

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.

7 8 **Temporary Restriction on Community Use of Facilities**

9
10 **In order to secure the health and safety of school system students and employees during the**
11 **COVID-19 pandemic and in accordance with the requirements of the North Carolina Department**
12 **of Health and Human Services (DHHS), school facilities will not be made available to**
13 **community groups during or after the school day or on weekends in any week in which the**
14 **school is holding in-person classes on the school campus. Issues regarding the parties’**
15 **contractual obligations under long-term leases will be referred to the board attorney. This**
16 **temporary restriction shall remain in effect until repealed by the board or until the applicable**
17 **guidance from DHHS is rescinded, whichever occurs first.**

18 19 **A. GENERAL PRINCIPLES**

20
21 The use of school facilities by community groups should be consistent with the
22 educational program and the goals and objectives of the board and school system.

23
24 Priority for facility use will be given to community groups as outlined below in Section
25 B. For-profit groups are not permitted to use school facilities.

26
27 Use of school facilities will not be approved for activities that do any of the following:

- 28
29 1. violate federal, state, or local laws;
- 30
31 2. violate board of education policies or regulations;
- 32
33 3. advocate imminent violence;
- 34
35 4. damage or have the potential to damage school buildings, grounds, or equipment;
36 or
- 37
38 5. are in conflict with scheduled school activities.

39 40 **B. PRIORITY IN USE/FEE STRUCTURE**

41
42 School-sponsored groups and activities, such as school athletic events, school drama and
43 choral productions, and meetings of student organizations, including organizations

44 permitted to meet under the Equal Access Act, will have first priority in the use of school
45 facilities.

46
47 Priority in the use of school facilities by other groups and the fee structure for such
48 groups will be in accordance with law and the following user categories. Priority in use
49 among groups within the same user category will not be based upon the viewpoints of the
50 groups (~~see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and~~
51 ~~Bullying~~). All groups within the same user category will be charged for facility use
52 according to the uniform fee structure.

- 53
54 1. In accordance with G.S. 163A-1046, as a polling place on election days
55
56 2. School-related groups (organizations formed to support the school in some
57 manner, such as the PTA, PTO, teachers' and principals' organizations, and
58 booster clubs)

59
60 Fees: Fees for use of kitchens will be charged to cover costs. Custodial or other
61 supervisory services may be charged.
62

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

65
66 Fees: Custodial and utility fees may be charged.
67

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

70
71 Fees: Utility fees for the use of facilities may be charged. Custodial, kitchen,
72 and/or supervisory fees will be charged.
73

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

77
78 Fees: Rental, kitchen, utility, custodial, and supervisory fees will be charged.
79

80 Prior to the beginning of each school year, the superintendent shall submit for board
81 approval a fee structure that lists the amount or method of calculating rent and fees to be
82 charged for facility use.
83

84 C. REQUESTS FOR USE OF FACILITIES 85

86 An eligible individual or group that wishes to apply for permission to use a school facility
87 must submit a written application to the principal of the school in which the facility is
88 located. Facility use request forms will be available in the school administrative office.
89

90 **D. FACILITIES AVAILABLE FOR USE**

91
92 The board permits eligible individuals or groups to use the facilities of those schools
93 designated by the board as “community schools.” A list of community schools and the
94 facilities at each site that are available for community use will be available to the public
95 at the superintendent’s office and each principal’s office.
96

97 The superintendent is authorized to develop a list of school facilities available for
98 community use. Among the types of facilities that may be available for community use
99 are auditoriums, athletic fields, dining areas, kitchens, designated classrooms,
100 gymnasiums, media centers, and playgrounds.
101

102 Other school facilities may be used only in exceptional circumstances based on a justified
103 need and as approved by the superintendent or designee. The superintendent is
104 authorized to determine the fees for the use of facilities in such circumstances.
105

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

107
108 The superintendent shall develop regulations consistent with this policy. The regulations
109 will include an application process and provisions regarding the supervision of groups
110 using facilities, the care of facilities, prohibited conduct, and other issues deemed
111 appropriate by the superintendent. A copy of the regulations will be provided to all
112 applicants at the time they receive the facilities use application form. In addition to the
113 regulations established by the superintendent, users of school facilities must comply with
114 the following rules:
115

- 116 1. Users must comply with all federal, state, and local laws and all rules established
117 by the board, the superintendent or designee, and the principal.
118
- 119 2. Users must comply with the requirements of the Americans with Disabilities Act
120 (ADA) (particularly Subchapter III pertaining to Public Accommodations and
121 Services Operated by Private Entities) and the federal regulations that have been
122 adopted for the implementation of the ADA.
123
- 124 3. Users must comply with board policy and legal requirements forbidding the use of
125 tobacco products in school facilities and on school grounds (see policy
126 5026/7250, Smoking and Tobacco Products).
127
- 128 4. Users must not consume or possess alcohol or drugs on school grounds (see
129 policy 5025, Prohibition of Drugs and Alcohol).

- 130
131 5. Users must not possess weapons or explosives while on school grounds, except in
132 the limited circumstances permitted by state law and policy 5027/7275, Weapons
133 and Explosives Prohibited.
134
135 6. Users are responsible for supervising their activity and the people present at their
136 activity. Users are responsible for maintaining order and safety during their
137 activity.
138

139 A user's violation of the provisions of this policy or any applicable regulations is grounds
140 for suspending the user's privilege to use school facilities for a period of time deemed
141 appropriate by the principal, subject to the review of the superintendent and the board of
142 education.
143

144 **F. DAMAGES AND LIABILITY INSURANCE**

145
146 Users of school facilities are responsible for all damage to school facilities, property, or
147 equipment that occurs while the facility is being used by the group, regardless of who
148 caused the damage. Users also are responsible for the conduct of all persons involved in
149 the users' activities while on school property.
150

151 All user groups, except school-sponsored groups, must furnish a certificate of insurance
152 for general liability coverage with a total limit coverage of \$1,000,000 for each claim
153 made. Alternatively, the superintendent or designee may require the user group to
154 execute a waiver of liability that states that no liability will be attached to the board of
155 education, individually or collectively, for personal injury or personal property damage
156 by reason of use of the school property.
157

158 **G. TERM AND ACCEPTANCE OF LEASE**

159
160 The superintendent is authorized to enter into agreements with community groups for the
161 lease of school property for terms of one year or less. All such leases must be reviewed
162 and approved in advance by the board attorney. The superintendent shall inform the
163 board of the execution of any lease at its next regularly scheduled meeting. Leases may
164 be renewed following the same process.
165

166 Absent unusual circumstances, leases will not be granted for a term longer than one year.
167 A lease for more than one year must be approved in advance by the board. Long-term
168 exclusive leases are subject to the provisions of policy 9400, Sale, Disposal, and Lease of
169 Board-Owned Real Property.
170

171 **H. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL PUBLIC**

172
173 Outdoor property and facilities of the school system will be open to limited use by

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

182

183 I. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

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

188

189 Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;
190 Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access
191 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
192 Schools Act, G.S. 115C-203 to -209.1; 115C-524, -527; 160A-274; 163A-1046

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194 Cross References: ~~Prohibition Against Discrimination, Harassment, and Bullying (policy~~
195 ~~1710/4021/7230)~~, Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of
196 Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons
197 and Explosives Prohibited (policy 5027/7275), Sale, Disposal, and Lease of Board-Owned Real
198 Property (policy 9400)

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200 Adopted: August 15, 2016

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202 Revised: June 5, 2017; July 16, 2018; December 17, 2018; [DATE]