

Policy Code: 5030 Community Use of Facilities

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 H of this policy.

A. GENERAL PRINCIPLES

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

Priority for facility use will be given to community groups as outlined below in Section B. Use of school facilities will not be approved if the activities:

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
5. conflict with scheduled school activities.

Youth Organizations means any group or organization intended to serve young people under the age of 21. Non-Profit means a group organized under Section 501(c) of the Internal Revenue Code.

B. PRIORITY IN USE

School events (such as school athletic events, school drama, school clubs, band/choral productions) shall have first priority in the use of school facilities. For this purpose, school clubs include school-sponsored clubs and organizations, and student-initiated non-curriculum related student groups, as defined in Policy 3620 Extra Curricular Activities and Student Organizations, Section (A)(1)(a) and (b), but does not include clubs and organizations established and sponsored by outside groups or groups as defined in Policy 3620, Section (A)(1)(c).

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 be based on earliest receipt of an application, satisfactory prior experience, and compliance with Section A and E of this policy; priority will not be based upon the viewpoints of the groups. Fees shall be applied uniformly to all groups within a particular user category:

1. polling places on election days in accordance with §163A-1046;
2. school related support groups (principal-approved non-profit organizations formed to support the school in some manner, such as the PTA, PTO, booster clubs and similar parent organizations under Policy 5010, alumni groups, teachers' and principals' organizations and professional organizations. This category does not include outside organizations who contract with or otherwise provide financial support to an approved school support group);
3. local governments which have executed a Memorandum of Understanding (MOU) with the Board;
4. all other individuals and groups.

C. AGREEMENTS FOR USE OF FACILITIES

Any individual or group that wishes to use a school facility must execute a written agreement regarding the use of the facility. Facility use agreement forms shall be available in the school administrative office. The principal or designee will execute the use agreement and permit facility use if (1) the criteria in Sections A & B of the policy are followed, (2) the facility is available for use, (3) custodian or other school personnel, if needed, are available, and (4) prior experience with the individual/group, if applicable, has been satisfactory.

D. FACILITIES AVAILABLE FOR USE/ FEE STRUCTURE

The following types of facilities may be available for use: auditoriums, dining areas, designated classrooms, gymnasiums, media centers, fields, playgrounds, and parking lots. Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the superintendent or designee.

Costs for using designated facilities will be calculated in accordance with the fee structure presented to the board for information and determined by the Finance Officer or designee, based on the cost incurred by the board. All individuals and groups, except for Cabarrus County Schools' approved school related support groups and local governments with an executed MOU, shall pay a fee to use school facilities.

Non-Profit Organizations shall receive a 25% discount off the facility fee.

Youth Organizations shall receive a 50% discount off the facility fee. A non-profit youth organization is entitled to one discount but not both discounts.

Groups who provide services to the school's students only (no outside student participants) and who operate their programs within the 90 minutes following school dismissal shall receive an additional 10% discount off the facility fee.

In accordance with G.S. 115C-527, political parties shall only be charged custodial and utility fees when using school facilities for the express purpose of annual or biennial precinct meetings and county and district conventions.

E. RULES GOVERNING USE OF SCHOOL FACILITIES

The superintendent or designee will develop regulations consistent with this policy. Such regulations will address the application process, supervision of groups using facilities, care of facilities, prohibited conduct and other issues deemed appropriate by the superintendent.

A copy of such regulations will be furnished to all applicants at the time they receive the facilities use application form. In addition to any regulations established by the superintendent or designee, users of school facilities must comply with the following rules:

1. Users must comply with all federal, state and local laws and any additional rules required by the board, superintendent or designee, or the principal.
2. Users must comply with the requirements of the American with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.
3. Users must comply with board policy and legal requirements regarding the use of tobacco products in school facilities and on school grounds (see Policy 5026/7250, Smoking and Tobacco Products).
4. Users shall not consume or possess alcohol or drugs on school grounds (see Policy 5025, Prohibition of Alcoholic Beverages).

5. Users shall 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 the supervision of the activity they sponsor, including the maintenance of order and the safety and supervision of all people present.
7. Any violation by a user of the provisions of this policy or any applicable regulations will be grounds for the suspension of the user's privilege to use school facilities for such period of time as deemed appropriate by the principal, subject to the review of the superintendent and board.
8. Users may not sublet or assign their use privileges to other groups or individuals. Use is permitted only by the user who submits an application which is approved.

F. DAMAGES AND LIABILITY INSURANCE

Users of school facilities are responsible for all damages 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.

The superintendent or designee will require the user group to execute a waiver of liability which states that no liability will attach to the board, individually or collectively, for personal injury or personal property damage by reason of use of the school property. All user groups, except school sponsored groups, must be required to furnish a certificate of insurance for general liability coverage with a total limit coverage of \$1,000,000 for each claim made unless the superintendent determines there is minimal risk to the participants and waives the certificate of insurance requirement.

G. TERM

The superintendent or designee is authorized to enter into agreements with community groups for the use/rental of school property for terms of one year or less. Any use of a facility for more than one year must be approved in advance by the board.

H. USE OF OUTDOOR SCHOOL FACILITIES BY THE 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 submit a request to the superintendent or designee, for review of any decision concerning use of facilities made by staff. The superintendent or designee's decision will be final.

J. EFFECTIVE DATE

This policy and the fee structure described in Section D shall take effect on the first day of the month following Board approval of the policy update.

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy [1710/4021/7230](#)), Parent and Student Grievance Procedure (Policy [1740/4010/5001](#)), Prohibition of Alcoholic Beverages (Policy [5025](#)), Smoking and Tobacco Products (Policy [5026/7250](#)), Weapons and Explosives Prohibited (Policy [5027/7275](#))

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Revised: September 14, 2009; October 14, 2013; October 10, 2016; October 9, 2017; June 11, 2018; December 17, 2018

Cabarrus County Schools