

1 The Transylvania County Board of Education (the “board”) endorses the goals of the
2 Community Schools Act. The board will make specified indoor and outdoor school facilities
3 available for use by eligible community groups under agreements developed in accordance with
4 this policy. The board also will make some outdoor school facilities available for limited
5 recreational use by the general public when not inconsistent with the board’s use of the facilities.
6 Public use is subject to Section H of this policy.

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8 **A. GENERAL PRINCIPLES**
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10 The use of school facilities by community groups should be consistent with the
11 educational program and the goals and objectives of the board and school system.

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

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

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18 1. violate federal, state, or local laws;
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20 2. violate board of education policies or regulations;
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22 3. advocate imminent violence;
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24 4. damage or have the potential to damage school buildings, grounds, or equipment;
25 or
26
27 5. are in conflict with scheduled school activities.
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29 **B. PRIORITY IN USE/FEE STRUCTURE**
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31 School-sponsored groups and activities, such as school athletic events, school drama and
32 choral productions, and meetings of student organizations, including organizations
33 permitted to meet under the Equal Access Act, will have first priority in the use of school
34 facilities.
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36 Priority in the use of school facilities by other groups and the fee structure for such
37 groups will be in accordance with law and the following user categories. Priority in use
38 among groups within the same user category will not be based upon the viewpoints of the
39 groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and
40 Bullying). All groups within the same user category will be charged for facility use
41 according to the uniform fee structure.

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43 1. In accordance with G.S. 163-129, as a polling place on election days
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- 45 2. School-related groups (organizations formed to support the school in some
46 manner, such as the PTA, PTO, teachers' and principals' organizations, and
47 booster clubs)

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49 Fees: Fees for use of kitchens will be charged to cover costs. Custodial or other
50 supervisory services may be charged.

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

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55 Fees: Custodial and utility fees may be charged.

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

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

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

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

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

72 73 **C. REQUESTS FOR USE OF FACILITIES**

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75 An eligible individual or group that wishes to apply for permission to use a school facility
76 must submit a written application to the principal of the school in which the facility is
77 located. Facility use request forms will be available in the school administrative office.

78 79 **D. FACILITIES AVAILABLE FOR USE**

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81 The board permits eligible individuals or groups to use the facilities of those schools
82 designated by the board as "community schools." A list of community schools and the
83 facilities at each site that are available for community use will be available to the public
84 at the superintendent's office and each principal's office.

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86 The superintendent is authorized to develop a list of school facilities available for
87 community use. Among the types of facilities that may be available for community use
88 are auditoriums, athletic fields, dining areas, kitchens, designated classrooms,

89 gymnasiums, media centers, and playgrounds.

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91 Other school facilities may be used only in exceptional circumstances based on a justified
92 need and as approved by the superintendent or designee. The superintendent is
93 authorized to determine the fees for the use of facilities in such circumstances.

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95 **E. RULES GOVERNING USE OF SCHOOL FACILITIES**

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

- 104
105 1. Users must comply with all federal, state, and local laws and all rules established
106 by the board, the superintendent or designee, and the principal.
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108 2. Users must comply with the requirements of the Americans with Disabilities Act
109 (ADA) (particularly Subchapter III pertaining to Public Accommodations and
110 Services Operated by Private Entities) and the federal regulations that have been
111 adopted for the implementation of the ADA.
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113 3. Users must comply with board policy and legal requirements forbidding the use of
114 tobacco products in school facilities and on school grounds (see policy
115 5026/7250, Smoking and Tobacco Products).
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117 4. Users must not consume or possess alcohol or drugs on school grounds (see
118 policy 5025, Prohibition of Alcoholic Beverages).
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120 5. Users must not possess weapons or explosives while on school grounds, except in
121 the limited circumstances permitted by state law and policy 5027/7275, Weapons
122 and Explosives Prohibited.
123
124 6. Users are responsible for supervising their activity and the people present at their
125 activity. Users are responsible for maintaining order and safety during their
126 activity.

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128 A user's violation of the provisions of this policy or any applicable regulations is grounds
129 for suspending the user's privilege to use school facilities for a period of time deemed
130 appropriate by the principal, subject to the review of the superintendent and the board of
131 education.

F. 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 \$1,000,000 for each claim made. Alternatively, the superintendent or designee may require the user group to execute a waiver of liability that states that no liability will be attached to the board of education, individually or collectively, for personal injury or personal property damage by reason of use of the school property.

G. TERM AND ACCEPTANCE OF LEASE

The superintendent is 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 superintendent shall inform the board of the execution 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.

H. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL PUBLIC

Outdoor property and facilities of the school system will be open to limited use by members of the general public in accordance with rules to be established by the superintendent or designee. 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 schools 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 superintendent 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.

I. 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, Student and Parent Grievance Procedure.

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178 Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;
179 Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access
180 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
181 Schools Act, G.S. ~~14-269.2~~; 115C-203 to -209.1; **115C-524, -527**; 160A-274; 163-129
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183 Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy
184 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of
185 Alcoholic Beverages (policy 5025), Smoking and Tobacco Products (policy 5026/7250),
186 Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal, and Lease of Board-
187 Owned Real Property (policy 9400)
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189 Adopted: August 15, 2016
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191 **Revised: [DATE]**
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REVISED