**COMMUNITY USE OF FACILITIES** *Policy Code:* **5030**

The board endorses the goals of the Community Schools Act. The board will make specified indoor and outdoor school facilities available for use by eligible community groups under agreements developed in accordance with this policy. The board also will make some outdoor school facilities available for limited recreational use by the general public when not inconsistent with the board’s use of the facilities. Public use is subject to Section H of this policy.

1. **General Principles**

The use of school facilities by community groups should be consistent with the educational program and the goals and objectives of the board and school.

Priority for facility use will be given to community groups as outlined below in Section B. For-profit groups are not permitted to use school facilities.

Use of school facilities will not be approved for activities that do any of the following:

1. violate federal, state, or local laws;
2. violate board policies or regulations;
3. advocate imminent violence;
4. damage or have the potential to damage school buildings, grounds, or equipment;
5. are in conflict with scheduled school activities.
6. **Priority in Use/Fee Structure**

School-sponsored groups and activities will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying). All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with G.S. 163A-1046, as a polling place on election days
2. School-related groups (organizations formed to support the school in some manner, such as parent organizations, teachers’ and principals’ organizations, and booster clubs)

Fees: Custodial or other supervisory services may be charged.

1. In accordance with G.S. 115C-527, political parties for the express purpose of annual or biennial precinct meetings and county and district conventions

Fees: Custodial and utility fees may be charged.

1. Local government and youth organizations, including, but not limited to, scouts and 4-H

Fees: Utility fees for the use of facilities may be charged. Custodial, kitchen, and/or supervisory fees will be charged.

1. All other non-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions)

Fees: Rental, kitchen, utility, custodial, and supervisory fees will be charged.

Prior to the beginning of each school year, the executive directorshall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

1. **Requests for Use of Facilities**

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the executive director. Facility use request forms will be available in the principal’s office.

1. **Facilities Available for Use**

The executive directoris authorized to develop a list of school facilities available for community use and shall make the list available at the executive director’s office. Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the executive director. The executive director is authorized to determine the fees for the use of facilities in such circumstances.

1. **Rules Governing Use of School Facilities**

The executive directorshall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct, and other issues deemed appropriate by the executive director. A copy of the regulations will be provided to all applicants at the time they receive the facilities use application form. In addition to the regulations established by the executive director, users of school facilities must comply with the following rules.

1. Users must comply with all federal, state, and local laws and all rules established by the board and the executive director.
2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.
3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).
4. Users must not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Drugs and Alcohol).
5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and policy 5027/7275, Weapons and Explosives Prohibited.
6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

A user’s violation of the provisions of this policy or any applicable regulations is grounds for suspending the user’s privilege to use school facilities for a period of time deemed appropriate by the executive director subject to the review of the board.

1. **Damages and Liability Insurance**

Users of school facilities are responsible for all damage to school facilities, property, or equipment that occurs while the facility is being used by the group, regardless of who caused the damage. Users also are responsible for the conduct of all persons involved in the users’ activities while on school property.

All user groups, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with a total limit coverage of $2,000,000 for each claim made. Alternatively, the executive director may require the user group to execute a waiver of liability that states that no liability will be attached to the board, individually or collectively, for personal injury or personal property damage by reason of use of the school property.

1. **Term and Acceptance of Lease**

The executive directoris authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The executive directorshall inform the board of any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.

Absent unusual circumstances, leases will not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the board. Long-term exclusive leases are subject to the provisions of policy 9400, Sale, Disposal, and Lease of Board-Owned Real Property.

1. **Use of Outdoor School Facilities by the General Public**

Outdoor property and facilities of the school will be open to limited use by members of the general public in accordance with rules to be established by the executive director. Public use will be permitted only to the extent that it 1) is not inconsistent with the proper preservation and care of the outdoor school property; 2) does not interfere with the safe and efficient operation of the school and school activities; and 3) does not conflict with use by any community group operating under a facility use agreement described in this policy. The executive director is authorized to establish all terms, conditions, and rules necessary to regulate the use of outdoor facilities by members of the general public consistent with these requirements.

1. **Review of Decisions Concerning Use of School Facilities**

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with policy 1740/4010, Scholar and Parent Grievance Procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq*., 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq*.; G.S. 14-269.2; Community Schools Act, G.S. 115C-203 to -209.1; 115C-527; 160A-274; 163A-1046

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Scholar and Parent Grievance Procedure (policy 1740/4010), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal, and Lease of Board-Owned Real Property (policy 9400)

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