

## **COMMUNITY USE OF SCHOOL FACILITIES**

*Code* **KF** *Issued* **11/12/07**

**Purpose:** To establish the basic structure for community use of school facilities.

As a service to the community, the board will allow responsible and properly organized community groups to use school facilities in keeping with the following general policies.

- The board provides public school facilities through the use of taxpayers' funds collected for educational purposes.
- Use of school facilities by the schools and by school related organizations takes precedence over all other uses.
- Requests by local agencies and by other agencies/organizations for the use of facilities for educational purposes take priority over other requests for the use of facilities.
- The board restricts the use of facilities to recognized nonprofit community organizations. The board will not rent any building or part thereof to an individual or group for private or corporate gain, except when the activity is considered to be a desired part of the school curriculum and the school does not offer the activity in its curriculum. This would include activities such as music lessons, art lessons and dance lessons. Both the principal of the school and the superintendent must approve any such use or rental where a profit could be realized.
- The use of a school building, facility or other school property for any non-school purpose must not interfere with the school program.
- A political party or the state election commission may conduct a primary or election, without charge, in a school facility based upon availability as determined by the board.
- Non-school groups may not use school facilities for money-raising events.
- Some city, county and state government entities may use some facilities without charge upon approval of the principal and superintendent.
- Organizations using school facilities are responsible for the proper conduct of all persons attending the event, for providing police protection if needed, for immediate restoration of school property in the event of any damage and for all liabilities of all persons in attendance. The district will set forth all terms in a contract which an official representative of the organization must sign.
- The administration will set up a schedule of fees which takes into consideration the purpose of the event. Fees will be sufficient to cover operational expenses and a reasonable amount for overhead.

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- When school facilities are used by non-school persons, a school employee must be present while the facility is in use. The employee's services will be paid for by the group using the facility, except when a primary or election is conducted in a school facility.
- Non-school groups wishing to use any school kitchen must have members of the kitchen staff from that particular school present. Kitchen staff members will be paid for their services by the organization using the facility.
- The administration may establish detailed administrative rules pertaining to public use of school facilities in keeping with the above policies. However, the board will not allow groups to use school facilities if they advocate unconstitutional or illegal acts, or if their activities are contrary to the best interests of the public schools or to the educational welfare of its students.
- The board will not allow groups to use school facilities when the proposed function presents an obvious danger to the safety of persons and property.
- The board directs the administration to seek board approval prior to administrative action in any case of doubt.
- No alcoholic drinks will be sold, distributed or used on school property at any time by anyone.

Adopted 02/00 Revised 11/12/07 ^

### Legal references:

#### A. S.C. Code of Laws, 1976 as amended:

- 1 Section 7-9-110 -Conducting elections or primaries in a facility that receives state funds.
- 2 Section 59-1-370 -Closing of educational institutions on general election day.

#### B. Court cases:

1. Child Evangelism Fellowship of South Carolina v. Anderson School District Five, 470 F.3d 1062 (4th Cir. 2006).

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**Eligibility**

The use of school buildings or school facilities, or part thereof, by organizations, firms, corporations, groups, clubs or associations is predicated upon the adherence to the rules and regulations as set forth by the board. In general, the subject matter of civic center meetings will pertain to the recreational, educational, political, economic, artistic or moral interests of the community.

**Priority system**

A system of priorities is established to prevent conflicts between groups wishing to use the same school facility at the same time. The superintendent or his/her designated representative will make the final determination according to this system of priorities.

*Priority 1*

Activities and programs of the district directly related to the instructional and educational program of the district.

*Priority 2*

Adult education instructional program.

*Priority 3*

Events or activities designed to serve the youth and citizens of the district which are planned and directed by school attached groups, including the parent-faculty association.

*Priority 4*

Use by community-based organizations whose primary purpose is service to district youth.

*Priority 5*

A political party or the state election commission may conduct a primary or election, without charge, in a school facility based upon availability as determined by the board.

*Priority 6*

Use by groups who don't qualify but to whom the district may make facilities available on a rental basis.

**Types of use**

*Group I – District or school sponsored organizations and non-profit organizations*

Community organizations may be granted free use of facilities at a time convenient to school operations if no admission fee or contribution is collected or where such monies are used for benefits of district students or for welfare purposes. Included in, but not limited to, this category are district/school related meetings or functions; school sponsored groups or clubs; booster clubs; in-service programs; periodic meetings of community organization such as Boy Scouts, Girl Scouts, senior citizens' groups, and adult education programs.

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Groups or organizations that have made substantial contributions to the district and/or allow the district use of their facilities at no cost maybe classified as group 1. Users that do not require any setup and do not cause the district to incur any direct or indirect costs may be granted free use.

Uses at times other than normal hours of operation at district facilities will necessitate charges for supervision.

### *Group II – Public, non-commercial, in-community organizations*

Community organizations or groups which do not serve school age youth and which are not commercial in nature may use facilities on a minimum charge basis. Groups not qualifying as community organizations but organized for educational purposes may qualify for use of facilities on a minimal charge basis if no admission is charged or contribution collected.

Included, but not limited to this category, are community organizations where dues or fees are charged; parks and recreation departments; school districts; community colleges, state colleges and universities; city, county and state agencies; county officials associations; home-school programs; little leagues; baseball, softball, soccer and football leagues.

Functions in this category will normally not require more than four hours total use of facilities, including lead-time required to set up and remove furnishings, apparatus and debris.

### *Group III – Private community organizations*

Organizations that do not qualify but are local in nature and are engaged in recreational, political, economic, artistic, civic or moral activities and which conduct their meetings for their own membership.

Included, but not limited to this category, are private dance troupes, dog clubs, private educational agencies or institutions, churches, local businesses or industrial organizations, and service clubs.

### **Safety**

Use by an organization does not necessarily authorize the use of certain school district equipment or the use of any student body equipment. Arrangements for the supervision, operation and payment for the use of any special equipment made available will be made with the school administrator at the time an application is submitted.

No structures may be erected or assembled on school premises, nor any extraordinary electrical, mechanical or other equipment be brought thereon, unless special approval has been obtained from the school administrator and superintendent.

Any use of school facilities for non-school purposes will comply with all state and local fire, health and safety laws. Organizations or groups using a district facility will assume the responsibility to ensure that all such activities carried on, all equipment used or placed upon school premises or distributed will comply with applicable state and local fire, health and safety laws and regulations.

School facilities will not be available for any entertainment involving the use of animals of any type, kind or size, nor is straw or hay to be used in any activity unless approved by the superintendent in advance. This is due to conditions of sanitation and fire.

The superintendent reserves the right to provide police and/or fire protection services at users' cost for any activity held at a district facility when such protection is deemed desirable.

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All draperies, hangings, curtains, drops and all decorative materials used within or upon the school buildings or grounds will be made from a flame retardant solution or process approved by the state fire marshal.

### **General regulations**

If use is granted, the meeting will be non-exclusive and open to the public.

Groups, regardless of their character, may not monopolize the use of school facilities or interfere with the educational program of the school.

Intoxicants or narcotics will not be permitted, nor will profane language, quarreling, fighting or gambling be permitted. Violation of this rule by any organization during occupancy will be sufficient cause for denying further use of district facilities to the organization.

Smoking is not permitted in school district facilities nor in or on school district property.

School equipment may not be used other than on school facilities, and then only in conjunction with the use of facilities.

School furniture or apparatus may not be moved or displaced by an applicant without permission from and under the supervision of the district employee in charge.

Juvenile organizations must have adequate adult sponsorship and supervision. Adequate supervision is considered to be not less than one adult per 20 children.

The group making application will be financially responsible in case of any loss or damage to school property as a result of its use.

Recreational and athletic facilities will not be available at any time that might interfere with the regular functions of the schools.

Under no circumstances will a room be used to accommodate a group in excess of the legal or specified maximum capacity for that room.

Gratuities will not be offered to or accepted by school district personnel.

Any use may be denied without previous notice when conflicting dates have resulted or where need of the facility for public school purposes has subsequently developed. For other causes, use may be denied at any time upon reasonable notice.

Organizations granted the use of school buildings or grounds may be permitted to use district equipment which requires an operator, such as motion picture projectors, public address systems, etc., provided they agree to pay all costs, including labor, to which the district may be subjected by reason of such use.

School property must be protected from damage and mistreatment, and ordinary precautions must be maintained. Groups will be responsible for the condition in which the school facilities are left. Should school facilities or property be damaged or abused beyond normal wear, such damage will be paid for by the organization involved and will be sufficient cause for cancellation of future use.

Literature will not be advertised or offered for sale on school premises at any meeting with the exception of parent-faculty association publications, unless it has been approved by the superintendent.

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Every group or organization using district facilities will hold the district, board and employees free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of school property.

The group or organization will be responsible for providing a certificate of insurance in the amount of 2,000,000 listing the district as a certificate holder.

A group, whose primary organizational purpose is the support of the district, its employees and/or its students and their activities, will be exempt from district insurance requirements if the sole purpose is to conduct a meeting of their members. However, special events or other activities conducted by these same groups may be subject to the district's insurance requirements.

There will be an employee of the district in charge whose duties will include the opening and closing of buildings, the operation of mechanical and security systems and the enforcement of regulations and prevention of disturbances. This employee will remain on the premises through the entire event.

Keys to district facilities will not be provided to groups or organizations using district facilities, except with the specific approval of the superintendent.

Signs may be displayed no more than 24 hours prior to usage and must be approved by either the facilities director or the business director for the district.

All normal charges for use of facilities are itemized in the district facility fee schedule. Such fees may be exceeded if additional cleanup or other services are required.

All debris must be disposed of properly and the school facilities restored to their previous condition of cleanliness.

No preparation of any type will be used on school floors by groups using the facility for dancing.

Use of buildings will not be permitted for religious purposes on a regular weekly or monthly basis, except in two cases: school clubs that are composed of students from the district; churches and religious organizations temporarily unable to obtain suitable facilities.

Use of district facilities will not be approved for longer than one school year or so often during any year as to afford any organization a real or implied monopoly.

All uses will be approved for specified rooms and for specific hours. It will be the responsibility of the organization to ensure that the unauthorized portions of the building are not used and that the premises are vacated as scheduled.

All parking of vehicles on district property must be in designated areas only and in such a manner that firefighting equipment may have easy access to buildings and fire hydrants at all times.

Tennis courts will not be reserved for use by private groups or public entities, with the exception of the city parks and recreation departments.

### **Application for use**

All applications from outside organizations or groups for the use of district facilities will be made on the official form provided by the district, Facility Usage Agreement, KF-E (2), and will be made at least 30 days in advance of the first date requested at the facility desired. Late applications may be denied.

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Any person applying for the use of school property on behalf of any group or organization will be a member of such applicant group and, unless he/she is an officer of such group, must present written authorization to represent the group.

The person signing the Facility Usage Agreement will be personally liable for all charges assessed pursuant to their use if the organization or group fails to pay in full the charges billed by the district within 30 days of each use.

The Facility Usage Agreement completed by the applicant will be forwarded to the principal for preliminary denial or approval and determination of estimated fees and charges. The application will then be forwarded to the superintendent or his/her designee for review and approval or denial.

The superintendent or his/her designee will determine if the applicant is eligible to use facilities, if the charges are appropriate and whether insurance requirements have been or will be met. The insurance requirements will consist of the provision of a liability insurance policy in the minimum amount designated by the district. Such insurance coverage will be evidenced to the district in the form of a Certificate of Insurance and a copy of the Endorsement of Coverage. The following wording must appear on the Certificate and the Endorsement: "It is hereby understood and agreed that Dorchester School District Two, its officers, agents, employees and board members are added as additional named insured."

The superintendent or his/her designee will advise the applicant of approval/denial and the need for and nature of additional information, if needed. Upon approval, the applicant will be provided a fully approved copy of the application.

If the scheduled use of facilities is altered or canceled, the principal must be notified by the responsible user 48 hours in advance to avoid financial obligation.

All applications for use of school facilities expire on June 30 of each school year and must be renegotiated as of July 1 for subsequent use.

Upon receipt of any fee required for use of school facilities, the administrator in charge of processing the application will forward check, money order or cash to the business office for deposit and/or follow-up in case only partial payment has been received **Evening facilities use – adult education and community services**

In order to assure equitable use of the school facilities during the evening hours, the following guidelines will be observed.

### *Priorities for use of gymnasiums, auditoriums and cafeterias*

- Scheduled day school events.
- Scheduled adult education and community services -adult school classes. The Adult Education and Community Services – Adult School will propose a yearlong schedule for its use of these facilities by July 1. A coordinated schedule of community education and career services – adult school and day school use will be cooperatively established by no later than July 15 to permit publication of the fall schedule of classes for adults.
- Other events from outside the district organization.

### *Priorities for use of other classrooms*

- Scheduled community education and career services – adult school classes. The Adult Education and Community Services – Adult School will submit a schedule of rooms required, prepared

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after consultation with the day school administration, at least 30 days prior to the beginning of classes for each term.

- Scheduled day school events.
- Other events from outside the district organization.

### *Scheduling of day school events in the evening*

While it will be impossible to arrange all events on evenings other than those scheduled for community and career services – adult school classes, major events, particularly those requiring extensive use of parking lots, should be avoided, if at all possible, on the following evenings when the community education and career services – adult school program are opening.

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