

USE OF SCHOOL FACILITIES

Note: A.S. 14.03.100 authorizes boards to grant the use of school facilities for lawful gatherings and assemblies and mandates that boards adopt written bylaws to ensure reasonable and impartial use of school facilities. If challenged, the district should be prepared to legally defend the reasonableness of its rules. The following sample policy may be revised to reflect local philosophy and needs. The district should be able to provide supporting rationale for its policy/regulations; that is, the policy/regulations must be deemed to be "reasonable."

Note: Under the No Child Left Behind Act of 2001, districts that make their premises and facilities available for use by youth and community groups must apply that policy equitably to all groups, including the Boy Scouts or other affiliated groups. Specifically, schools are prohibited from denying equal access to school facilities to the Boy Scouts or any other youth group "for reasons based on membership or leadership criteria or oath of allegiance to God and country."

The Board believes that the schools belong to the citizens of the community and that community use of the school facilities fosters understanding and support for school programs.

(Optional: The School Board recognizes that when schools encourage and welcome community elders during and after the school day, this supports continued learning opportunities between youth and older generations.)

The Board shall make school facilities and grounds available to citizens and community groups for lawful gatherings and assemblies to the extent that such use serves the interests of the citizens and does not conflict with school or district purposes. The Superintendent or designee shall establish administrative regulations governing the reasonable and impartial use of school facilities and grounds by community members or groups.

(cf. 0100 - Philosophy)

(cf. 6145.5 - Organizations/Associations)

(cf. 0430 – Community School Program)

Legal Reference:

ALASKA STATUTES

04.16.080 Sales or consumption at school events

14.03.100 Use of school facilities

Elementary and Secondary Education Act, 20 U.S.C. § 7904, as amended by Every Student Succeeds Act (P.L. 114-95 December 10, 2015) Elementary and Secondary Education Act, 20 U.S.C. 7905, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110)

Revised 3/04, 5/10

Reviewed 1/16

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Facility Use Restrictions

1. Facility users must comply with all applicable state and federal laws, City and Borough ordinances, school district policies and rules, and rental agreement conditions.
2. Use or possession of alcoholic beverages and/or drugs is prohibited. (AS 04.16.080).
3. Facility use ~~which~~ ~~that~~ represents a safety or security risk to the district is prohibited.

Note: The district may specify in its regulations areas restricted from community use for safety or security reasons, such as offices or mainframe computer rooms containing records and confidential information or science rooms and other rooms containing hazardous chemicals or equipment. Regulations may exclude the use of facilities for specified dangerous activities such as kite-flying contests or model rocket launchings.

4. No partisan, sectarian or denominational doctrine may be advocated in school facilities during the hours the school is in session.
5. After use of partisan or religious activities, each group or individual shall police the use area to insure that partisan or religious information, literature, papers, or documents of any kind are removed from the facility use area.
6. Facility users are not to operate any school equipment or use facility areas other than that stipulated in the facility use request.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Facility Use Requests and Application Procedures

Requests for approval to use school facilities shall be approved whenever possible. However, the district reserves the right to reassign the requested space or any facility use for reasons of building security, maintenance requirements, fuel economies, coordination of other facilities uses and appropriateness of the activity for the area requested.

School district approval to use school facilities will be given impartially to individuals and groups. In weighing competing requests for the use of school facilities, preference shall be given in the following order:

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1. In-school uses (clubs, class events, etc.).
2. Contracted uses.
3. School support groups and youth groups.
4. Public agencies and public affairs groups.
5. Community recreational and cultural events.
6. Community religious or special interest events.
7. Private, non-school-connected classes and educational events.
8. Profit-making or commercial events, out-of-town groups, etc.

Groups or persons using school facilities under the provisions of this policy shall be liable for any property damages caused by the activity. The Board shall charge the amount necessary to repair the damages and may deny the group further use of school facilities.

Note: The district may be liable for any injuries resulting from its negligence in the ownership and maintenance of its facilities and grounds and should insure against these risks and the cost of defending itself from related claims.

~~Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. The Superintendent or designee may require that groups using school facilities include the district as an additional insured on their insurance policies. The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.~~

Note: Because hold harmless agreements are only as strong as the group's credit, the district shall require proof of insurance rather than rely on such agreements. When a hold harmless agreement appears necessary for an individual facility or a specific event, the district may ask its legal counsel to tailor it to the situation at hand.

The Superintendent or designee shall establish procedures to process requests to use school facilities or grounds in accordance with district policies and regulations, preserve order in school buildings and on school grounds, and protect school facilities.

Shop Use - Position Statement:

It is the belief of the district that all of its facilities are primarily constructed for the benefit of school age children. It is likewise realized that community use of school facilities enhances the overall attitude and educational development of the school community.

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Some facilities within the school can be used with little or minimal cost to the district. Other facilities, such as the vocational shop, are expensive to maintain. In addition, whenever power tools are used, there is always the danger of personal injury, thereby increasing the potential liability of the district.

In order to maintain shops and shop equipment, the district has developed the following shop use plans.

1. School related groups or individuals will be permitted reasonable use of shop facilities without charge.
2. Where feasible, community school shop usage will be coordinated with the site administrator.
3. In all situations, a supervisor approved by the site administrator shall be present. The groups or individuals using the shop facility will be responsible for the damage or loss to building or equipment. Any deviation from policy within this paragraph shall be only with the approval of the site administrator. Fees may be charged at the discretion of the site administrator.
4. Groups or individuals receiving permission are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the site administrator and CSC.
5. Groups receiving permission are responsible for the judicious observance of local and state fire and safety regulations at all times.
6. The use of alcoholic beverages, profane language, or gambling in any form is not permitted in school buildings. Smoking within the building is not permitted.
7. Tools, both hand and power, are not to be removed from the immediate school premises.
8. It is recommended that the CSC develop further rules and regulations that apply to a specific building site.
9. Individuals shall successfully complete an equipment safety test prior to using the shop.
10. Usage of school materials is prohibited.