

COMMUNITY USE OF FACILITIES

The Avery County Board of Education endorses the goals of the Community Schools Act. The board will make specified indoor and outdoor school facilities available for use by eligible community groups under agreements developed in accordance with this policy. The board will also make some outdoor school facilities available for limited recreational use by the general public when not inconsistent with the board's use of the facilities. Public use is subject to Section H of this policy.

Temporary Restriction on Community Use of Facilities

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 This temporary restriction shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

A. GENERAL PRINCIPLES

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

Priority for community facility use will be given to community groups as outlined below in Section B. For-profit groups are not permitted to use school facilities. Use of the facilities will be allowed under the assumption that the facilities will be left clean and orderly after use.

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

1. Violate federal, state or local laws;
2. Violate board of education policies or regulations;
3. Advocate imminent violence;
4. Damage or have the potential to damage school buildings, grounds or equipment; or are in conflict with scheduled school activities.

B. PRIORITY IN USE/FEE STRUCTURE

School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups. All groups within the same user category will be charged for facility use according to the uniform fee schedule.

1. In accordance with G.S. 163-129 ~~163A-1046~~, as a polling place on election days
2. School related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers and principals, organizations and booster clubs)

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

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

Fees: Custodial and utility fees may be charged.

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

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

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

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

Prior to the beginning of each school year, the superintendent will submit the amount or method of calculating rent and fees to be charged in accordance with this fee structure to the board for approval.

C. REQUESTS FOR USE OF FACILITIES

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

D. FACILITIES AVAILABLE FOR USE

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

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

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

E. RULES GOVERNING USE OF SCHOOL FACILITIES

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

1. Users must comply with all federal, state and local laws and all rules established by the board, the superintendent or designee, and the principal.
2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulation that have been adopted for the implementation of the ADA.
3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).

4. Users must not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Drugs and Alcohol).
5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and policy 5027/7275, Weapons and Explosives Prohibited.
6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

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

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; 160A274; 163A-1046

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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