

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 **Any use of school facilities that disrupts school activities or that damages school property will**
7 **not be permitted.** Public use is subject to Section H of this policy.

8
9 **A. GENERAL PRINCIPLES**

10
11 ~~The use of school facilities by community groups should be consistent with the~~
12 ~~educational program and the goals and objectives of the board and school system.~~

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

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

- 18
19 1. ~~violate federal, state, or local laws;~~
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21 2. ~~violate board of education policies or regulations;~~
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23 3. ~~advocate imminent violence;~~
24
25 4. ~~damage or have the potential to damage school buildings, grounds, or equipment;~~
26 ~~or~~
27
28 5. ~~are in conflict with scheduled school activities.~~

29
30 **A. PRIORITY IN USE/FEE STRUCTURE**

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32 **In accordance with G.S. 163-129, the county board of elections is entitled to use school**
33 **facilities as a polling place on election days.** School-sponsored groups and activities,
34 such as school athletic events, school drama and choral productions, and meetings of
35 student organizations, including organizations permitted to meet under the Equal Access
36 Act, will **otherwise** have first priority in the use of school facilities.

37
38 **For-profit groups are not permitted to use school facilities.** Priority in the use of school
39 facilities by other groups and the fee structure for such groups will be in accordance with
40 law and the following user categories. Priority in use among groups within the same user
41 category will not be based upon the viewpoints of the groups. All groups within the same
42 user category will be charged for facility use according to the uniform fee structure.

- 43
44 1. ~~In accordance with G.S. 163-129, as a polling place on election days~~

- 45
46 1. School-related groups (organizations formed to support the school in some
47 manner, such as the PTA, PTO, teachers' and principals' organizations, and
48 booster clubs).

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

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

55
56 Fees: Custodial and utility fees may be charged.

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

60
61 Fees: ~~Utility fees for the use of facilities may be charged.~~ Custodial, kitchen,
62 and/or supervisory fees will be charged. Fees for use of kitchens will be charged,
63 as applicable, to cover costs. Utility fees may be charged.

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

68
69 Fees: Rental, kitchen, utility, and custodial, and/or supervisory fees will be
70 charged. Fees for use of kitchens will be charged, as applicable, to cover costs.

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

75
76 **~~B. REQUESTS FOR USE OF FACILITIES~~**

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

81
82 **B. FACILITIES AVAILABLE FOR USE**

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

89 The superintendent ~~or designee is authorized to~~ shall develop and make accessible to the
90 public a list of school facilities available for community use. Among the types of
91 facilities that may be available for community use are auditoriums, athletic fields, dining
92 areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds.
93 School facilities not listed as available for community use may be used only in
94 exceptional circumstances based on a justified need and in accordance with terms
95 approved by the superintendent or designee.

96
97 ~~Other school facilities may be used only in exceptional circumstances based on a justified~~
98 ~~need and as approved by the superintendent or designee. The superintendent is~~
99 ~~authorized to determine the fees for the use of facilities in such circumstances.~~

100 101 C. RULES GOVERNING USE OF SCHOOL FACILITIES

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103 The superintendent shall develop regulations consistent with this policy. The regulations
104 will include an application process and provisions regarding the supervision of groups
105 using facilities, the care of facilities, prohibited conduct, and other issues deemed
106 appropriate by the superintendent. ~~A copy of~~ The regulations will be provided to all
107 applicants at the time they receive made available to the public along with the facilities
108 use application form. In addition to the regulations established by the superintendent,
109 users of school facilities must comply with the following rules.:

- 110
111 1. Users must comply with all federal, state, and local laws and all rules established
112 by the board, the superintendent or designee, and the principal.
- 113
114 2. Users must comply with the requirements of the Americans with Disabilities Act
115 (ADA) (particularly Subchapter III pertaining to Public Accommodations and
116 Services Operated by Private Entities) and the federal regulations that have been
117 adopted for the implementation of the ADA.
- 118
119 3. Users must comply with board policy and legal requirements forbidding the use of
120 tobacco products in school facilities and on school grounds (see policy
121 5026/7250, Smoking and Tobacco Products).
- 122
123 4. Users must not consume or possess alcohol or drugs on school grounds (see
124 policy 5025, Prohibition of Drugs and Alcohol).
- 125
126 5. Users must not possess weapons or explosives while on school grounds, except in
127 the limited circumstances permitted by state law and policy 5027/7275, Weapons
128 and Explosives Prohibited.
- 129
130 6. Users must not make any modifications, improvements, or alterations to school
131 facilities without the prior written approval of the superintendent or designee.
- 132

- 133 7. Users must not display or distribute materials that are vulgar, indecent, or obscene
134 or use vulgar, indecent, or obscene language while on school grounds.
135
- 136 8. Users are responsible for supervising their activities and the people present at
137 their activities. Users are responsible for maintaining order and safety during
138 their activities.
139
- 140 9. Upon departure, users must remove any materials or equipment they brought onto
141 school grounds.
142

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

147 **D. FACILITY USE AGREEMENTS**

148 A group that wishes to apply for permission to use a school facility must submit an
149 application to the principal of the school at which the facility is located. If a facility use
150 request is approved, the user will enter into a written agreement signed by the user and
151 the superintendent or designee. Absent unusual circumstances, facility use agreements
152 will not be granted for a term longer than one year. An agreement to span more than one
153 year must be approved in advance by the board.
154

155 Long-term leases are subject to the provisions of policy 9400, Sale, Disposal, and Lease
156 of Board-Owned Real Property.
157

158 **E. DAMAGES AND LIABILITY INSURANCE**

159 Users of school facilities are responsible for the conduct of all persons involved in the
160 users' activities while on school property. Users of school facilities are responsible for
161 all damage to school facilities, property, or equipment that occurs while the facility is
162 being used by the group, regardless of who caused the damage. Users also are
163 responsible for the conduct of all persons involved in the users' activities while on school
164 property.
165

166 All user groups, except school-sponsored groups, must furnish a certificate of insurance
167 for general liability coverage with a total limit coverage of \$1,000,000 for each claim
168 made. Alternatively, the superintendent or designee may require the user group to
169 execute a waiver of liability that states that no liability will be attached to the board of
170 education, individually or collectively, for personal injury or personal property damage
171 by reason of use of the school property.
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173 **F. ~~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.~~

F. 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.

G. 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.

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-524, -527; 160A-274; 163-129

Cross References: Student 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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