

COMMUNITY USE OF DISTRICT FACILITIES, EQUIPMENT AND LAND

As a service to the community and in accordance with applicable law, the Board of Education may allow community groups as defined in this policy to use district facilities, equipment and land for educational, recreational, social, civic, philanthropic and other similar purposes when the facilities are not being used by the district or district-sponsored groups. The superintendent or designee is directed to create and enforce procedures addressing facility use and may approve or deny facility use requests in accordance with this policy.

Granting a request to use district facilities, equipment and land does not constitute district endorsement of the activity, organization, organization's mission or any opinion expressed by the groups or members of the groups.

Definitions

Community Groups – Governmental entities and nonprofit organizations operating in or located in the district.

District Equipment – Any property owned by the district that is not permanently affixed to the building including, but not limited to, athletic gear, kitchen appliances and utensils, electronic equipment, desks and chairs. District equipment includes property donated to the district or purchased with donated funds.

District Facility – Buildings, rooms, gymnasiums, auditoriums, athletic fields, courtyards or other spaces on district property an individual or group seeks to use.

District-Sponsored Activity – Any activity organized by the district as part of the district's education program or co-sponsored by the district with other organizations. District-sponsored activities may include, but are not limited to: clubs, athletic events and practices, tutoring, dances, musical performances and carnivals. District-sponsored activities include activities sponsored by student-initiated groups at the secondary level organized in accordance with policy and law.

Eligible Users

Use of district facilities is a privilege, not a right. No community group will receive access without first obtaining the approval of the superintendent or designee. In some cases Board approval may also be required. The district intends to maintain district facilities as nonpublic forums and reserves the right to exclude individuals or groups from its facilities or cancel or modify any permission granted, to the extent allowed by law.

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Community groups may request to use district facilities. The district discourages use by individuals, for-profit entities or other groups not addressed in this policy, and these persons or entities may only use district facilities if approved by the Board. Priority will be given to groups or activities that directly benefit district students. Use of district facilities will not be granted if the use conflicts or interferes with a district-sponsored activity, and all uses granted are contingent upon the district's needs. The Board will make the final decision if a dispute over usage occurs.

In accordance with law, when the district allows youth or community groups not affiliated with the district to use district facilities outside of school hours, the district will provide equal access and related services and benefits to groups officially affiliated with the Boy Scouts of America, Girl Scouts of the United States of America, Big Brothers Big Sisters of America, Boys and Girls Clubs of America, or other groups or organizations listed in Title 36 of the U.S. Code that are intended to serve young people under the age of 21.

Staff use of district property and facilities is subject to this policy when the use is for reasons unrelated to the staff member's duties with the district.

Use Restrictions

The superintendent or designee will determine which district facilities are available for public use and may determine that some district facilities or equipment are not available for public use. The superintendent or designee may limit the hours or days that district facilities may be used based on the availability of staff and other relevant factors and may prohibit some uses that might be disruptive or damaging to district property. To accommodate all groups, the superintendent or designee may limit the number of times groups may use district facilities in a school year if multiple groups request access to the same facilities. Only governmental entities or nonprofit community groups (such as the Boy Scouts of America or the Girl Scouts of the United States of America) directly serving district students are permitted to use school buildings two hours before and two hours after the official academic day.

Because students are frequently on school grounds even when school is not in session, the district expects all groups to behave in a manner that is appropriate around children, as determined by the district. All groups using district facilities are required to follow district policies or procedures and other directives by district staff.

Security and Safety

All groups using district facilities must follow district security rules. Only district employees will unlock district facilities or possess keys or security codes unless otherwise authorized by the superintendent or designee. District facilities may not be used for any purpose prohibited by law and must comply with state and local fire, health and safety regulations.

The district may require a group to pay for and provide additional security for the group's events if additional security is deemed necessary for traffic control, crowd control or the protection of persons or property.

Fees

The district will charge rental fees for the use of district facilities. The Board will set the fees annually after a recommendation from the superintendent or designee. The district will also charge for additional costs associated with the use, such as the cost of custodial services, food services, technician services or security services, as deemed necessary by the superintendent or designee. The superintendent or designee may require a group to provide a security deposit prior to using the district's facilities.

Groups using district facilities must provide proof of insurance in an amount set by the superintendent or designee and must agree to indemnify and hold the district harmless for any damages and pay for the actual cost of replacing or repairing damaged property. The district may require a group to pay fees owed prior to using the facility.

The superintendent or designee may waive the fees for groups created to support the district; nonprofit organizations with longstanding ties to the district; and groups with a reciprocal relationship with the district, such as the Parent Teacher Association (PTA) and booster clubs. Regardless of whether fees have been waived, representatives from all groups must provide proof of insurance and sign an indemnity and hold harmless agreement.

Cancellation

The district reserves the right to cancel a scheduled use of district facilities at any time including, but not limited to, situations where the district needs to use the space in the event of or as a result of inclement weather or an emergency.

Use of Equipment

The superintendent or designee may authorize the use of district equipment by community groups for educational, recreational, social, civic, philanthropic and other similar purposes. Equipment will not be removed from district property without permission from the superintendent or designee. Fees may be charged for equipment usage in accordance with this policy.

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Emergency Uses

The superintendent or designee may authorize the use of district facilities, equipment and land as an emergency shelter or for other emergency purposes if such use does not otherwise conflict with the district's needs.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/08/1998

Revised: 09/11/2003; 03/06/2012

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
AH, Tobacco-Free District
ECA, Building and Grounds Security
EF, Food Services Management
GBCA, Staff Conflict of Interest
IGD, District-Sponsored Extracurricular Activities and Groups
IGDA, Student-Initiated Group Use of District Facilities
IND, Ceremonies and Observances

Legal Refs: § 177.031, RSMo.
U.S. Const. amend. I
Boy Scouts of America Equal Access Act, 20 U.S.C. 7905
Good News Club v. Milford Central Sch., 533 U.S. § 98 (2001)
Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)
Victory Through Jesus Sports Ministry Found. v. Lee's Summit R-7 Sch. Dist., 640 F.3d 329 (8th 2011)

Nixa R-II School District, Nixa, Missouri