

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ECK, ECM-RA, FAA, KGA-RA, KGC, KGC-RA
Responsible Office: Facilities Management

Joint Occupancy of Montgomery County Public Schools (MCPS) Facilities

A. PURPOSE

To permit and set forth the criteria for joint occupancy of Montgomery County Public Schools (MCPS) facilities

B. ISSUE

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

C. POSITION

1. Joint occupancy is defined as the lease of surplus space in a Board owned property to a non-MCPS user exclusively for his/her use.
2. Joint occupancy is distinguished from shared space, which is space shared with MCPS for that part of a day when it is not needed for MCPS educational programs. The Interagency Coordinating Board is responsible for locating the users of shared space.
3. The superintendent of schools shall actively seek joint occupants who support, enrich, and enhance the educational experience of MCPS students, their families, or MCPS staff.
4. In order to best meet the needs of children and to ensure prudent utilization of resources, the superintendent of schools will incorporate input from the school community into the decision-making process for selection of joint occupants for available spaces in operating schools.

5. Criteria for Identification of Available Space
 - a) The space is projected to be surplus for at least two years.
 - b) Joint occupancy arrangements that expand building capacity through the use of relocatable units or modular construction may be negotiated if site conditions allow.
 - c) For joint occupancy agreements in operating schools,
 - (1) No operating school will be permitted to house a nonpublic school serving parallel school Grades K-12 in joint occupancy spaces.
 - (2) The projected student enrollment at the school is below 80 percent of the MCPS rated student capacity. This criterion may be waived with input from the principal.
 - (3) The space is located in a portion or section of the building which can be easily isolated from the educational program, preferably near a restroom and separate entrance.
6. When MCPS facilities are not fully utilized for student enrollment, MCPS staff functions, or other MCPS programs, space may be leased to non-MCPS users in operating schools or nonoperating schools, as follows:
 - a) Priority users for space in operating schools
 - (1) County programs that benefit MCPS students, their families, or staff
 - (2) Child care providers in compliance with Maryland licensing requirements who support, enrich, or enhance the educational experiences of current and prospective MCPS students, their families, or staff with preference given to child care programs that operate in partnership with MCPS
 - (3) Community programs that enrich or enhance the learning experiences of children or provide needed services to children and families
 - (4) Other purposes for government agencies

- b) Priority users for space in nonoperating schools
 - (1) County programs that benefit MCPS students, their families, or staff
 - (2) Nonpublic schools and/or child care providers in compliance with Maryland licensing requirements who support, enrich, or enhance the educational experiences of children
 - (3) Community programs that enrich or enhance the learning experiences of children or provide needed services to children, families, or the community
 - (4) Other purposes for government agencies
 - (5) Private enterprise
- 7. In those cases where two or more candidates for the same space within the same priority category are equally desired, the space will be provided to the candidate who best meets the needs of the school community as determined by the Board, with input from the school community.
- 8. Cost to User Group

MCPS establishes a per square foot rental rate each fiscal year to be applied to joint occupancy leases in order to recover operating costs. The income received from joint occupancy leases will be received as revenue recorded in a separate enterprise fund, the Real Estate Management Fund.

D. IMPLEMENTATION STRATEGIES

The superintendent of schools is authorized to negotiate fees for the use of surplus space.

E. REVIEW AND REPORTING

- 1. The superintendent of schools shall require ongoing monitoring reports to be maintained on fee schedules and the use of the surplus space.
- 2. This policy will be reviewed in accordance with the Board of Education policy review process.

Policy History: Adopted by Resolution No. 122-78, February 14, 1978; amended by Resolution No. 509-78, July 11, 1978; amended by Resolution No. 1056-79, December 17, 1979; reformatted in accordance with Resolution No. 333-86, June 12, 1986, and Resolution No. 458-86, August 12, 1986, and accepted by Resolution No. 147-87, February 25, 1987, amended by Resolution No. 73-12, February 14, 2012.