

# REFERENCE COPY

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Critical

## EXPLANATION: COMMUNITY USE OF DISTRICT FACILITIES

The district has requested a definition for "individual" to be added.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>				
X	Board Secretary		Business Office	Coaches/Sponsors
	Facility Maintenance		Food Service	Gifted
	Human Resources		Principals	Library/Media Center
	Health Services		Counselor	Special Education
	Transportation		Public Info/Communications	Technology

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## COMMUNITY USE OF DISTRICT FACILITIES

As a service to the community and in accordance with law, the Board of Education may allow community groups, as defined in this policy, and individuals to use district facilities 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 implement procedures addressing facility use and may approve or deny facility use requests in accordance with this policy.

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

### Definitions

*Community Groups (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.

*Individual* – A person operating a business/organization or a resident of the district.

### Eligible Users

Use of district facilities is a privilege, not a right. Except as otherwise permitted in this policy or the accompanying procedure, any community group or individual who wishes to use district facilities must complete the application process. 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.

District facilities may not be used by for-profit entities or by any individual or group conducting business for the primary purpose of making a profit for an individual or group. Priority will be given to applicants who wish to use district facilities for purposes 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. An individual or group whose request for the use of facilities has been denied by the superintendent or designee may request to speak to the Board regarding the usage. The Board will make the final decision if any dispute over usage occurs.

Staff use of district property and facilities is subject to this policy and applicable procedures when the use is for personal purposes or reasons other than performing the staff member's duties with the district.

### **Boy Scout Equal Access Act**

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.

### **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 as many groups and individuals as possible, the superintendent or designee may limit the number of times a particular individual or group may use district facilities in a school year if there are multiple requests to access the same facilities. Only community groups and individuals 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 individuals and groups to behave in a manner that is appropriate around children, as determined by the district. All individuals and groups using district facilities are subject to applicable district policies, procedures and staff directives.

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## No Application Required

Unless the district has physically blocked entrance to the area or posted notice that a space is not available for public use, individuals or community groups do not need to go through the application process, pay fees, provide insurance or agree to indemnify the district to use the following spaces:

1. Tracks, walking trails, tennis courts and outdoor basketball courts may be used any time they are not being used by the district.
2. Playgrounds and playground structures may be used any time school is not in session and they are not otherwise being used by the district.

Persons using these spaces do so at their own risk, must use them for the purposes for which they were built and cannot be destructive or disruptive. Persons using these spaces must follow applicable district policies and procedures. The administrator or designee of the school will make the final decision regarding whether the district is using the space at any given time. If another individual or group has reserved the space through the application process, others may use the space only with the permission of the individual or group that reserved it.

## Security and Safety

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

The district may require a group or individual 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 may 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 may 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 or individual to provide a security deposit prior to using the district's facilities. The superintendent or designee may waive the fees for individuals and groups created to support the district; nonprofit organizations; and groups with a reciprocal relationship with the district, such as the Parent Teacher Association (PTA) and booster clubs.

However, any group created to support or oppose a ballot issue must pay fees for facility use, even if the ballot issue is in support of the district.

Regardless of whether fees have been waived, groups and individuals 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 payment of owed fees prior to allowing use of the facility.

**Cancellation**

The district reserves the right to cancel a scheduled use of district facilities at any time including, but not limited to, instances when the district needs to use the space in the event of or as a result of inclement weather or an emergency. When a scheduled use must be canceled, the district will provide as much notice as possible.

**Use of Equipment**

The superintendent or designee may authorize the use of district equipment by community groups and individuals 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.

**Emergency Uses**

The superintendent or designee may authorize the use of district facilities as an emergency shelter or for other emergency purposes if such use does not otherwise conflict with the district's needs. This provision is only intended for short-term emergency housing.

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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: 02/12/2007, eff. 07/01/2007

Revised: 10/08/2007; 11/10/2008; 12/10/2012; 01/08/2018;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation

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AH, Use of Tobacco Products and Imitation Tobacco Products  
DCB, Political Campaigns  
ECA, Building and Grounds Security  
EF, Food Service 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: §§ 115.646, 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)

Raytown C-2 School District, Raytown, Missouri