

**MERCER COUNTY SCHOOLS
Policy Comment(s) / Suggestion(s)**

**Policy: K-07
Community Use of Property**

Individual / Organization: _____

Title: _____

Address: _____

Comment(s) / Suggestion(s)

Please write your comments below in the sections that apply to the policy.

Use additional paper if necessary.

1.0 Purpose

Agree (reason)

Disagree (reason)

This policy is being changed to reflect provisions of Senate Bill 154.		
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2.0 Definitions

Agree (reason)

Disagree (reason)

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3.0 Procedures

Agree (reason)

Disagree (reason)

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General Comments

Agree (reason)

Disagree (reason)

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Return comments **NO LATER THAN October 19, 2019** to:

Dr. Kristal Filipek - Director, Human Resources

Mercer County Schools

1403 Honaker Avenue

Princeton, WV 24740

COMMUNITY USE OF PROPERTY

1.0 Purpose

The Board of Education recognizes that public school buildings, grounds, and equipment are financed and maintained for the primary purpose of promoting the education of the enrolled students of the School District. It is the policy of the Mercer County Board of Education to grant first priority to the school children in the use of school buildings and grounds for day or evening activities at no cost to the sponsoring groups. After the needs of the children are fully met, allied school groups are given first consideration. The use of certain school facilities by organizations is permitted for educational, recreational, civic, patriotic, political, philanthropic, religious, social development, or community activities when such use does not conflict with school activities and when such use promotes the welfare of the general public.

2.0 Definitions

- 2.1 Allied School Groups** – Teachers, parent-teacher associations, band boosters, athletic booster, advisory councils, and other groups directly affiliated with the schools.
- 2.2 Community services** – ~~Non-competitive or recreational programming, resources, and e~~ Educational opportunities, recreational programming, and funeral and memorial service for community members of distinction who were a military service member or veteran who served under honorable conditions or who served as a first responder.
- 2.3 Fees** – Fees charged for the use of a school facility which reflect all costs associated with the operation of a facility.
- 2.4 Limitations of Content** - (1) Materials shall not be distributed if the materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience; (2) Materials shall not be distributed if they endorse endangering the health or safety of students; (3) Materials shall not be distributed if they advocate violation of school rules; (4) Materials shall not be distributed if they advocate imminent lawless or disruptive action; (5) Materials shall not be distributed if they are aimed at creating hostility and violence; and (6) Materials shall not be distributed if there is reasonable cause to believe that the distribution would

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result in substantial interference with any school activity, schedule, or would block or impede the safe flow of traffic within buildings or on school grounds.

- 2.5 **Materials** – For the purpose of this policy, materials are defined as writings, items, objects, articles, or other equipment.
- 2.6 **Nonprofit youth organizations** – Groups identified by the Internal Revenue Service as nonprofit 501(c)(3), 501(c)(4) organizations that directly serve and provide developmentally age-appropriate activities at the campus level for students who are the intended recipients of the distribution/activity.
- 2.7 **School hours** – The operational hours for a particular facility when students are receiving educational instruction, participating in or attending extracurricular activities, or otherwise being involved in educational/curricular programming for students.

3.0 Procedures

- 3.1 **Activity Allowed for Use** – The Board of Education is the final authority and judge as to whether the activity promotes the general welfare, is harmful to property, or is for private gain. The Board of Education reserves the right to reject any or all requests for the use of school buildings. The activity conducted in the buildings or on the grounds shall not be harmful or cause undue wear upon the property. The primary activity shall not be for individual or private gain; however, with superintendent's approval, under specific circumstances private vendors may be allowed use during the activity (i.e. food sales at a community fair). School facilities may not be used for regular religious services but may be granted use for an extended period in an emergency.
- 3.2 **Agreement for Use** – The organization seeking to use school facilities shall execute and sign the School District's rental agreement as the lessee. Applicants shall clearly and accurately specify in the rental or lease request the sponsoring organization; the purpose of the activity; the number and ages of the expected participants; and the name, address, and phone number of the lessee's designated supervisor or representative. Any misrepresentation by an organization, abuse of any School District property, and/or any breach or default of the rental agreement may result in immediate termination of the rental agreement, including

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immediately vacating the premises and denial of that organization's request for future use. The user of the School District facilities shall furnish evidence of liability insurance coverage for the event(s). All non-allied groups desiring use of school property shall make written application on forms which may be secured from the school principal or from the Office of the Superintendent. Requests for Approval for use of school facilities by non-allied groups must be submitted to the Superintendent/designee for approval. Non-allied groups shall be charged a fee to cover utility and custodial fee costs. Non-allied school organizations shall be required to provide evidence of written liability insurance protecting the Board of Education in case of injury suffered while the organization is using the facility. All groups using school facilities shall be responsible for the cost of damages incurred during their use.

- 3.3 Agreement for Use (Funeral or Memorial Service) - A spokesperson for the family of the deceased or the Director of the Funeral Home handling the service shall complete the School District's rental agreement as the lessee. Applicants shall provide the required information relative to the deceased's service to the community and military service or first responder service. The use of the facility shall furnish evidence of liability insurance coverage. Application for use of the facility shall be made in the appropriate form, which may be obtained through the school principal or from the Office of the Superintendent. County boards may not be responsible for additional costs incurred as a result of holding the funeral or memorial service at the school facility. A fee to cover utility and custodial costs consistent with the hours of usage shall be charged.**
- 3.4 Approval of Use** – All school facility use by organizations must be coordinated and approved through the purchasing office and/or principal of the school. Approval shall not be granted for any purpose that would, in the opinion of the Board of Education, damage school property. Approval shall not be granted to groups that are known to have damaged other rented property in the School District or that have been in default of a rental agreement. A custodian or another School District employee may be assigned to the facility throughout the time the building is in use.
- 3.5 Conduct Required for Use** – Organizations using school facilities **and in the instance of funeral service use, the family of the deceased,** shall: (1) Be in

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compliance with the requirements of all applicable federal or state statutes, regulations, and rules prohibiting discrimination on the basis of race, religion, color, sex, national origin, disabilities, age or other classification; (2) Conduct their business in an orderly manner; (3) abide by all laws and School District policies, including but not limited to, those prohibiting the use, sale or possession of alcoholic beverages, illegal drugs, firearms and the use of tobacco products on school property; (4) make no alteration, temporary or permanent, to school property without prior written consent from the Superintendent; (5) remove all of the user's property, materials, or their information from school facilities after the activity; and (6) be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the School District for the cost of such repairs; (7) obtain written consent (permission slips) from parents for children to participate in before or after school activities for an organization holding a meeting or activity within one (1) hour before or after school and the meeting or activity consists of a group comprised primarily of school-aged children.

- 3.6 Fees for Use** – Except for school-sponsored groups and school-support groups, users shall be charged a fee for operation, supervision, and clean-up costs at designated facilities. The Superintendent shall publish a schedule of fees for the use of facilities. Rental fees may be adjusted to reflect all costs associated with the operation of the facility including security and employee salaries (cooks, custodians). Facility fees shall not apply when school buildings are used as polling places for public elections, for precinct and county conventions, or for public meetings sponsored by state or local governmental agencies. However, if the election is held on a day when the building is not normally open for business, a charge may be made for reimbursement for the actual expenses resulting from the use of the building during the election. Facility fees shall not apply to meetings of employee organizations or meetings and other activities of groups composed primarily of school-aged children. Any exceptions to this policy or to assigned rental fees may be granted by the Board of Education or the Board designee.
- 3.7 Location of Use** – For weekend use, the lease area shall be limited to the use of the cafeteria, outside areas, and/or gymnasium area. For high schools and senior high schools (grades 9 – 12), permission may be granted for use by the Board of Education's designee and the building or facility principal. The following

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facilities and rooms shall not be available for non-school use during weekends: classrooms, office areas, and computer labs.

- 3.8 **Prior Review for Use and Distribution of Materials** – Materials that are intended for distribution by all non-School District personnel, including parents or third parties, on School District property during school hours shall be submitted for prior review according to the following procedures: (1) materials shall be submitted for review to the Superintendent or designee, at least five (5) school days prior to the time requested for dissemination; (2) to be considered for distribution, materials shall include the name of the organization or individual sponsoring the distribution; (3) using the Limitations on Content, the Superintendent or designee shall approve or reject submitted materials within five (5) days of the time the materials were received. The requestor may appeal the decision of the Superintendent or designee to the BOE. Appropriate law enforcement officials may be called when a person fails to follow the procedures for submitting materials but shows up on School District property and refuses to leave School District property when requested to leave (See 2.4 Limitations on Content).
- 3.9 **Priority of Use** – Priorities for scheduling the use of school facilities shall be as follows: (1) the regularly scheduled educational program, including instructional activities; student meetings, practices, performances, games, and staff meetings related to official school business; (2) meetings and other activities of school-support groups organized for the sole purpose of supporting the schools or school-sponsored activities; (3) meetings and other activities of groups composed of primarily school-aged children; (4) meetings of employee organizations; (5) meetings and activities of other groups **or funeral services as defined in Section 3.3**, on a first-come, first-serve basis. During emergencies or disasters, the superintendent may authorize the use of school facilities for emergency shelters and civil defense officials.
- 3.10 **Supervision During Use** – All groups must provide adequate supervision for after-school activities conducted under their sponsorship and shall assume full responsibility for damages to school property occurring during the time property is assigned for their use. The local building principal shall determine whether a school employee shall be present to supervise the group and protect the property interests of the School District. If the presence of an employee is determined to be

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necessary, the outside organization shall reimburse the School District for payment made to the employee. In all cases where a kitchen is to be used, a food service employee of the School District must be hired to supervise the actual cooking and operation of the kitchen equipment.

- 3.11 **Use for Campaign/Civic Purposes** – The placement/posting of political campaign signs shall comply with state law. During the applicable period of voting at designated polling sites, placement and/or posting of signs is restricted to the primary driving entrances of the property and areas where voters will enter the polling locations or such other locations as the School District may designate. Larger signs and other material such as cards, posters, and other similar material shall not be posted or placed on any School District property, including sites designated as polling places. If signs are posted in areas that are deemed to make arrival or dismissal of students unsafe, the candidate shall be requested to remove signs considered a safety hazard or, with-out notice to the candidate, the School District shall be authorized to remove signs considered a safety hazard.
- 3.12 **Use and Distribution of Materials to Non-School District Personnel (Including Parents or Third Parties)** – Due to safety and other concerns, the School District limits and monitors access of all non-School District personnel, including parents and third parties on School District property. Distribution of all material by all non-School District personnel, including parents or third parties, on School District property during school hours are subject to reasonable time, place, and manner restrictions. All non-School District personnel, including parents or third parties, may sell, distribute, or circulate writings, items, objects, articles, or other materials over which the school does not exercise control and are intended for dissemination to other non-School District personnel, including parents or third parties, and not intended for dissemination to students on school campuses, subject to the restrictions outlined herein and without complying with the prior review procedure set forth above. Materials shall not be distributed if: (1) The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience; (2) The materials endorse endangering the health or safety of students; (3) The materials advocate violation of school rules; (4) The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action; (5) The materials are aimed at creating hostility and violence; and (6) There is reasonable cause to believe that the distribution of the materials would result in material and substantial interference with any school,

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education, and/or curricular-related activity or would or does block or impede the safe flow of traffic within hallways, entrances and exits of the school.

- 3.13 **Use and Distribution of Materials to Non Profit Youth Organization** – The Board of Education believes a public purpose is served by permitting the limited distribution of non-school literature in order to give the School District’s students adequate and timely notice of free and/or low cost community services. The Superintendent or designee may designate an opportunity for nonprofit youth organizations with a local affiliation within School District boundaries and serving School District students to distribute materials giving notice of free and/or low-cost community services provided to students. This information shall be provided to students in “go home folders” (or the campus equivalent) in accordance with established School District guidelines. The nonprofit youth organizations shall include the following disclaimer on the materials distributed in accordance with this policy: “The content of these materials does not reflect the endorsement, sponsorship, position, or expression of the Mercer County Schools.”
- 3.14 **Use and Distribution of Materials to Students by Non-School District Personnel (including Parents or Third Parties)** – Without permission in accordance with this policy, materials over which the school does not exercise control, and that are intended for dissemination to students on School District property during school hours, shall not be sold, circulated, or distributed on School District property during school hours to students by non-School District personnel, including parents or third parties, except by persons or groups associated with the school, campus – or School District-designated school – support groups, or governmental entities duly formed under the laws of the state of West Virginia or the United States. Due to the safety and other concerns, the School District limits and monitors access of all non-School District personnel, including parents and third parties, on School District property. As a result, distribution by all non-School District personnel, including parents or third parties on School District property during school hours is subject to reasonable time, place, and manner restrictions. Accordingly, each school campus principal shall designate an area where materials that have been approved for distribution, as provided below, may be made available or distributed to students on School District property during school hours in accordance with the time, place, and manner restrictions developed and approved by the campus principal. The

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Superintendent shall designate appropriate areas and determine appropriate time, place, and manner restrictions regarding distribution of materials at School District buildings other than school campuses. Individuals who distribute materials on School District property at any time shall be responsible for clean-up of such materials left on School District property. All individuals subject to this policy are expected to comply with all applicable School District policies and all educational/curricular goals when distributing materials on School District property during school hours. Copies of applicable School District policies are available on the School District's website, upon request to the campus principal, or upon request to the School District's communications department. Individuals violating any provision of this policy may be subject to sanctions including, but not limited to, prohibition of further distribution under this policy.

4.0 Administration

- 4.1 **All parties are responsible for compliance with this policy.** Failure to comply may result in the suspension or termination of use of Community Property(ies)

5.0 Severability

If any portion of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Authority: W.Va. Constitution, §18-5-13, §18-15-19D

Date(s): 11/13/75, 1/25/79, 7/26/79, 2/25/82, 1/13/83, 2/13/18, 9/25/18