

The board 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 also will 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 G of this policy.

**A. GENERAL POLICY STATEMENT**

1. It is the opinion of the Haywood County Board of Education that the primary purpose or function of public school facilities is to provide quality educational environments conducive to the students they serve.
2. This policy is designed to support the Community Schools Act of 1981 by increasing community involvement and providing for community use of school facilities. Citizens are encouraged to utilize school facilities for civic, cultural, educational, recreational, and other activities so long as such use does not conflict with school use, with state law, with local ordinances, or with the proper care and maintenance of school facilities. **The County Board of Elections in accordance with N.C.G.S. 163-129 is entitled to use school facilities as polling places on election days.**
3. Priority for facility use will be given to school sponsored groups, school related groups, and community groups and organizations whose mission is similar or complementary to that of the Haywood County Schools. Use by groups and organizations whose mission is not similar or complementary to that of Haywood County Schools is discouraged; however, when granted shall be short term. It is the intent of the Haywood County Board of Education that all eligible groups have equal access to facilities and that any one group does not dominate use.
4. Community use facilities generally include all school properties with the following exclusions: the Education Center, Instructional Technology Center, Central Office, Bus Garage, Maintenance Building, and the School Food Service Facility. Under certain circumstances these non-community use facilities may be made available with a Haywood County Schools staff member in attendance. The superintendent or designee must approve any exceptions.
5. School equipment is purchased with public funds for use in the educational programs of the schools. Loan of school equipment must have approval of the principal and must be stipulated in the contract. System-owned and Instructional Technology Center equipment is not available for loan. The Superintendent or designee must expressly authorize any exception to this policy.
6. This policy is adopted pursuant to the Board of Education's authority under

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N.C.G.S. 115C-524(b). Notwithstanding the provisions of G.S. 115C-263 and 115C-264, local boards of education may adopt rules and regulations under which they may enter into agreements permitting non-school groups to use school real and personal property, except for school buses, for other than school purposes so long as such use is consistent with the proper preservation and care of the public school property. No liability shall attach to any board of education, individually or collectively, for personal injury suffered by reason of the use of such school property pursuant to such agreements.

**B. USER CATEGORIES – (PRIORITIES FOR USE)**

Priority in the use of school facilities will be in accordance with law and the following user categories:

1. School-Sponsored – These activities are under the direct authority of the principal and no utility or rental fees are charged.
2. School-Related – These activities may include but are not limited to, PTA, PTO, teacher and principal organizations, boosters clubs, etc. These activities are under the direct authority of the principal. There is no charge for facilities except for the use of cafeteria kitchens. The principal may require the group to use custodial or other supervisory services that will be charged back to the organization. Representatives from these groups are required to contact and meet with the site-based facility use coordinator of the campus they intend to use and provide the information necessary to complete a Facilities Use Agreement.
3. Local Government, Political Parties, Civic Organizations – These activities may include but are not limited to use by town or county recreation programs, political parties for the express purpose of annual or biennial precinct meeting and county and district conventions, civic organizations, and school- or religious-based youth organizations. These activities are under the direct authority of the principal. Utility fees for use of facilities will be charged\* and long-term (more than one year) contracts may be negotiated. Custodial or supervisory fees will be charged, at the discretion of the principal. Representatives from these groups are required to contact and meet with the site-based facility use coordinator of the campus they intend to use and provide the information necessary to complete a Facilities Use Agreement.
4. Youth league and youth activities – Youth athletic and cultural activities that are comprised of Haywood County Schools students. These groups would be charged a discounted rate on use fees, and regular listed rates for utilities and custodial services. (see fee table). Representatives from these groups are required to contact and meet with the site-based facility use coordinator of the campus they intend to use and provide the information necessary to complete a Facilities Use Agreement.

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5. All Other Non-Profit Use - All other use by non-profit organizations not included in the above shall be short term in nature and shall pay set rental and utility fees. Rental and Utility fees collected will be split between the school and the school system. Custodial or supervisory services shall be paid as specified. (See rate schedule.) Contracts that are requested in excess of 90 consecutive calendar days shall be reviewed every 90 days by the Board of Education. After the first 90-day contract, if no other request for the facility is received, the contract may be renewed up to three times for a total of one year. If duplicate requests for the same facility are received, alternation of use by groups shall be the policy of the Board of Education. No organization under this subsection may use Haywood County School's facilities for more than one year unless recommended by the site principal/supervisor, community schools director, and superintendent with final approval by the board. Representatives from these groups are required to contact and meet with the site-based facility use coordinator of the campus they intend to use and provide the information necessary to complete a Facilities Use Agreement.
  
  6. For-Profit - Use of Haywood County Schools' facilities by a for-profit enterprise shall be permitted only in instances when the requested use:
    - a. Serves a recreational or educational purpose for children or school employees, including but not limited to athletic tournaments, band or choral competitions, and dance recitals for school-age children.
    - b. Is for the recreational use by the for-profit enterprise's employees (e.g. company softball game, picnic, etc.).
    - c. The Superintendent or designee must approve requests that claim to be for a recreational or educational purpose. Such use shall be short term and shall not serve any purpose that undermines the mission of Haywood County Schools or would place Haywood County Schools in a negative light. Users for such events may be charged higher fees than users in the other categories listed above. For-profit enterprise shall mean any person, partnership, association, or company engaged in business for profit.

Users that are school-sponsored (subsection 1, above) or school-related (subsection 2, above) may utilize a for-profit business to assist with a scheduled activity or fundraiser pursuant to terms and regulations of this policy. Representatives from these groups are required to contact and meet with the site-based facility use coordinator of the campus they intend to use and provide the information necessary to complete a Facilities Use Agreement.
  
  7. Other Uses – Individuals and other groups may not use school facilities for a private or personal nature, including but not limited to, events such as family reunions, birthday or anniversary parties, bridal or baby showers, weddings, or garage sales. The superintendent or designee must approve groups requesting

use of facilities that do not succinctly fit into one of the above categories.

**\* Utility Fees, Use Fees, and Custodial charges shall be collected and forwarded to the Community Schools Office for deposit. Use Fees will be split with 60% going to the Maintenance Department and 40% going to the school.**

#### **C. LIABILITY INSURANCE**

The Haywood County Board of Education requires non-school-sponsored and/or -related user groups to furnish a current Certificate of Liability Insurance for general liability coverage with total limit minimum general liability coverage of \$1,000,000 for each claim made and with a \$5,000 medical payment endorsement. The Certificate of Insurance shall name the Haywood County Board of Education as an additional insured.

In lieu of a Certificate of Insurance, school system administrators may require the user group to execute a Waiver of Liability which states no liability shall attach to the Haywood County Board of Education, individually or collectively, for personal injury or personal property damage by reason of use of the school property. The principal may waive the insurance requirement only for activities that may be considered low-risk for bodily injury. Principals may not waive the insurance requirement for athletic events, sports events, meetings, or gatherings of over 75 people, or dance activities or other activities with an average or greater risk of bodily injury. The principal may also require school-related groups (Section B.2, above) to furnish proof of event insurance for large events in which the public is invited.

#### **D. USE OF CAFETERIA DINING ROOMS AND KITCHENS**

The use of cafeteria dining rooms and kitchens must be scheduled at the school site.

1. Use of the dining room may require the presence of custodial or supervisory staff at the discretion of the principal.
2. Use of the cafeteria kitchens shall require the presence of a cafeteria employee designated by the cafeteria manager and approved by the principal. The manager, in consultation with the principal, will determine the number of employees needed for each event.
3. Groups approved to use only the dining room may not use the kitchen. Equipment and supplies are the responsibility of the user.
4. No group may use food or supplies that belong to School Food Service.
5. Use of the kitchen or its equipment by private enterprise is not permitted.
6. Cafeteria kitchens and dining rooms may be used to cater meals via one of three

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following plans. The approved user group contracts with the school principal and cafeteria manager for the use of the cafeteria kitchen and/or dining room.

a. Plan A - Full Service

The cafeteria staff will prepare and serve a meal based upon a specified menu and a per meal price. The specified price will include the fees for the use of the facility, food costs, labor costs, and other miscellaneous costs. The user group will be required to guarantee a specific number of meals one week prior to the date of the event.

b. Plan B - Supervised - Volunteer Staff

The cafeteria manager will supervise a volunteer staff in the preparation and serving of a meal based upon a specified menu and a per meal price.

Events with more than four (4) volunteers will require additional supervisors to be employed (1:4, 2:5-8, 3:9-12). The school system, the school, and the cafeteria manager shall not be held responsible for the quality of food, the timeliness of serving, and the presentation of the meal.

The user group will provide the required support staff to prepare and serve the meal under direction by the cafeteria manager. The user group will sign a waiver of liability for the Board of Education to provide general liability workers compensation or accident coverage for the volunteer. The volunteers may not be school system cafeteria employees. The user group may provide the raw food materials, provided these food materials are procured from a source that complies with all laws relating to food and food labeling as specified in Section 2600 - Sanitation of Restaurants and Other Food-handling Establishments of the North Carolina Administrative Code. Also, according to the code food cannot be prepared off premise and brought to the event.

c. Plan C - Contracted Staff

The user agrees to hire the cafeteria manager and cafeteria staff and/or custodian under the user group employer identification number to prepare and serve the meal. The user group's representative will provide to the principal the employee identification number and a Certificate of Insurance for General Liability and Workers Compensation Insurance prior to the event. The user group may provide the raw food materials, provided these food materials are procured from a source that complies with all laws relating to food and food labeling as specified in Section 2600 - Sanitation of Restaurants and other Food-handling Establishments of the North Carolina Administrative Code.

7. Upon conclusion of use, a cafeteria employee will inspect the kitchen and/or dining room for cleanliness and order. If users do not leave a facility in order, they will be billed for labor and cleaning costs.
8. Payments for cafeteria food service events and/or for use of cafeteria utilities/dining room shall be paid to the school principal's office and deposited in the cafeteria/banquet account. In turn, the school office will be responsible for filing the Facility Use Agreement with the Community Schools Office and for payment of facility use fees and employee wage costs to the central office.

#### **E. USE OF OTHER INDOOR FACILITIES**

Use of gyms, classrooms, auditoriums, lobbies, and other parts of buildings will be charged according to the fee schedule and will require custodial or supervisory services.

#### **F. USE OF OUTDOOR FACILITIES**

1. Fees for the use of playing fields and stadiums will be charged according to the fee schedule and may require custodial or supervisory services at the discretion of the principal.
2. Use of high school and middle school stadiums and playing fields may be arranged at the discretion of the principal and athletic director. Use of these fields during bad weather may harm the turf. When conditions do not warrant field use, the principal or athletic director will inform user groups in a timely manner. If conditions warrant, use may be terminated while an event is in progress.
3. Groups using lights at stadiums or fields will pay an hourly fee for their use.

#### **G. 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.

#### **H. OTHER USE REGULATIONS**

1. The group using a school facility or site shall be responsible for its proper use and shall pay for all damages to the facility, property, or equipment that occurs beyond ordinary wear and tear.

2. The group using a school facility or school site will not alter or change the facility or site without the express permission of the principal or site supervisor in accordance with applicable board policy.
3. Use of a building is confined to the area specified in the contract, including the nearest drinking fountain and rest rooms.
4. Profanity, tobacco use, possession or use of drugs or intoxicants, quarreling, fighting, gambling, or other illegal activity shall not be allowed.
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. The using group shall, at the discretion of the principal, be responsible for reasonable police protection and supervision.
7. Use of school facilities shall be completed by 11:00 p.m., unless waived by principal. If a gymnasium floor is used for other than athletic purposes, the floor may have to be covered. Floor covering material is the responsibility of the user.
8. A contract may be canceled or amended at any time by the principal, site supervisor, community schools director, or superintendent. However, every effort will be made to allow the user ample time to reschedule the event.
9. The user group activity will conform to all other relevant Board of Education policies and procedures.
10. The user group must inform the community schools coordinator's office by the next business day regarding accidents involving personal injury.

#### **I. CARE OF FACILITIES**

1. Repairs or construction shall be in accordance with applicable board policy.
2. Painting of building(s) or furniture or other alterations or changes to the site are not allowed unless expressly authorized by the site principal/supervisor.
3. The display of materials on walls must be authorized by the principal and must not harm surfaces.
4. School employees hired to supervise activities will be available to the user group during the entire period of use. The employee functions as the principal's agent during the time of use.

**J. PROCEDURES**

1. Groups desiring to use school facilities shall contact the school principal or facility supervisor to confirm the availability of the facility. Upon approval, the request will be submitted to the Community Schools Office for developing contracts. (See the Hourly Utility, Rental, and Personnel Fee Schedule.) Requests for use of facilities must be filed at least 30 days in advance of date of use. Requests made less than 30 days in advance shall be considered on a first-come, first-serve basis.
2. **User fees and custodial/supervisory fees and proof of Liability Insurance are due at the time the contract is signed.** Checks should be made to Haywood County Community Schools.
3. Custodians, cafeteria staff, and other supervisory staff are to be paid by Haywood County Schools' payroll department with funds paid by the contracting agency. All community schools events work hours scheduled exclusively for the event will be charged at time and one-half plus benefit costs for the Sunday through Saturday workweek. The rates will be adjusted periodically to reflect increases in salaries and benefits as determined by the NC General Assembly. The finance committee will review and approve rates, subject to full board approval.
4. Payment by user groups for contracts, utility/rental fees, and custodial/supervisory fees will be paid to the Community Schools Office. When payment is received, use of facility(s) will be placed on the master schedule. All fees received by the Community Schools Office will be transferred to the Finance Office for deposit.
5. Utility and rental fees shall be reviewed and revised annually by the building and grounds committee subject to full board approval.
6. A copy of the Hourly Utility, Rental and Personnel Fee Schedule can be obtained through the school principal's office, the Community School's Office, or on the Haywood County Schools website.

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. ~~14-269.2~~; 115C-203 to -209.1; 115C-524, -527; 160A-274; 163-129

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of Alcoholic Beverages (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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