

Use of School Facilities and Equipment

DEFINITIONS

The following definitions shall apply as used in this procedure.

Charitable: A person, entity, or group organized and engaged in public, benevolent purposes that do not provide gain or profit in a private sense to any person connected with it.

Civic: A person, entity, or group that undertakes a project or undertaking in which citizens of a city or county cooperate to promote the common good and general welfare of the people of the city or county.

Commercial: The buying or selling of goods, products, property, or services of any kind. As defined herein, excludes activities of non-profit, civic, religious, and charitable individuals, partnerships, or groups.

Community Applicant: Resident member of the Anchorage Independent School District community in good tax standing and over the age of 21. Community applicants can sponsor an entity carrying the required liability insurance. This “community applicant” agrees to be physically present for the duration of each instance of the space being used by their group and responsible for the safe, equitable, and moral use of the facility as outlined in “Application for Use and Contract”.

Government: A federal, state, or local government or any department or subdivision thereof.

Non-profit: A person, entity, or group for which no part of the income is to be distributed to its members, directors, or officers. May include sole proprietorship, partnership, or corporation.

Personal use: Pertaining to and limited to the person or individual.

Religious: A person, entity, or group that practices a particular system of faith and worship. Includes church, sect, or other denomination.

School Activity: An activity directly conducted or sponsored by a school; or an activity involving collaboration on the part of a school, provided the school initiates the request to collaborate on the activity, the activity is in the school’s plan or program, and the school maintains primary control of the activity.

School-Related Activity: An activity conducted by a Parent Teacher Association (PTA); Booster Club; a group comprised of entirely current APS students; or similar group which is closely allied with a particular school or school activity and which is formed for the express purpose of benefiting such school or activity in a financial or other way. The Board reviews and approves the School Related Activity list annually.

INTRODUCTION/DUAL APPROVAL PROCESS

Per Board Policy 05.3 the Board establishes and administers a program for permitting groups and individuals (“Applicants”) to use District facilities, grounds, and equipment for non-commercial, not-for-profit activities during non-instructional time either before the commencement or after the conclusion of the school day. This procedure sets forth the administrative process approved for implementation by the Superintendent.

Under this system, the Superintendent’s approval is needed for an Applicant to obtain full and final approval for the use of District facilities, grounds or equipment.

Use of School Facilities and Equipment**INTRODUCTION/DUAL APPROVAL PROCESS (CONTINUED)**

The Superintendent/designee is responsible for:

1. Initially processing the Applicant's facility usage application;
2. Initially determining whether the proposed activity qualifies as an eligible activity and determining the availability of required and requested facilities, grounds, employees, and equipment; and
3. Assigning facilities, grounds, employees, and equipment on specified dates and at specified times.
4. Finally processing the Applicant's facility usage application;
5. Finally determining whether the proposed activity qualifies as an eligible activity;
6. Implementing a facility usage contract between the District and the Applicant;
7. Calculating and collecting payment of usage fees; and
8. Determining and documenting the sufficiency of the Applicant's general liability insurance.

If an issue cannot be resolved by the Superintendent, an appeal may then be submitted to the Board in compliance with Policy 10.2 and accompanying procedures.

WHEN SCHOOL FACILITIES AND EQUIPMENT MAY BE USED

The Superintendent may approve the reasonable use of designated portions of District facilities and grounds, and the reasonable use of District equipment, in connection with activities determined by the Superintendent to be non-commercial (not-for-profit) in nature. Activities which may be approved include:

- (a) school activities;
- (b) official public elections and/or official public referendums;
- (c) activities conducted by school-related groups (from the Board approved list);
- (d) activities conducted by non-curricular student groups;
- (e) meetings conducted by employee organizations before or after the instructional day, provided such meetings do not interfere with or take precedence over the employees' normal workday responsibilities;
- (f) activities conducted by responsible and organized, civic, charitable, government, non-profit, and religious groups that provide demonstrable benefit to the schools or to the community as a whole;
- (g) activities conducted by other non-commercial (not-for-profit) individuals and groups not previously described;
- (h) activities sponsored by a community applicant, including those commercial in nature.

Use of School Facilities and Equipment**WHEN SCHOOL FACILITIES AND EQUIPMENT MAY BE USED (CONTINUED)**

Superintendent/designee shall determine the category for each activity.

The Superintendent may disapprove any requested use of District facilities, grounds, or equipment when the requested use involves:

1. A commercial (for profit) activity without a community sponsor;
2. Facilities, grounds, employees, or equipment that are unavailable on the dates and/or at the time(s) requested;
3. A Kentucky High School Athletic Association ("KHSAA") sanctioned sport or cheerleading squad and would occur during the KHSAA summer dead period;
4. Interference with the education of school children;
5. A danger to the safety or preservation of District facilities, grounds, employees or equipment; and/or
6. An activity that is not in the best interests of the District.
7. Use does not have a direct affiliation with a tax paying resident in good standing. *Tax paying resident applicant must be present at all events for the duration.
8. Dates and times in conflict with school interests. *School interests take precedence.

The Superintendent may disapprove for failure to submit required documents, information, or payments in a timely manner.

PRESENCE OF DISTRICT EMPLOYEES

The Superintendent shall finally determine the types and numbers of District employees required/requested to be present at activities conducted in or on District facilities and grounds. In making each determination, the following minimum guidelines shall apply:

- (a) The use of an indoor portion of a facility shall be contingent upon the presence of one or more approved District employee(s) or as designated necessary by the Superintendent;
- (b) When an activity is such that cleanup is required in order for a facility to be ready for District use the next business day, one or more District custodian(s) shall be present to ensure the facility is ready for use at the renters' expense;
- (c) When a kitchen area is used, one or more District food service employee(s) shall be present to ensure kitchen equipment is properly used and to ensure the kitchen is ready for District use the next business day at the renters' expense; ;
- (d) When sound and lighting equipment is used, one or more Board approved technical support professional shall be present to perform the activity/use of the equipment and to ensure that the equipment is ready for District use the next business day at the renters' expense;
- (e) When an activity is such that security is required, one or more law enforcement officer shall be present to provide security at the renters' expense;

Use of School Facilities and Equipment**ADMISSION CHARGES AND DONATIONS**

Admission charges may be made and donations may be solicited and accepted, all as determined by the Superintendent, in connection with school activities and activities conducted by school-related groups. Admission charges shall not be made and donations shall not be solicited or accepted in connection with any other activity held at or on District facilities or grounds unless the net proceeds from such admission charges or donations are used exclusively for civic, charitable, government, non-profit, religious purposes, or to offset District rental fee; or as determined by the Superintendent.

ESTABLISHMENT OF USAGE FEES

Prior to the beginning of each new fiscal year, the Board shall review and amend as necessary a schedule of usage fees to recover costs incurred by the District in connection with activities conducted in or on District facilities or grounds. All changes to the schedule shall be presented to the Board for approval.

The schedule of usage fees shall include four (4) different levels of compensation: No Fee; Utility/Maintenance Fee; Personnel Fee; and Rental Fee. The Utility/Maintenance Fee shall be designed to recover the estimated cost of District utilities; maintenance, wear and tear, the Personnel Fee shall be designed to recover the estimated costs of District employees; and the Rental Fee shall be designed to cover other District costs and needs.

In determining an Applicant's total usage fees, Superintendent shall apply the various types of fees to different types of activities as follows:

- (a) No Fees: No fees shall be charged in connection with School Activities.
- (b) Utility/Maintenance Fees: Except as otherwise provided below, Utility Fees shall be charged in connection with all non-School Activities.

Utility/Maintenance Fees may be waived for School-Related Activities, activities conducted by noncurricular student groups, meetings conducted by employee organizations, and official public elections or referendums.

Utility/Maintenance Fees may be waived for activities conducted by civic, charitable, government, non-profit, and religious groups which provide a demonstrable benefit to the schools or to the community as a whole, if such activities are after-school activities for APS students completed before 8:00 p.m.

- (c) Personnel Fees: Except as otherwise provided below, Personnel Fees shall be charged in connection with all non-School Activities.

Personnel Fees may be waived if Superintendent deems appropriate, and/or appropriate District personnel will already be present during such activities and no additional cleanup will be required to conduct District business the next business day.

- (d) Rental Fees: Except as otherwise provided below, Rental Fees shall be charged in connection with all non-School Activities.

Rental fees may be waived for School-Related Activities, activities conducted by noncurricular student groups, meetings conducted by employee organizations, official public elections or referendums, and activities conducted by civic, charitable, government, non-profit, or religious groups which provide a demonstrable benefit to the schools or to the community as a whole.

Use of School Facilities and Equipment**ESTABLISHMENT OF USAGE FEES (CONTINUED)**

The Superintendent may decline to implement any or all of the previously mentioned fee waivers if an activity includes a money-making project (i) involving costs to students or adults who attend or (ii) requiring expenditures of money for food or entertainment.

Applicants using a portion of a building or facility shall be responsible for payment of fees at the established rates; and fees may not be shared by Applicants using a building or facility simultaneously.

Time shall be calculated by rounding up to the nearest one-half (1/2) hour. Fees shall include time for opening, closing, and cleaning the facility. The amounts of the various types of fees may be amended from time-to-time by the Superintendent with Board approval.

APPLICATION AND CONTRACT

The District shall implement the official application form and an official facility usage contract. The application form shall, at a minimum, require such information as may, in the judgment of the District, be initially needed to determine the eligibility of the Applicant to use District facilities, grounds, and equipment for the proposed activity; the need for District employees to be present in connection with the proposed activity; the availability of District facilities, grounds, and equipment on the dates and at the times requested by the Applicant; and the costs, if any, to the Applicant of using the requested facilities, grounds, employees, and equipment. The facility usage contract shall detail the terms and conditions of using District facilities, grounds, and equipment.

The application form and facility usage contract shall each be signed by an individual authorized to represent the Applicant. The District shall determine the due dates for submission of such information, materials, and payments as may be required by the facility usage contract. In the event the District determines all conditions for facility usage have been met, the Superintendent shall countersign the Applicant's Facility Usage Contract and shall notify the Applicant that the application has been approved.

The Applicant shall notify the Superintendent of cancellation of an activity. In the event the notice of cancellation is received at least forty eight (48) hours prior to the date previously scheduled for use of the facility, the Applicant shall be sent a refund equal to the amount of all usage fees received from the Applicant to that point. In the event notice of cancellation is received less than forty-eight (48) hours prior to the date previously scheduled for use of the facility, the Applicant shall be sent a refund equal to the amount of all usage fees received from the applicant to that point, minus one (1) hour's worth of Utility/Maintenance, Personnel, and Rental Fees.

Use of School Facilities and Equipment**USE OF PROPERTY AND EQUIPMENT**

The use of school facilities shall not include use of school equipment, unless such use is approved by the Superintendent. The Applicant shall assume full responsibility for any and all expenses resulting from the transfer, repair, or replacement due to wear and tear or damage of such equipment or property necessitated by the Applicant's usage. In the event of the transfer, repair or replacement of equipment, the Superintendent/designee shall immediately send a written report to an authorized representative of the Applicant and to the District's Finance Officer, who shall bill the Applicant for the cost of the transfer, repair, or replacement.

BILLING AND COLLECTION OF USAGE FEES

Usage fees shall be collected by the District before facility use. Deposits, payment schedules, and other usage fee payment arrangements may be required or approved at the discretion of the Superintendent. Usage fees should be paid by check or money order payable to "Anchorage Independent School District." Cash shall not be accepted.

REPORTING

Twice a year the Superintendent and Chief Finance Officer will prepare a report identifying the status of each facility usage application received during the period and the amount(s) of any usage fees collected by the District in connection with the application.

LIABILITY

The facility usage contract shall require that the Applicant assume all liability for injury to individuals and damage to property by reason of the use of District facilities, grounds, and equipment. The contract shall additionally require that the Applicant indemnify and hold harmless the District from any loss or damage thereby. Supervision of participants shall be the responsibility of the Applicant as designated on the official application form.

INSURANCE

As required in policy 5.31, each Applicant shall be required to provide a certificate of insurance demonstrating that the Applicant possesses adequate general liability insurance; and written verification that an endorsement has been added to the Applicant's general liability insurance policy naming the Anchorage Independent School District as an additional insured in connection with the Applicant's use of the District facility, grounds, and equipment. Either or both of these requirements may be waived by Superintendent upon a determination that the activity to be conducted by the Applicant involves a relatively low risk of harm to persons and property.

NOTE: All external support/booster organizations are required to carry separate insurance for general liability with appropriate coverage to operate their organization. (Accounting Procedures for Kentucky School Activity Funds)

Use of School Facilities and Equipment**RESTITUTION OF DAMAGES**

The Applicant shall reimburse the Board for any repair of damages to or replacement of school property lost, stolen, damaged or vandalized while under its care.

DISAPPROVAL OF USE

Disregard of the rules and regulations governing the use of District facilities, grounds, employees or equipment may result in the District barring the offending group from further use of District facilities, grounds, and equipment. Settlement agreeable to the Superintendent shall be prerequisite to further use by the Applicant of District facilities, grounds, and equipment.

Applicants should note policy 09.421 requires school employees to report any suspected or demonstrated unlawful activity or damages to property to local law enforcement.