

BP 1330 USE OF SCHOOL FACILITIES

Note: [A.S. 14.03.100](#) authorizes School Boards to grant the use of school facilities for lawful gatherings and assemblies and mandates that School 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 School 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. The School 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. [0430](#) - Community School Program)

(cf. [6145.5](#) - Organizations/Associations)

Legal References:

ALASKA STATUTES

[04.16.080](#) Sales or consumption at school events

[14.03.100](#) Use of school facilities

UNITED STATES CODE

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: 1/09

07/12

Lake and Peninsula School District

LAKE AND PENINSULA SCHOOL DISTRICT \ Series 1000 - COMMUNITY RELATIONS \

AR 1330 USE OF SCHOOL FACILITIES

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 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. If desired, regulations also might exclude the use of facilities for specified dangerous activities such as kite-flying contests or model rocket launchings

- 1) No partisan, sectarian or denominational doctrine may be advocated in school facilities during the hours the school is in session.
- 2) After use of partisan or religious activities, each group or individual shall police the use area to ensure that partisan or religious information, literature, papers, or documents of any kind are removed from the facility use area.
- 3) 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 economics, 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:

- 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, nonschool-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 School Board shall charge the amount necessary to repair the damages and may deny the group further use of school facilities.

Note: The school 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, we suggest that districts 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, we recommend that the district 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.

Revised: 9/97, 07/12, 04/19

Lake and Peninsula School District

COMMUNITY USE OF SCHOOL FACILITIES

School facilities will normally be shut down for the summer and not used for community purposes. This is due to the lack of supervision, maintenance, and expense. School facilities may be used by members of the local community subject Board Policy and Admin. Regulation 1330 these "Community Use of School Facility Regulations". The LSAC and Principal/Head Teacher will select any personnel, including supervisory, instructional, or custodial, needed for use of facilities and equipment after school hours. Payment to such personnel shall be arranged by the Principal/Head Teacher from sources other than District funds.

The following prohibitions and limitations apply to the use of all school facilities:

- A. The use or consumption of alcoholic beverages, marijuana, or any other controlled drugs on school premises, both buildings and grounds, is prohibited.
- B. Smoking at any time is prohibited in any school, *school owned vehicle or within 50' of the school* as outlined in AS 18.39.300. NO SMOKING signs are to be conspicuously posted in all local school facilities.
- C. Damage to the facilities by individuals or groups arising from carelessness or maliciousness shall be billed to the individual or organization sponsoring the activity. Failure to satisfy such charges for damages incurred may result in denial of future requests to use the school facilities.
- D. School or student-sponsored activities shall have priority use of school facilities at all times.
- E. The LSAC and Principal/Head Teacher shall develop and maintain rules for community or recreational use of school facilities that will insure adequate fire safety standards, security against damage and theft, rules of conduct, hours of use for both facilities and equipment, emergency injury or medical needs, and any necessary schedules that will provide for use by all age groups.
- F. The District is not responsible or liable for any injuries to users during after-school-hours use of school facilities and equipment.

COMMUNITY USE OF SCHOOL FACILITIES -- REGULATIONS

This regulation is designed to outline use of school facilities by residents of The Lake and Peninsula School District. The School Board believes that these public facilities should be made available to residents for educational, social, recreational, or cultural opportunities.

Application and Approval. Community members and/or organizations requesting use of school facilities shall follow the procedures and regulations as adopted by the School Board.

The school buildings and grounds are available free of charge for community use by local agencies, organizations, and/or groups upon completion and approval of a "Facility Use Application Form". These

forms can be provided by either the Principal/Head Teacher or his/her designee in charge of community usage of stated building.

Requests to use the building must be to the Principal/Head Teacher and the facilities and maintenance supervisor.

Building requests should be made at least seven (7) days prior to the date of use, with priority given to the earliest request.

Any group or organization not embraced by the regular school program and anticipating use of school facilities on a temporary or rental basis, must provide a certificate of liability and property damage insurance in the minimum amount of \$25,000 property damage and \$500,000 liability coverage. No request for such building use will be approved unless such insurance is provided. Such organizations have generally been defined as those having exclusive and limited memberships and those sponsoring activities for profit.

Specific requirements apply to special areas, such as gymnasiums, cafeteria, and kitchen facilities. All School District related use of the facility shall have first priority in the use of all facilities and may pre-empt previously arranged and/or scheduled activities. In the case of cancellation due to these school programs, as much time as possible will be given to the requesting party.

Conditions of Use. The acceptance of the Facility Use Request issued for use of school facilities constitutes an acknowledgment by the individual, organization, or group of the following conditions:

- A. Facility Use Requests are limited to the terms of the request.
- B. All Facility Use Request permits are subject to cancellation if conduct or infraction of rules warrants actions.
- C. The custodian on duty is responsible for care of the school property and will supervise the operation of the physical plant. Custodians will not be required to supervise groups or activities. The person(s) stated on the Facility Use Application Form is assuming responsibility, or his/her assignee, will be responsible for the activities.
- D. An approved School District employee, Board member, or Local School Advisory Committee member trained in the supervision of the facility to be used and approved by the Superintendent or Chief School Administrator or designee shall be present at all times when school buildings are open for community usage.
- E. Should facility usage be desired after 10:00 p.m. or on weekends, holidays, or in facilities where a School Administrator could not reasonably be expected to be on duty, a District employee or Local School Advisory Committee member trained in the supervision of the facility to be used must be obtained and a custodian must be hired at District pay scale. Exceptions may be made by the Superintendent or Chief School Administrator upon the recommendation of the Principal/Head Teacher.

- F. The actual School District cost shall be reimbursed to the District when facilities or equipment requiring the operational skills or supervision of school employees are utilized: i.e., the kitchen, video equipment, science lab equipment.
- G. Setting up and/or removing chairs, furniture, or equipment or moving such items from one building to another, will be charged on an actual cost basis. Chairs, furniture, etc., must be returned to the original place.
- H. Applicants for the use of a school facility shall accept full responsibility for any damage done to school property resulting from such use.
- I. In the event of damage, each group or individual agrees to pay promptly the School District's statement of the amount due the District.
- J. A cash bond of up to \$5,000 will be required from participants who have previously sponsored activities which have resulted in damage or may be charged when damage has previously occurred in connection with the type of activity for which the permit is sought.
- K. The school retains the right to alter, cancel, or reschedule any facility use request when, after careful consideration such action is deemed advisable and in the best interest of the School District.
- L. The responsibility and the liability for injury to persons or damage to property must be assumed by the organization or individual making the request.
- M. All groups must clean up immediately after use. The rooms and facilities must be returned to the order or arrangement they were in before the scheduled use.
- N. The rentee or groups using the buildings or grounds must agree to restore to the original condition any property destroyed or suffering from excessive wear or tear. Any equipment or supplies destroyed or missing will be replaced by the School District with equipment or supplies of equal quality and the cost charged to the user.
- O. Organizations or groups holding building use permits must inform, in writing, the Principal/Head Teacher of changes in plans or termination of the permit is required.
- P. If permit holder fails to use a facility on a regularly scheduled basis, or if two successive sessions are missed without notification, the permit will be automatically canceled.
- Q. Specific rules for use of special areas such as gymnasiums, kitchen, and lunchroom facilities must be adhered to by the users.

Facility Use Restrictions.

- A. Use of shop and library require supervision by a District employee.

- B. Use of District physical education, athletic, or educational equipment and apparatus is permitted only when a qualified instructor is present and such use is approved by the Principal/Head Teacher.
- C. All activities held illegal by law (Federal, State, or local) shall be prohibited. Participants will also be expected to refrain from any action that interferes with the rights or reasonable expectations of others utilizing the facility.
- D. Use or possession of alcoholic beverages, tobacco or drugs is prohibited in school facilities.
- E. Profane or improper language is prohibited.
- F. Participants are not to operate any school equipment other than that stipulated in the Facility Use Request Form.
- G. School District keys shall not be issued or loaned to non-school personnel, except by permission from the Superintendent or Chief School Administrator.

Religious and Partisan Requests. All individuals requesting facility use for religious or partisan activities will be referred to the Facilities & Maintenance Director who will refer the request to the Superintendent or Chief School Administrator for approval or disapproval. Facility use will not be granted for an extended period of time for religious or partisan activities.

If the request is approved, the Facilities & Maintenance Director and the person requesting the facility use will complete a Facility Use Request Form. The Facilities Maintenance Director will then notify the appropriate personnel.

Commercial Use Regulations. Commercial Use Application Procedures:

Individuals requesting activities involving admission charges or collection of fees must be referred to the Facilities Maintenance Director to determine if the activity does in fact involve commercial gain.

Rental use of buildings will be granted for private or commercial gain, or for commercial advertising purposes only with the Facilities Maintenance Director's approval. Exceptions MAY be made if:

- A. The profits are entirely used for local educational purposes;
- B. To cover minimum costs of the meeting; or
- C. For charitable purposes.

The Facilities & Maintenance Director will either (a) grant waiver of fees; (b) approve the activity on a commercial basis; or (c) reject the request.

If approved, the Facilities & Maintenance Director and the party requesting facility usage will complete a Facility Use Rental Contract.

The Facilities & Maintenance Director will then forward the Facility Use Rental Contract to:

- A. Principal or Head Teacher.
- B. District Office.
- C. Person Requesting Use.

A Facility Use Rental Contract must be completed two (2) weeks prior to the requested activity.

Approved commercial facility use activities shall be charged in accordance with the daily schedule below:

	<u>Expense Deposit</u>	<u>Rental Fee</u>	<u>Total Assignee Due</u>
Library	\$50	\$100	\$150
Gym or Multipurpose	\$150	\$250	\$400
Kitchens	\$150	\$200	\$350
Classrooms	\$50	\$50	\$100

Actual expenses/operating costs will be charged and deducted from the deposit.

Deposits of the total amount will be made at least one week in advance of the scheduled activity.

Fee Schedule.

- A. No subleasing of the facilities is permitted.
- B. The District will not be responsible for costs incurred by the renting agency nor potential losses due to cancellations. In accepting a Facility Use Rental Contract, the contract holder agrees to hold the School District "save harmless" from any damage or claims arising from the action of the contract holder, his/her employees, or patrons while using the facility.
- C. In case of cancellation of an approved activity, the Facilities & Maintenance Director must be notified at least three (3) days prior to the activity. Any costs incurred by the District due to failure to notify of the cancellation will be withheld from the rent deposit.

Insurance

Insurance is required and proof must be submitted with the Facility Use Application to the Superintendent or designee. Applicants can issue a Certificate of Insurance from their current insurance carrier listing LPSD as an additional insured for events held in school buildings. Event insurance can be purchased for individual events through Tenant User Liability Insurance Program (TULIP), at [TULIP Insurance](#), select "Purchase or Quote" and work through the questions. TULIP coverage is set to \$1 million if the renter does not have other coverage. LPSD's TULIP ID is 4926-059 and will be needed to purchase or quote.

