



ORLEANS PARISH SCHOOL BOARD PUBLIC HEARING

McDonogh #35
1331 Kerlerec Street
New Orleans, LA 70116
February 18, 2014
4:30 p.m.

Call to Order – Roll Call

Pledge of Allegiance

Purpose of Hearing

General Counsel Edward Morris

Orleans Parish School Board – Public Hearing on proposed amended Board policies:

➤ **OPSB Amended Policies**

- E500 – Facilities, Capital and Maintenance Management (*amendment to current policy*)
- KF1000 - Use of School Facilities (*amendment to current policy*)
Rationale: The Orleans Parish School Board supports community use of school facilities for educational, civic, cultural, recreational, and community activities under specific guidelines and procedures. Revisions to OPSB policies to consolidate and clarify provisions relative to the sale, use, and consumption of tobacco and alcohol products on School Board property, when facilities or grounds are in use by the community outside of regular school activities.
- E530 - Disadvantaged Business Enterprise (DBE) Program (*amendment to current policy*)

Q & A



ORLEANS PARISH SCHOOL BOARD PUBLIC HEARING GUIDELINES

1. The public hearing will begin with of the proposed new and amended board policies by the Superintendent or his designee.
2. Anyone wishing to address the Board Policies should fill out a card located on the table and submit it to the Board Secretary. Cards will be received up to one-half hour after the meeting begins (**Notation: The Public Hearing begins at 4:30 PM**).
3. General Counsel to the Board will be responsible for the orderly and efficient conduct of the hearing and may set a reasonable time limit for each presentation depending on the number of cards received.
4. Each speaker will be limited to two (2) questions per item. General Counsel will recognize the speaker and give him/her permission to proceed. The speaker shall state his/her name and address for the Board records.
5. Those who have a group concern are encouraged to select a spokesperson from the group to address the concern.
6. Speakers are expected to be as concise as possible and to present their questions and comments in an objective manner in accordance with good taste and decorum and without reference to or insinuations against the Board, its members, or school system employees.
7. The Superintendent or his designee will serve as the official respondent to questions posed by the public.
8. Disruptions or disorderly conduct at the public hearing will constitute grounds for the presiding officer to ask security personnel to remove the offender.

E500 – FACILITIES, CAPITAL AND MAINTENANCE MANAGEMENT

It shall be the policy of the Orleans Parish School Board to require that school properties be maintained in good physical condition. The Board, therefore, shall instruct the Superintendent to assure that all normal building and grounds maintenance, repairs, and improvement functions are an integral part of the administration of the school system, including the regular evaluation for any safety hazards.

A Master Plan should be developed for all school property that should be reviewed annually with full transparency to all deferred maintenance issues and a plan issued to rectify with full cost estimates.

The Superintendent shall be vested with a broad range of administrative and supervisory authority relative to the school system's buildings and grounds program. Regular reports shall be made available to the Board relative to maintenance needs, safety, utility, and attractiveness of school plants and grounds within the school system.

CAPITAL IMPROVEMENT

A. Capital Improvement Project (CIP) - A project, asset acquisition or the total replacement cost of a major functioning component or system that improves or expands an existing OPSB facility or creates a new OPSB-owned capital asset. An example of a capital acquisition would be capital outlay necessary to acquire property, or a donated building. An example of major capital replacement cost would be; the total replacement of a buildings HVAC system or roof replacement.

B. Capital Expenditure – is the increase or acquisition of an asset or INCREASE in the value of a particular asset.

C. Major Maintenance or Outlay as is necessary for the MAINTENANCE of a valued asset including the upkeep of the fixed assets in a fully efficient state. A significant repair to or replacement of a component of an OPSB facility usually with a cost of \$10,000 or greater per occurrence which does not extend the life of the facility.

D. Routine Maintenance and Repair – A repair, restoration or replacement of an existing facilities element that usually has a cost of less than \$10,000 per occurrence. Maintenance activities may be performed on a preventive, routine, scheduled or emergency basis. All maintenance and repair activities must be performed in accordance with all applicable local, state and federal codes, ordinances, statutes and regulations, including proper procurement procedures, using AIA written specifications where applicable, and performed by a properly licensed, qualified individual. Preventive maintenance shall be included as a Charter responsibility regardless of the cost.

E. **Life Cycle Systems / Whole Life Costs** – is a key component in the economic appraisal of a capital items such as a boiler, chiller, or roofing system. Those systems that have exceeded their useful life (womb to tomb), such as boilers, chillers, roofing systems, window systems, electrical distribution systems (bus panels) shall be identified as a capital expenditure.

VACANT AND/OR UNOCCUPIED BUILDINGS

Vacant and/or unoccupied premises owned by the School Board shall be properly secured and maintained to prevent unauthorized trespass or injury to the general public. It shall be the responsibility of the Superintendent or his/her designee to assure that any vacant and/or unoccupied property of the School Board has limited access for authorized personnel only and the grounds are maintained regularly.

~~SMOKING/TOBACCO USE ON SCHOOL BOARD PROPERTY~~

~~Smoking, chewing or otherwise consuming any tobacco or tobacco product in any elementary or secondary school building, vehicle or any building of the Orleans Parish Board shall be strictly prohibited.~~

~~Smoking, carrying a lighted cigar or cigarette, pipe or any other form of smoking object or device shall be prohibited on the grounds of any elementary or secondary school property, all offices of the Orleans Parish School Board, and all other Board property (including portable buildings, field houses, stadiums, equipment storage areas, etc.); except in areas specifically designated as smoking areas. Such outdoor areas shall be established by each principal or building administrator.~~

~~The Board shall not be held responsible for any personal items stolen or damaged on school premises. The Board shall require principals and/or persons in charge of public school property to prohibit the use, sale, or possession of alcoholic beverages on public school property.~~

Ref: La. Rev. Stat. Ann. §§~~14:91.7, 17:87.6, 17:240, 17:416, 40:1563, 40:1578.6, 40:1583.~~

KF1000 – USE OF SCHOOL FACILITIES

The Orleans Parish School District Board recognizes the interest and capital investment the community has in school buildings, ground, and other facilities; and believes that the same should be available to schools and the community alike for legitimate purposes, as long as such use shall not violate School Board policy or federal, state or local statutes or ordinances laws applicable to such use. Use of school facilities by the community, when approved by the District, shall be scheduled at times, which do not interfere with regular school activities. The School Board supports community use of school facilities for educational, civic, cultural, recreational and other community activities with the following caveats:

1. School activities will always be given priority for use of school buildings and grounds;
2. The School Board will not subsidize the use of facilities for events and activities not directly related to its primary educational mission; and,
3. Authorization to use school facilities does not imply endorsement or approval by the School Board of any group or activity.

The School Board recognizes that the primary purpose of school facilities is to implement the regular instructional and extracurricular programs of schools and that other usage shall not interfere with the daily school routine or with any school activity.

DEFINITIONS

District – The Orleans Parish school district over which the Orleans Parish School Board retains jurisdiction.

Non-school-sanctioned Activities – Activities or meetings of individuals, non-profit groups or for-profit entities whose activities do not directly support or supplement the school’s educational program.

School – An Orleans Parish School Board direct-run school or charter school, as well as student organizations, teams or clubs within the school.

School Activities – Curricular and extracurricular functions; school or district-sponsored activities for students, faculty/staff and/or parents; and meetings of students or faculty/staff that are held for the purpose of facilitating learning, raising revenue for the school and/or the district, or providing a service on behalf of the school and/or district. If held at a direct-run school, such activities shall be under the supervision of the Superintendent, school principal or their designees. If held at a charter school, such activities shall be under the supervision of the chief executive officer, school principal or their designees.

School Facilities – All school buildings, school grounds, and other facilities or land controlled by the Orleans Parish School Board.

School-sanctioned Activities – Activities or meetings of parent-teacher organizations, booster clubs, alumni associations or other organizations directly affiliated with the schools that are held for the purpose of providing direct support for students and/or the school’s educational program.

School-sanctioned Fundraisers – Activities of parent-teacher organizations, booster clubs, alumni associations or other organizations directly affiliated with the schools that are held for the sole purpose of raising revenue for the school or district. If held at a school site or administrative office, such activities must be held outside of the usual hours of operation.

Security Personnel – District security officer, police officer or commissioned security officer. The necessity for and number of security personnel required for an event shall be determined by the Superintendent or, in the case of a charter school facility, the chief executive officer, principal or charter school board. Factors to be considered shall include, but not be limited to, the following: 1) the type of event, 2) the location of event, 3) the number of attendees, 4) the time of the event, and 5) whether alcohol will be served.

Use Fee – The cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.

APPLICATION FOR USE

The usage of school facilities by individuals or groups for any activity other than a school activity, as defined above, shall be based on a properly documented application Application for Facility Use to be established by the Superintendent. The application Application for Facility Use shall contain, but not be limited to, the following:

1. A “hold harmless” statement having the effect of holding the School Board and School District and, if applicable, the charter school board/organization, free from any liability that may arise while the facilities are in use.
2. A statement requiring, ~~with limited exception,~~ any ~~person~~ individual or group ~~leasing~~ using the school facilities to purchase liability insurance identifying the School Board and, if applicable, the charter school board/organization, ~~and School District~~ as an additional insureds. A certificate verifying the purchase of such insurance shall be presented to the ~~District Superintendent~~ and, if applicable, the chief executive officer of the charter school, along with the signed ~~lease agreement~~ Agreement, prior to use of the facilities. The Superintendent or charter school board, if applicable, may waive this requirement after reviewing the

- ~~application~~ Application for facility ~~Facility usage~~ Use and a written request for waiver.
3. A statement that the individual or group ~~lessee~~ using the school facilities shall assume all responsibility for security personnel, damages and/or maintenance expenses invested in the building, directly or indirectly resulting from ~~lessee's~~ their use of the facility.
 4. A schedule of fees established by the Superintendent, for direct-run school facilities, or charter school board, for charter school facilities, based on the cost of the physical operation of the facility, as well as any applicable personnel costs such as supervision, custodial services, food services, security, or audio/technology services.
 5. A requirement that all users agree to comply with this policy and any administrative regulations or procedures governing facility use.

The Superintendent or charter school board, if applicable, shall maintain appropriate administrative regulations and procedures governing the use of school facilities, which shall include fees to be charged and appropriate amounts of liability insurance coverage.

Parties requesting use of facilities must obtain an Application for Facility Use from the School Board's administrative office or the front office of a charter school, if applicable. The form must be completed and submitted a minimum of ten (10) business days in advance of use. The signing party must be at least 18 years of age and may be either an authorized signatory of the applying group or a private individual. In either case the signatory will become the party responsible to the district for the facilities use and compliance with all district rules and regulations.

If the facility requested is located at a school site or on the school grounds of a direct-run school, the Application for Facility Use must be approved by the school principal and then submitted to the Superintendent for final approval. If the facility requested is located at a school site or on the school grounds of a charter school, the Application for Facility Use must be submitted to the chief executive officer of the charter school for final approval. For these purposes, "final approval" shall mean the final consent necessary for the approval of Application for Facility Use.

The Superintendent is authorized to approve any use of direct-run school facilities that does not conflict with this policy. The chief executive officer, principal or charter school board of a charter school is authorized to approve any use of charter school facilities that does not conflict with this policy.

PRIORITY OF USE

Priority for the use of school facilities shall be as follows:

1. School Activities

The use of school facilities for school activities shall take precedence over all other activities. There shall be no use fee charged for school activities. Should a conflict arise between a school activity and non-school use, the school activity shall take precedence, even if a scheduled non-school activity must be cancelled.

2. School-sanctioned Activities

Groups seeking to utilize school facilities for school-sanctioned activities shall have second priority for available school facilities shall. Such groups shall not be charged a use fee for use at any time unless their use requires services that would result in additional costs for the district.

3. School-sanctioned Fundraisers

Groups seeking to utilize school facilities for school-sanctioned fundraisers shall have third priority for available school facilities. The applicable use fee shall be required.

4. Non-school-sanctioned Activities

Such groups shall not be charged a use fee for use *during usual hours of operation* unless their use requires services that would result in additional costs for the district.

PROHIBITED ACTIVITIES

The following activities are strictly prohibited in or on school facilities:

1. Smoking, chewing or otherwise consuming any tobacco or tobacco product or carrying a lighted cigar or cigarette, pipe or any other form of smoking object or device, except in outdoor areas specifically designated as smoking areas by the principal or building administrator for adult smokers;
2. The use, sale, or possession of alcoholic beverages, except as approved by the Superintendent pursuant to the Alcohol Service exception to this policy;
3. Raffles or games of chance, except in relation to fundraising activities during School Activities, School-sanctioned Activities or School-sanctioned Fundraisers; and,
4. Partisan political meetings, political campaigns or sectarian religious services.

EXCEPTION FOR ALCOHOL SERVICE

Alcohol may be served only upon prior approval of the Superintendent, in the case of a direct-run school, or prior approval of the charter school board, in the case of a charter school. Alcohol service shall be limited to no more than four (4) activities per school site, per school year. Any request to serve alcohol or to allow the service of alcohol at a

school activity or school-sanctioned fundraiser shall be submitted by the school principal in writing to the Superintendent, in the case of a direct-run school, or submitted by the chief executive officer to the charter school board, in the case of a charter school. The Superintendent shall establish a form for this purpose which shall be attached to the Application for Facility Use where applicable.

The Superintendent or charter school board shall not authorize the service of alcohol at any activity unless the following conditions are met by the user:

- a. No alcoholic beverages may be served at student/youth-focused events, such as school athletic events, school plays, or talent shows.
- b. The service of alcohol is restricted to beer and wine only, with the exception of fundraising galas.
- c. Food and/or snacks and non-alcoholic beverages shall be made available throughout the event where alcohol is to be served. Alcohol must not be served to anyone who appears to be intoxicated.
- d. When alcohol other than beer or wine will be available, the alcohol may only be served by certified, professional servers who have been properly trained and licensed.
- e. Alcohol may only be served by, purchased by, and served to adults 21 years of age and older. Servers must request proof of age prior to serving anyone.
- f. Individual guests shall be prohibited from bringing alcohol to the event for personal consumption.
- g. If an event exceeds 4 hours in duration, service of alcoholic beverages must cease a half hour before the end of the event.
- h. Guests must not be permitted to carry open containers of alcohol off the premises.
- i. The appropriate state and/or local alcohol permit shall be obtained prior to the event, and said permit shall be publicly displayed during the event.
- j. At all events where alcohol is served, the following must be posted:
 - 1) A copy of the applicable alcohol permit;
 - 2) Signs that warn of the danger of alcohol to pregnant women and their unborn children;
 - 3) Notice of current legal drinking age and the requirement to produce valid identification when served; and,
 - 4) Signs prohibiting alcohol from being brought on or taken off school grounds.

Any group wishing to serve alcohol at an Orleans Parish School Board charter school for a Non-school-sanctioned Activity must obtain the consent of the Superintendent, after obtaining the consent of the CEO of the charter school and the charter school board.

NONCOMPLIANCE

Failure to comply with this policy, administrative rules and regulations by third parties relative to the use of school facilities, or the terms of Application for Facility Use shall

result in immediate removal from the school facility, forfeiture of any use fee paid, loss of use privilege in the future, and referral to law enforcement is necessary.

Ref: La. Rev. Stat. Ann. §§ 17:81; 17: 416; 17:240; 14:91.7.

Revised: _____



E530 - DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

POLICY STATEMENT:

The Orleans Parish School Board (OPSB) is dedicated to serving our community including small businesses seeking opportunity for growth. The OPSB's Disadvantaged Business Enterprise (DBE) Program is intended to help local and small disadvantaged businesses compete in and obtain OPSB contracts. The OPSB also commits that all DBE certified businesses who apply to be qualified to bid on OPSB contracts are given equal access and assistance to successfully participate in OPSB contracts regardless of race, color, national origin, gender identity, sex, age, disability, marital status, sexual orientation, religion or veteran status.

POLICY RESOLUTION:

NOW, THEREFORE BE IT KNOWN that, in keeping with current Federal and Louisiana State laws regarding disadvantaged business programs, OPSB has adopted the DBE Program as its policy. The goal of OPSB is to provide maximum opportunities for participation in its construction contracts and procurements for goods and services for businesses owned by socially and economically disadvantaged individuals and for businesses employing such persons.

BE IT FURTHER KNOWN that, OPSB as a public institution is committed to nondiscriminatory practices in the award and administration of contracts and services and by this policy resolution adopts **an overall DBE participation goal of 35% (Thirty-five percent)** in DBE participation contracts. The actual DBE goal will be set on each project and determined by ability and availability of the DBEs. This DBE Program shall be administered by the "Executive Director" reporting to the OPSB Superintendent.



DBE LANGUAGE ON ALL OPSB SOLICITATIONS:

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

1. DBE Compliance: The Orleans Parish School Board's DBE Program applies to this contract. It is the policy of the OPSB to practice nondiscrimination based on social and economic disadvantage, race, color, disability, national origin, gender identity, sex, age, disability, marital status, sexual orientation, religion or veteran status. All firms qualifying under this solicitation are encouraged to submit proposals/bids. Award of this contract shall be conditioned upon the apparent lowest bidder satisfying the OPSB DBE Program goal assigned to the particular contract. The offeror/bidder shall agree to use its best efforts, as determined by the DBE Committee in accordance with the factors set forth in the DBE Program to meet the contract goal for DBE participation in the performance of this contract.
2. DBE Participation: The apparent lowest offeror/bidder shall submit the following information on the DBE Form 1-(DBE Responsiveness Form) within ten (10) days after the bid opening **reflecting**:
 - a. The names and addresses of all DBE firms that will participate in the contract;
 - b. The dollar amount commitment of the participation of each DBE firm participating in the contract,
 - c. Written confirmation from the named DBE(s), verifying their participation in the contract as provided in the commitments made under (a) and (b) above; and
 - d. If the contract goal is not met, written evidence of best efforts used.
3. **For all OPSB solicitations that are awarded based on evaluation criteria the DBE documentation must be submitted with the proposal by the proposal submission deadline.**
4. **It is the policy of the board that all contracts correctly show the agreed upon DBE percentage (goal) for that project prior to the signing of the contract. Any variation must be subject to agreement of the contracting entity and the board.**
5. Upon receipt of the above-referenced materials, **the DBE Executive Director shall then render opinion to the board as to whether the lowest bidder/offeror has satisfied the DBE contract goal or if not has demonstrated their satisfactory good faith efforts. If it is determined by the board that the lowest bidder/offeror has not satisfied the DBE contract goal or shown satisfactory good faith effort to do so, the bid may be rejected as non-responsive to the DBE contract goal, and consideration may then be given to the next apparent lowest bidder.** The procedure set forth in this section shall be repeated with each successive apparent lowest bidder until the lowest bidder satisfying the DBE contract goal or showing satisfactory good faith effort is determined. **In all proposals or bids a**



duplicate copy of the DBE Form-1 information shall be provided to the DBE Executive Director electronically by email on the same ten (10) days deadline submission date referenced above by the General Contractor or the selected qualified vendor respectively.

6. **It is the Policy of the Board to ensure that DBE subcontractors on OPSB contracts receive prompt payment for services rendered. The DBE Executive Director shall establish written procedures to ensure that DBE subcontractors are timely paid by General Contractors. Such written procedures shall set forth the time period within which payments to DBE subcontractors shall be made by General Contractors.**

7. **It is the Policy of the Board to extend “mobilization fee assistance” to all DBE subcontractors who can justify the need for such assistance. Mobilization fee assistance as the term is used herein shall mean such financial assistance as is necessary to allow a DBE subcontractor to mobilize at the work site equipment not presently in their possession but necessary to perform their subcontract. The DBE Executive Director shall establish procedures for the processing and payment of requests for mobilization fee assistance by DBE subcontractors.**