

School Facilities Utilization Guidelines

Background

T.C.A § 49-13-136 requires each LEA in which one or more public charter schools operates to catalog all underutilized and vacant properties owned or operated by the LEA,” and “all underutilized and vacant properties within any educational facility owned or operated by the LEA” by October 1 of each year.

“Underutilized or vacant property” is defined as entire property or portion thereof, with or without improvements, which is not used or is used irregularly or intermittently by the LEA for instructional or program purposes.

LEAs must submit their listing of all underutilized and vacant properties cataloged to the department of education and to the comptroller of the treasury each year by October 1. Additionally, LEAs are required to make those underutilized and vacant properties available for use by charter schools for at least one year after the property has been listed, however LEAs are not necessarily required to execute a binding agreement with the charter school for the use of the property.

Guidelines

Each year, the facility manager for each LEA in which one or more charter schools operate shall conduct an assessment of the utilization of properties owned by the LEA. This assessment shall be used to determine which property or portion of properties shall be included in the catalog of vacant or underutilized property. The assessment and catalog shall include all properties or portion of properties not being used and those being used in an intermittent or irregular manner, using the following definitions:

Currently vacant: Property, including any portion of property which is currently not in use for instructional or program purposes must be included in the catalog.

Irregular use: Property or any portion of property which is not being used for instructional or program purposes must be included in the catalog. This includes spaces suitable for classroom use that are currently being used for storage of any kind.

Intermittent use: Any property or portion of any property that is not used at least once during any nine month period for instructional or program purposes must be included in the catalog.

LEAs are required to make underutilized or vacant properties available for use by charter schools operating in the LEA for at least one year after the property has been listed. However, including property or portions of properties in the catalog does not make the space automatically available for use by a charter school. The LEA and charter school may enter into a lease, lease-purchase or other agreement, providing the LEA establishes a transparent and uniform method of calculating all terms and costs for use of the LEA’s educational facilities. Both parties, the LEA authorizer and charter school sponsor, must mutually agree to the contractual terms and conditions for use of the facility or a contract will not result. Once both parties agree to the terms and conditions they will enter into a written, binding contract.