
3. Applications from eligible organizations in good standing (no previous record of abuse to FCPS facilities or default of payment of fees) shall be accepted for processing.
4. Approved applications expire at the end of the scheduled event or at the expiration of the approved application.
5. Applications for rental of the central office board room are also available on the FCPS web site [www.fcps.org](http://www.fcps.org) by selecting "central office" in the drop-down menu. The central office building manager will review and process applications in conformance with this regulation. (See Section P)

**F. Cancellations**

1. The user group has the responsibility of notifying the principal, or designee, at least 48 hours in advance if it is necessary to cancel the scheduled activity. Failure to cancel may result in the scheduled building and custodial charges being levied.
2. When schools close early or are closed for the entire day due to weather or other emergency conditions, community use of FCPS facilities are automatically canceled except as noted below. (See FCPS Regulation 400-02, Section D)



- 3. Daycare centers operating in FCPS facilities will independently make decisions regarding modifications to their program schedules and communicate accordingly with the media, the principal, or designee, and the families they serve. (See FCPS Regulation 400-02, Section E)

**G. Scheduling of Facilities**

- 1. At elementary and middle schools, applications for use of interior spaces or fields may be submitted at any time, but an application cannot extend past the beginning of the next fiscal year (July 1).

Applications for use of high school space or fields, other than swimming pools, shall be processed in accordance with the following schedule. Separate applications are required for dates of use before and after July 1.

High School Application Deadline Date	High School Facility Deadline for Approval	Dates Covered
July 1	August 1	September 1 – November 30
October 1	November 1	December 1 – March 31
February 1	March 1	April 1 – August 31

- 2. For high schools, applications received on or before the established deadline date are to be held until the deadline and then are to be considered:
  - a. According to established priorities.
  - b. Assigned the appropriate facility to assure maximum usage and benefit.
- 3. For high schools, applications received after the established deadline may be approved with the consent of the principal, or designee.
  - a. Applications received after the deadline shall be considered on a "first-come, first-served" basis. (See Section H2 below)
  - b. Applications received after the deadline must be submitted at least two weeks prior to date of use or will not be considered.
  - c. In the event contracts must be signed and arrangements made for performers in advance, the principal, or designee, reserves the right to waive the above procedures.

**H. Priority Schedule**

- 1. Priority Schedule - The ultimate use of facilities shall be determined at all times in accordance with the order of priority as identified in Table I.
- 2. In the event of scheduling conflicts, the principal, or designee, will give appropriate consideration to groups in good standing that have used the facility in prior years and who primarily serve Frederick County residents.



**I. Charges**

1. The total fee could consist of:
  - a. Facility fee: Charges levied to offset costs of building operations and maintenance.
  - b. Labor fee: Charges levied to cover FCPS personnel required to be present in the building for coverage of the event, including set-up and clean-up.
  - c. Application fee: applies to second priority users.
2. As a general rule, when a community group uses FCPS facilities during an FCPS employee's normal working hours, no labor charge will be assessed. If, in the judgment of the principal, or designee, additional work is required in order for the employee to accommodate the user, labor charges will be levied for the number of overtime hours required.
3. FCPS Fiscal Services Division staff will recompute Table II rates periodically and revise the rate schedule as appropriate.

**J. Restrictions and Conditions Regarding Use of the Facilities**

1. FCPS facilities are to be used for programs and activities that extend benefits to students and the community. Inappropriate use of facilities includes, but is not limited to, use for commercial purposes, personal gain or profit, and use that is potentially disruptive to FCPS programs or could cause negative public opinion of the school system.
2. The sale or use of tobacco products, alcohol, and controlled dangerous substances in any form is prohibited in FCPS buildings and on FCPS grounds at all times. FCPS buildings are defined as a local school system owned or leased building. FCPS grounds are defined as local school system owned or leased land that surrounds an FCPS building.

Board Policy 112 *Drug-free, Alcohol-free and Tobacco-free Workplace and School System* states that any person or organization permitted to use FCPS buildings or FCPS grounds (e.g., use of facility form) must comply with the policy. Violations of the policy will result in the use of the facility permit being terminated through the remainder of the period.

3. Board policy mandates that groups using FCPS facilities shall conduct activities that are orderly and lawful, of a nature not to incite others to disorder, and not restricted by reason of race, creed, color, sex, or age.
4. Gambling and games of chance, such as bingo, where cash prizes or prizes of significant value are awarded are prohibited on FCPS grounds. Raffles and 50/50 drawings conducted by groups such as PTAs, alumni associations, recognized employee associations, and booster groups are permitted with approval of the principal, or designee.
5. FCPS buildings shall not be used for events or activities private in nature such as birthdays, anniversaries, weddings, receptions, funerals, or memorial services.

6. FCPS buildings and grounds may be used for non-partisan political debates and issues forums sponsored by FCPS or non-partisan organizations (such as the League of Women Voters).

FCPS buildings or grounds shall not be used for partisan political rallies, political fundraisers, and presentations by candidates for public office or related election activities. FCPS buildings or grounds shall also not be used for partisan activities associated with any issue scheduled to be included on the ballot of the next election.

Nothing in the above shall serve to restrict the county Board of Elections in the administration of election day activities.

7. Rental of FCPS facilities for overnight activities is not permitted. The appropriate instructional director may approve exceptions that are consistent with the purposes and intent of this regulation.
8. There shall be no temporary or permanent signs, banners, or pennants placed in or on FCPS buildings or on FCPS grounds by any group except those associated with activities sponsored by FCPS or the PTA. Two exceptions are:
  - a. Activities carried on in FCPS facilities by the Board of Supervisors of Elections shall be exempt from this restriction.
  - b. Other groups that use FCPS facilities may place temporary identification signs on FCPS grounds only during the actual hours the FCPS facility is used. At the conclusion of the use of the FCPS facility, the group must remove the signs.
9. All use of buildings and/or grounds is restricted to the area and to the activity as described on the application form.
10. Continued use of an FCPS building by any group is contingent upon the group taking proper steps to protect FCPS property and to ensure complete safety and the observance of the regulations concerning smoking or drinking in FCPS buildings. (See Board Policy 112 *Drug-free, Alcohol-free and Tobacco-free Workplace and School System*)

If a principal, or designee feels that a group is misusing the building, it is the duty of the principal, or designee to point out the misuse to the group so that the misuses may be discontinued. If continued misuse occurs, the principal, or designee, may stop the activity.

The Chief Operating Officer, or designee, shall investigate the complaint and determine whether the group should be prohibited from any further use of FCPS facilities.

11. Occupancy of buildings or rooms shall not exceed capacities established by the fire marshal.
12. Vehicles will be parked in authorized parking areas only. Operation of vehicles on FCPS lawns and play fields is prohibited.



13. All after-hour use of FCPS facilities will be supervised by a person at least 21 years of age representing the user group.
14. Indoor FCPS facilities (gymnasiums, hallways, cafeterias, classrooms, etc.) may not be used for athletic activities which are normally played outdoors and/or for which the indoor facilities are not designed. This definition would normally include such activities as football, field hockey, cross-country, soccer, track, and baseball.
15. Temporary structures including portable toilets, mobile concession stands, and beverage trailers may not be erected or placed on FCPS property without the permission of the Chief Operating Officer, or designee. Beverage trailers and mobile concession stands will not be left on the FCPS grounds overnight. Large tents will not be erected on FCPS grounds. Temporary booths for PTA carnivals are exempt from this restriction.
16. Under no condition will application for after-hour activities be approved where the application permits persons to be on building roofs. This includes firefighting practices, rappelling demonstrations, and other such activities.

**K. Indemnification Provision**

Any group or organization using FCPS property shall hold the Board of Education of Frederick County, individual Board members, and FCPS employees harmless for any loss, liability, or expense that may arise during, or be caused in any way by such use or occupancy of FCPS property. In the event loss is incurred as a result of the use of the facility by a community user group, the amount of damage shall be decided and invoiced by the Board of Education. The group or agency shall also hold harmless and indemnify or reimburse the Board of Education for any liability to third parties arising from use of FCPS facilities.

**L. Principal's Responsibility**

1. The principal, or designee, is responsible for coordinating with the community user group the assignment of space necessary to accommodate the user's needs as indicated on the application.
2. The principal, or designee, is responsible for maintaining proper relationships with those organizations that make application to use the FCPS facility. Included in this coordinating role will be the responsibility for informing the custodian of the name of the individual from the user organization who will be identified as the person in charge during the scheduled activity. The custodian shall inform the person in charge of his/her whereabouts during the scheduled activity.
3. FCPS equipment may be utilized by community user groups only with the consent of the principal, or designee. All equipment that is so utilized shall be returned in the same condition as when it was borrowed. Lost or damaged equipment shall be replaced or repaired at the sole expense of the user. Under no condition will equipment be removed from the FCPS facility. Some equipment will not be available for outside use under any conditions.

**M. User's Responsibility**

1. The group or agency using the building must accept the entire responsibility for supervision of all persons associated with its activities, including participants and spectators in the building or on the grounds. The custodian shall not be expected to accept any of the supervisory responsibility of the activity. Supervision shall include monitoring of entrances to ensure that only authorized persons are in the building.
2. The group or agency must arrange ahead of time with the principal, or designee, if the FCPS facility is to be made available for the group or agency to set up chairs, scenery, stage equipment, etc. In no event are electrical power capacities to be exceeded.
3. Tables, chairs, and benches shall not be placed on the playing surface of tennis and multi-use courts by any group. Groups shall not bring heavy mechanical equipment on the grounds without approval of the principal, or designee. Portable booths and equipment shall be removed immediately after the activity.
4. It is assumed that all buildings and grounds shall remain in their original condition, and plans by the user for altering existing facilities is subject to approval of the principal, or designee, in coordination with the director of maintenance and operations.
5. The group or agency requesting use of FCPS facilities recognizes that FCPS facilities are available to the community for civic, social, and recreational purposes at hours other than those required for school-sponsored activities.
6. The users of FCPS facilities agree that FCPS facilities may not be used by any organization, person, or persons who practice discrimination because of race, color, creed, sex, or national origin.
7. The user of FCPS facilities recognizes that FCPS facilities are not to be used for personal financial gain.
8. The user of FCPS facilities agrees that the charges for the use of the facility shall be in accordance with the published schedule and shall include the time of the employee(s) assigned by the principal, or designee, as determined essential to the safekeeping and efficient operation of the FCPS facility.
9. Applicants are advised that modern technical equipment in FCPS facilities requires the attention of properly trained personnel. At least one regular custodian must be on duty. When the kitchen portion of the cafeteria is used, at least one of the regular cafeteria staff must be on duty. If an FCPS pool is used, a pool operator must be on duty. (The assignment of a pool operator can be in lieu of a custodian.) When technical equipment, such as theater lighting or sound systems, is requested, the principal may assign an FCPS-approved technician to operate for the event.



10. The user agrees that alcoholic beverages, controlled dangerous substances, and games of chance shall be prohibited. (See Board Policy 112 *Drug-free, Alcohol-free, Tobacco-free Workplace and School System*)
11. The user agrees to provide adequate supervision to ensure that good order is maintained.
12. The user agrees that fire regulations shall be strictly followed.
13. The user agrees that all activities shall be planned and clean up provided so that facilities are in readiness for FCPS use prior to the next scheduled session.
14. Community user groups may impose an admission charge to cover expenses.
15. Youth sports programs seeking to use FCPS school facilities must distribute concussion information to parents or guardians on an annual basis. In addition, when requested, each youth sports program will affirm to Frederick County Public Schools their intention to comply with concussion information procedures as available on the Centers for Disease Control web site at <http://www.cdc.gov>.
16. The agency or group recognizes that in the event there is a breach of any of these responsibilities, it may result in denial of any future use of FCPS facilities by the organization.
17. For the protection of the user, the Board requires that the user furnish to the Board a certificate of insurance satisfactory to the Board evidencing insurance coverage of not less than a combined single limit of bodily injury and property damage liability insurance in the amount of \$1,000,000 per occurrence; \$2,000,000 in the general aggregate (including spectator liability) on a commercial general liability form; \$2,000,000 in products/completed operations aggregate; \$1,000,000 personal/advertising injury; \$50,000 fire damage legal liability; and \$5,000 medical expense. The certificate of insurance can only be cancelled upon 30 days written notice. The certificate of insurance shall state that the Board of Education of Frederick County is named as an additional insured on the insurance policy. Any deductibles or self-insured retentions should be noted on the certificate. The certificate holder shall read: Board of Education of Frederick County, 191 South East Street, Frederick, MD 21701. (See Attachment A for an approved example of an insurance certificate)

**N. Pool Use**

1. All FCPS pools when in use shall be in the immediate control of a person who shall be referred to as a pool operator. The pool operator shall be an FCPS employee and shall possess a valid swimming pool operator's license. The pool operator is responsible for the maintenance and operation of pool equipment and for maintaining a healthy pool environment.

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2. When the pool is open, at least one qualified lifeguard must be on duty. Additional guards will be required above the minimum at the rate of one additional guard for each twenty-five (25) users or portion thereof above the first twenty-five (25) users. For example, if there are thirty (30) users, two (2) guards are required.
3. A person may fulfill the functions of both lifeguard and pool operator when such duplication can be accomplished without adversely affecting safety and operational standards. No lifeguard shall be assigned any other duties such as out-of-water supervising, coaching, instructing, or cleaning, no matter how minor, while performing the duties of a lifeguard.
4. Persons acting as lifeguards shall be on deck and observing the pool whenever any person is in the water and shall not leave such post without ascertaining that all persons are out of the water.
5. To qualify as a lifeguard, the individual must be seventeen (17) years of age and must have on file, with the pool operator, a copy of a current senior life saving certificate and proof of current CPR training. Recognized life-saving certificates are those issued by the American Red Cross, the YMCA or YWCA.
6. The organization using the pool will name a person in charge. The person in charge shall supervise the group and shall assume full responsibility for locker room supervision. Each group and/or individual shall be personally responsible for personal valuables left in locker areas.
7. Reservations for any swimming pool will not be granted for longer than six (6) months at a time.
8. The maximum pool capacity shall not exceed seventy-five (75) users in the water at any given time.
9. The charges for swimming pool use for all users are listed below:
  - \$70 per hour – youth user groups that book and use 150 or more hours during a 6-month period
  - \$80 per hour - youth user groups that book and use less than 150 hours during a 6-month period
  - \$90 per hour – adult user groups that book and use for any length of time

The above rates include the cost for the pool operator, up to two lifeguards and all other related expenses associated with pool operations except custodians on weekends and holidays. An extra fee will be assessed in the event more than two lifeguards are required to service the user groups.

Use of the pool on weekends or holidays, or other non-school days when custodians are not normally scheduled, will require scheduling of a school custodian at rates found in FCPS Regulation 100-01 or approval of an auxiliary custodian as provided in FCPS Regulation 100-05.



FCPS may establish such hours of operation and holiday schedules as it deems appropriate for efficient operation of the facility.

The pool fee will be based on the reservation dates requested by the application and submitted by the user groups, and approved FCPS fees will be non-refundable unless cancellation is directed by FCPS users booking less than 20 hours in a six-month period may cancel once, with two weeks' notice, without penalty.

**O. Field Use Cancellation**

1. Use of any high school athletic field by community groups will be automatically cancelled if one or more inches of rain have fallen or are predicted to fall in the 48 hours prior to the event. If less than one inch of rain has fallen, the principal, or designee, may cancel a field event if he/she determines significant damage to the field could occur due to wet conditions.
2. Use of any FCPS field may be cancelled for up to twelve (12) months if, based on the joint assessment of the principal, or designee, and the Chief Operating Officer, or designee, the field meets one or more of the following conditions:
  - a. Use of the athletic field by a community group directly interferes with a scheduled FCPS event.
  - b. At least one-third of the field's turf cover has significantly deteriorated.
  - c. The field has unacceptable compaction levels or other safety-related concerns.
  - d. A repair program for the field is underway as a consequence of overuse, turf disease, or vandalism.
  - e. Use of the field interferes with construction under way at the FCPS facility.
  - f. The field is newly constructed and time is needed to establish a healthy turf and root system.

**P. Rental of Central Office Facilities**

1. Rental of the central office facilities at 191 South East Street, Frederick, MD 21701, by community user groups is limited to the first floor board room.
2. The central office board room will be available for rent by non-profit community user groups as identified in Table I "Priority List".
3. Use of the board room by community user groups is limited to meetings, presentations, conferences, public hearings, or similar events. The board room may not be used for events such as private parties, performances, recreation programs, religious services, or political rallies. Food and drink are not permitted in the board room.
4. Activities scheduled in the central office board room must conclude no later than 10:00 p.m.
5. Activities scheduled in the central office board room on weekends or holidays will require custodial support at the labor rates outlined in Table II "Hourly Facility Charges."



6. The rental fee for the central office board room is identified in Table II.
7. User groups must provide their own projection equipment, and Internet access may not be available. However, drop-down projection screens and the public address system will be available for use.
8. All other procedures and requirements as outlined in this regulation will apply to the rental of the central office board room.

Approved:

*original signed by*

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Theresa R. Alban  
Superintendent

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TABLE I – Priority List



**FCPS Community User Group Priority List**

NC = **N**o **C**harge  
 FC = **F**acility **C**harge (Hourly)  
 AC = **A**pplication **C**harge (\$25.00 Per Application/Per School)  
 LC = **L**abor **C**harge (Hourly)

**FIRST PRIORITY - Frederick County Public Schools Related Groups**

<b>Frederick County Public Schools Related Groups</b>	<b>Building</b>	<b>Labor</b>
1. PTA/PTSA	NC	LC
2. Booster Clubs	NC	LC
3. School Staff (events by and for school staff only)	NC	LC
4. Frederick County Teachers Assn (FCTA)	NC	LC
5. Frederick Assn of School Support Employees (FASSE)	NC	LC
6. Frederick County Administrative & Supervisory Assn (FCASA)	NC	LC
7. Other Frederick County Public School-Sponsored Groups	NC	LC
8. School Athletic Officials	NC	LC
9. FFA	NC	LC

**SECOND PRIORITY - Youth Groups/Youth Activities/Youth Organizations**

<b>Youth Groups/Youth Activities/Youth Organizations</b>	<b>Building</b>	<b>Labor</b>
1. County Rec Councils - Youth Activities	AC	LC
2. Youth Athletic Associations	\$25.00 per application per school	
3. YMCA Youth Programs		
4. Boy and Girls Scouts		
5. 4-H		

**THIRD PRIORITY - Other Educational Groups**

<b>Other Educational Groups</b>	<b>Building</b>	<b>Labor</b>
1. State and other county-supported higher education	FC	LC
2. Private Schools (all grade levels)	FC	LC
3. Non-profit Nursery Schools & Early Childhood Groups	FC	LC

**FOURTH PRIORITY - Federal, State, Local Government**

<b>Federal, State, Local Government</b>	<b>Building</b>	<b>Labor</b>
1. County and City Government Agencies-includes local parks & recreation council's adult activities.	FC	LC
2. State Government Agencies	FC	LC
3. Federal Government Agencies	FC	LC
4. Red Cross, Health Department	FC	LC

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**FIFTH PRIORITY - Fire & Rescue Services, Adult Cultural, Recreational and Community Groups, Charity Fundraisers, Religious Groups, Commercial (not for private gain events)**

<i>Fire &amp; Rescue Services, Adult Cultural, Recreational and Community Groups, Charity Fundraisers, Religious Groups, Commercial (not for private gain events)</i>	<i>Building</i>	<i>Labor</i>
1. Fire and Rescue Department Events	FC	LC
2. Cultural and Musical, Community Improvement, Non-profit Charities, Service Clubs, Homeowners Associations, Civic Associations, Adult Social & Recreational, PTA & Faculty-sponsored Adult Activities not limited to members of organization.	FC	LC
3. Fundraiser to benefit non-profit organization	FC	LC
4. Churches, Synagogues, Gospel Singers (non-profit), Church-sponsored athletic teams and leagues.	FC	LC
5. Dance Recitals (not to exceed 2 rehearsals)	FC	LC

\*Board of Elections State Mandated No Charge\*

**NOTE 1:** Second Priority includes youth groups and youth activities sponsored by adult groups where the participants are 18 years old or younger. Coaches, instructors, and supervisors can be adults; however, no adult participants can be included to qualify for classification in Second Priority.

**NOTE 2:** To be considered as a Second Priority, the organization must be officially recognized by the Department of Parks and Recreation as an extension of its activity and must be approved by the county or city government.

**NOTE 3:** With the exception of First Priority users, all stadium field users will be charged the fee listed in Table II. There are no fee exemptions for use of the stadium field or track.





TABLE II – Hourly Facility Charges



**FCPS Community User Group Fee Structure**

Priority Level	Application Charge \$25.00 Per Application Per School Per Season	Facility Charge a. Track Meet b. Stadium - Natural c. Stadium - Artificial d. Auxiliary Artificial Turf Field e. Pools  (Hourly)	Facility Charge  (Hourly)	Labor Charge Weekends Non School Days  (Hourly)
1st				✓
2nd	✓	✓ (no application fee)		✓
3rd, 4th, 5th		✓	✓	✓

<b>A</b>					
<u>Hourly Facility Charges</u>					
	Facility	Elementary	Middle	High	
a.	Track Meets	N/A	N/A	\$50.00	
b.	Stadium-Natural Turf Field	N/A	N/A	\$75.00	
c.	Stadium-Artificial Turf Field	N/A	N/A	\$100.00	
d.	Auxiliary Artificial Turf Field	N/A	N/A	\$90.00	
e.	Pools	N/A	N/A	\$70.00/\$80.00/\$90.00	
f.	Auditorium	N/A	N/A	\$75.00	
g.	Gymnasium	\$30.00	\$40.00	\$50.00	
h.	Auxiliary Gymnasium	N/A	N/A	\$30.00	
i.	Cafetorium/Cafeteria	\$10.00	\$20.00	\$30.00	
j.	Kitchen	\$15.00	\$25.00	\$35.00	
k.	Classroom	\$10.00	\$15.00	\$20.00	
l.	Media Center	\$15.00	\$25.00	\$35.00	
m.	Track Practice	N/A	N/A	\$5.00	
n.	Parking Lot Event	\$10.00	\$20.00	\$30.00	
o.	Use of Grounds/Fields	\$5.00	\$5.00	\$5.00	
p.	Tennis Courts	\$5.00 per court	\$5.00 per court	\$5.00 per court	
<b>B</b>					
<u>Hourly Labor Charges</u>					
1.	School Personnel on Duty	\$25.00	\$25.00	\$25.00	

NOTE 1:

- Parking lot fees will be assessed only for specific events held in parking lots such as flea markets.
- No fee will be assessed for vehicle parking or spectators in approved activities on Board of Education grounds or facilities.

NOTE 2:

- Artificial turf fees include all fields constructed of artificial turf, whether or not they are in a stadium.
- All user groups renting artificial turf fields must be trained by athletic director concerning use of the fields prior to use.

NOTE 3:

The fee for use of FCPS Central Office Board Room will be the same as Auditorium above.



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## Appendix S: FCPS School Construction, Renovation and Maintenance Policy

Source: Frederick County Board of Education, July 13, 2016

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<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>	
<b>CONSTRUCTION, RENOVATION AND MAINTENANCE</b>		<b>POLICY 202</b>

### 202.1 Facilities Master Plans

The Board of Education (Board) will maintain long-term facilities master plans for constructing, renovating and maintaining public school facilities in Frederick County. The master plans shall attempt to balance the need for new seats with the need for renovations to existing buildings. The Board will review these plans annually and adopt a plan after considering public comment. The Board will work cooperatively with the State of Maryland, Frederick County Executive and County Council, and other elected officials to obtain adequate state and local funding and to implement the plans.

### 202.2 New School Buildings

The Board will use prototype designs whenever possible. Schools will be constructed to maximum approximate capacities:

- Elementary schools – 700 students
- Middle schools – 900 students
- High schools – 1600 students

All other schools will be constructed to accommodate the number of students determined by the Board to be appropriate to the school's function.

The Board may authorize exceptions to the capacity figures shown above.

### 202.3 School Site Acquisition

The Board will work collaboratively with the Frederick County Executive, County Council and Planning Commission to maintain criteria for school site acquisition and work to maintain a sense of community when selecting school sites. Considerations in the site selection process will include:

- The site is consistent with the land use plans prepared and approved by Frederick County, the City of Frederick or municipality.
- The site is adequate in size and physical characteristics to meet site design requirements for the size and type of school intended for the site.

<b>Legal Reference</b>	MD Annotated Code, Education Article §5-112 Bids		
	MD Annotated Code, Education Article §4-115 Acquisition and Disposition of Real Property...		
	MD Annotated Code, Education Article §5-301 State Payment of Certain Public School...		
	MD Annotated Code, State Finance & Procurement Article §14-301 Definitions		
	COMAR 21.11.03 State Procurement Regulations – Minority Business Enterprise Policies		
<b>Policy History</b>	Reviewed: 2016	Adopted: 10/22/03	Revised: 7/13/16

Policy 202



- The site is in compliance with State, County and Municipal site development regulations.
- Adjoining, existing and future planned land uses of the site are compatible with the type of school planned.
- The site has acceptable utility, road and pedestrian access available.

#### **202.4 Specific Project Approval**

Educational specifications and designs for all projects shall be subject to Board approval. The Board will review educational specifications and designs at the Board's work session before granting Board approval. For new schools, school additions or major renovations, the Board must approve each major step in the design process, including schematic designs, design development documents, and construction documents.

#### **202.5 School Construction/Use of Minority Business Enterprises (MBE)**

The Board shall require staff to enable a Procurement Review Group (PRG) to review and analyze each construction project or type of work and the potential for certified minority businesses to participate in the project. Based on these factors, individual project goals and sub-goals for a project may be higher or lower than the standard percentages. It is also possible that some projects could have no MBE requirements, if specific circumstances justify that decision. When bidding as general or prime contractors, all general contractors and subcontractors, including certified MBE firms, are required to attempt to achieve the MBE subcontracting goals from the certified MBE firms approved by the Maryland Department of Transportation (MDOT).

This MBE procedure is applicable to all public school construction projects approved for partial state funding through the state public school construction program.

#### **202.6 Easements or Rights-of-Way**

The Superintendent or designee shall have authority to act on behalf of the Board in approving easements or rights-of-way of less than one (1) acre to allow utility connections or improvements at existing school facilities or for Board approved projects. The Superintendent or designee shall report to the Board when such approvals are provided.

#### **202.7 Developer-Funded School Construction Projects**

The Board supports the funding of school construction through Board agreements with developers as one approach to addressing Frederick County Public Schools (FCPS) facility needs and the consequences of residential development in the county. Such agreements will be considered only in conjunction with county and municipal growth management regulations. Projects that will be considered for developer funding include school additions, new schools/facilities and addition/renovations. The principal goal of any project approved under this policy is to eliminate overcrowding and improve the

educational setting for students and staff. The following guidelines will be considered for developer-funded projects:

#### A. Developer Responsibilities

The project scope (the size of the school project) will encompass the existing enrollment and capacities of the schools serving the site, the enrollment impact of the residential development under review, enrollment growth from the surrounding neighborhoods, and other residential developments in the school attendance area that have preliminary plans in process or approved.

As a condition of the agreement between the Board and the developer, and in conjunction with agreements approved by the County, the developer will not record lots until the scope of work for the project is approved by the Board that successfully addresses current and potential future overcrowding of schools serving the site. The approved scope of work will be incorporated into an agreement between the developer and the Board.

Once an agreement is in place, funding for the project must be provided or guaranteed prior to design and construction. The developer may withdraw after the design phase if it does not want to proceed with funding construction of the project. If the developer does not wish to proceed, then the agreement is voided. Any funds expended during the design phase are non-refundable. Any plans completed during the design phase become the property of the Board.

#### B. Board Responsibilities

Funding for the project will incorporate the total project cost, including the cost of offsite public improvements, as determined by the Board.

As with all projects, the Board will determine the project's scope, including the size and specifications as required to meet the needs of schools in the community.

For school construction projects funded by a developer(s) to address school overcrowding, the Board will not request State funding for construction. The project will not be recommended for inclusion in the County CIP and thereby make residential capacity available for other residential projects under the County's or a municipal adequate public facilities ordinance.

The Board supports partnerships as a means of providing school construction funding.

All projects will be considered as part of and in cooperation with county or municipal plans and review and approval procedures.

#### C. Staff Responsibilities

As with all projects, FCPS staff will manage the design, procurement and construction of the project. The project will utilize standard FCPS project management processes and procedures. The developer will reimburse FCPS for direct costs associated with project management.





## Appendix T: FCPS Transportation Policies

Source: Frederick County Board of Education, September 8, 2010

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<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>
<b>TRANSPORTATION OF STUDENTS</b>	<b>SECTION 441</b>
<b>441.1 Parental Responsibility</b> <b>441.2 Student Eligibility for Bus Transportation</b> <b>441.3 Bus Routing</b> <b>441.4 Disabled Students</b> <b>441.5 School Bus Ridership</b> <b>441.6 Standing on Buses</b>	<b>Adopted:</b> <b>2/3/09</b>  <b>Amended:</b> <b>9/8/10</b>

#### **441.1 Parental Responsibility**

- A. Getting students to and from school safely is a partnership between the home and the school. FCPS will provide parents with educational information and resources on pedestrian and bus safety in addition to the training and resources provided to students.
- B. Parents are responsible for the safety and conduct of their children from the time they leave home until they board the school bus or enter school property and from the time they leave the school bus or exit school property at the end of the day.
- C. Parents are expected to have children at the assigned bus stop five (5) minutes before the scheduled arrival time of the bus in the morning.
- D. Parents may be held responsible for the reimbursement of damages to the property of other students on the school bus and for damage to equipment on the bus. Parents may also be held responsible for the damage caused by objects thrown from the bus.
- E. Parents are responsible for identifying the appropriate walk route from home to school or the bus stop. FCPS will provide to parents national, state and/or local information and recommendations to assist parents in identifying an appropriate walk route.
- F. It is recommended that parents walk with or make provisions for providing assistance for taking very young children to the bus stop or school in the morning and meeting the bus or students leaving school in the afternoon.
- G. In order to determine if schools are closed, delayed, or dismissing early, parents are expected to check local radio and television broadcasts, as well as the FCPS webpage for announcements of the delayed opening or closing of schools.



## 441.2 Student Eligibility for Bus Transportation

The board is committed to providing safe and efficient transportation for students who are transported. School buses are considered an extension of the school campus and all rules and regulations apply accordingly. Barring extenuating circumstances that prevent safe bus travel, students are eligible for bus transportation based on the following criteria:

### A. Elementary

With the exceptions as outlined in sections D and E, elementary students are not eligible for school bus transportation to school unless the most practical, direct walking route is longer than 1¼ miles. Up to 1/10 of a mile may be added by the Transportation Department so that a street or cul-de-sac is not divided. Walking distances in contiguous areas may be extended at the superintendent's discretion.

### B. Secondary

With the exceptions as outlined in sections D and E, middle and high school students are not eligible for school bus transportation to school unless the most practical, direct walking route is longer than 1¾ miles. Up to 1/10 of a mile may be added by the Transportation Department so that a street or cul-de-sac is not divided. Walking distances in contiguous areas may be extended at the superintendent's discretion.

### C. Walking Distance

The walking distance for both elementary and secondary students shall be measured from the property line of the student's home to the designated school property line as identified by transportation staff.

D. All students who attend designated primary schools will be provided bus transportation.

E. Transportation will be provided under the following exceptions:

1. When students residing within prescribed walking distances of their assigned school do not have suitable walkway between their homes and their assigned school.

A suitable walkway is defined as a sidewalk or road shoulder with a minimum surface width of three (3) feet over which students may walk without being required to step on the traveled portion of the road surface.

2. When students are required to walk across a roadway involving an unusual safety hazard.
3. When students are required to walk across an active, at-grade railroad crossing; a railroad bridge; or a railroad overpass/underpass having inadequate walkways.

4. When defined and authorized as an emergency exceptional condition by the superintendent of schools or designated representative.
5. When secondary students would have to cross a road where the speed limit is 35 miles per hour or greater **and** the intersection:
  - a. is not controlled by a traffic light, or
  - b. is not controlled by a stop sign, or
  - c. is not controlled by a crossing guard, or
  - d. does not have a marked cross walk.
6. Transportation will be provided for elementary students if they must cross a road with a speed limit of 35 miles per hour or greater **and** the intersection is not controlled by a:
  - a. traffic light, or
  - b. crossing guard.

F. Criteria for Establishing Walking Paths between Home and School

1. Elementary
  - a. With the exception of residential areas as outlined in section b., elementary students are not to walk on the traveled portion of the road.
  - b. On residential-area roads without through-traffic, elementary students are not to walk farther than 25 feet at any one point on the traveled portion of the road.
2. Secondary
  - a. On a road with through-traffic, secondary students are not to walk at any one point on the traveled portion of the road that is farther than:
    - (1) 25 feet on a road where the speed limit is greater than 35 miles per hour.
    - (2) 50 feet on a road where the speed limit is 35 miles per hour or less.
  - b. On a road without through-traffic, secondary students are not to walk at any one point on the traveled portion of the road that is farther than:
    - (1) 50 feet on a road where the speed limit is greater than 35 miles per hour.
    - (2) 200 feet on a road where the speed limit is 35 miles per hour or less.

G. The superintendent has authority to allow exceptions to the above conditions.



### **441.3 Bus Routing**

- A. The board will endeavor to route buses so that students will have a maximum of  $\frac{1}{2}$  of a mile to walk to a bus stop, exclusive of private driveways and roadways.
- B. The board will endeavor to route buses so that students will have no more than a one (1) hour scheduled ride each way.
- C. The board will endeavor to drop off students no more than  $\frac{1}{2}$  hour prior to the start of school and to pick up students within  $\frac{1}{2}$  hour of dismissal.

### **441.4 Disabled Students**

- A. Disabled students attending a Maryland State Department of Education approved school during the regular school year may be provided daily transportation if they live within 50 miles of the school.
- B. Disabled students living beyond the 50-mile limit established above shall be eligible for two (2) round trips each school year.
- C. Certain resident disabled students attending Maryland State Department of Education approved public or nonpublic schools shall have transportation available to and from their home areas on weekends.

### **441.5 School Bus Ridership**

- A. As provided in regulations of the Maryland Department of Transportation Motor Vehicle Administration, the driver of a school bus shall be in full charge of the bus and students, except in the presence of a teacher.
- B. A school bus driver shall not permit or allow children not enrolled in a school program or any unauthorized adult on any school bus.
- C. Except for regular routes to and from school during the school year, utilization of county-owned buses will be limited to trips sponsored by the public schools of Frederick County for approved school activities. An exception will be made for official business trips sponsored by the Frederick County Board of County Commissioners. School buses involved in field trips will be driven only by approved and certified board school bus drivers.

### **441.6 Standing on Buses**

In accordance with Maryland law, school vehicles shall be routed so that all students are seated and loads do not exceed the rated capacity. If extenuating circumstances create an overload, i.e., unanticipated ridership at the beginning of the school year or an emergency, a corrective plan will be immediately identified and remedied as soon as possible but no later than five (5) student days after notification of the overload condition.