

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. Any use of school facilities that disrupts school activities or that damages school property will not be permitted.

A. PRIORITY IN USE AND FEE STRUCTURE

In accordance with G.S. 163-129, the county board of elections is entitled to use school facilities as a polling place on election days. School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations that are permitted to meet under the Equal Access Act, will otherwise have first priority in the use of school facilities.

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 not be based upon the viewpoints of the groups. All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with G.S. 163A-1046, as a polling place on election day.
2. School Related Groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations, and booster clubs,).
3. Political parties, in accordance with G.S. 115C-527, may use school facilities for the express purpose of annual or biennial precinct meetings and county and district conventions, provided that the use of the facilities shall not be permitted at times when school is in session or which would interfere with normal school activities or functions normally carried on in such facilities.
4. Local Government and Youth Organizations include, but are not limited to, scouts, 4-H, and officially organized youth athletics.
5. All other not-for-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions); and
6. For-Profit Groups and Individuals who are using facilities for educational, civic or charitable purposes.

Prior to the beginning of each school year, the superintendent shall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

B. FACILITIES AVAILABLE FOR USE

The board permits eligible individuals or groups to use the facilities of those schools designated by the board as “community schools.” A list of community schools and the facilities at each site that are available for community use will be available to the public at the District Office and on McDowell County Schools’ website (www.mcdowell.k12.nc.us).

The superintendent is authorized to develop a list of school facilities available for community use. Among the types of facilities that may be available for community use are: auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers and playgrounds.

Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the superintendent or designee. The Assistant Superintendent is authorized to determine the fees for the use of facilities in such circumstances.

C. FACILITY USE AGREEMENTS

A group or individual that wishes to apply for permission to use a school facility must submit an application to the principal of the school at which the facility is located at least 20 days in advance of the use date. If a facility use request is approved, the user will enter into a written agreement signed by the user and the superintendent or designee.

Any school sponsored group needing or wishing to apply for permission to use a school facility for its activities, including any fundraising activities, must submit an application to the principal of the school in which the facility is located at least 20 days in advance of the use date. If custodial services are not required for the activities a verbal agreement between the user and principal is sufficient. The principal shall schedule the activity or event unless the use requires prior Board approval or unless the facility has already been scheduled.

Any school related group wishing to apply for permission to use a school facility for its activities, including any fundraising activities, must submit a written application to the principal of the school in which the facility is located at least 20 days in advance of the use date. When a school related group requests a facility, and the facility is available, the principal shall reserve the facility for the requesting group, pending use approval. While use approval is pending, any other requests to use the same facility on the same date and time will be promptly submitted to the Assistant Superintendent.

Conflicts between multiple requested uses will be determined based upon the ranking of priority of user categories (see Section A). Conflicts between multiple requested uses from different user group within the same user category will be determined based upon the first group to submit the request.

Following approval, the principal shall schedule the facility. Once a specific facility has been scheduled for a specific date and time, any subsequent request for the same facility for the same date and time will be denied. School events take priority over Community Use of Facilities. Your contract or a date on your contract may be cancelled due to school activities.

Thereafter, the request will be processed in accordance with the procedures developed and published by the superintendent. These procedures, as well as the rules and regulations governing facility use, fee structure and the facility use application forms, will be available in the Central Administrative Office and on McDowell County Schools' website (www.mcdowell.k12.nc.us).

The superintendent or designee has the authority to approve or deny a request to use school facilities by a school related group, political parties, local government and youth organizations, not-for-profit groups, and for-profit groups and individuals. The following situations require approval from the board prior to finalization of the contract:

1. use of the McDowell High School stadium,
2. use of the McDowell High School gymnasium, and
3. use of any McDowell County Schools facility on a Sunday.

D. RULES GOVERNING USE OF SCHOOL FACILITIES

The superintendent shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding supervision of groups using facilities, the care of facilities, prohibited conduct and other issues deemed appropriate by the superintendent. The regulations will be made available to the public along with the facilities use application form. In addition to the regulations established by the superintendent, users of school facilities must comply with the following rules.

1. Users must comply with all federal, state and local laws and all rules established by the board, the superintendent or designee and 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 forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).
4. Users must not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Alcoholic Beverages).
5. Users must 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 must not make any modifications, improvements, or alterations to school facilities without the prior written approval of the superintendent or designee.
7. Users must not display or distribute materials that are vulgar, indecent, or obscene or use vulgar, indecent, or obscene language while on school grounds.
8. Users are responsible for supervising their activities and the people present at their activities. Users are responsible for maintaining order and safety during the activities.
9. Upon departure, users must remove any materials or equipment they brought onto school grounds.

A user's violation of the provisions of this policy, including non-payment of funds due, or any applicable regulations is grounds for the suspension of the user's privilege to use school facilities for a period of time deemed appropriate by the principal, subject to the review of the superintendent and the board of education.

E. DAMAGES AND LIABILITY INSURANCE

Users of school facilities are responsible for the conduct of all persons involved in the users' activities while on school property. Users are responsible for all damage to school facilities, property or equipment that occurs while the facility is being used by the group, regardless of who caused the damage.

All user groups, except school sponsored groups, must furnish a certificate of insurance for general liability coverage with a total limit coverage of \$1,000,000 for each claim made. Alternatively, the superintendent or designee may require the user group to execute a waiver of liability that states that no liability will attach to the board of education, individually or collectively, for personal injury or personal property damage by reason of use of the school property.

F. TERM AND ACCEPTANCE OF LEASE

The superintendent is authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The superintendent shall inform the board of the execution of any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.

Absent unusual circumstances, leases will not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the board. Long-term exclusive leases are subject to the provisions of policy 9400, Sale, Disposal and Lease of Board-Owned Real Property.

G. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL 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 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.

H. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with policy 1740/4010, Parent and Student Grievance Procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq.*; G.S. 14-269.2; Community Schools Act, G.S. 115C-203 to -209.1; 115C-524, -527; 160A-274; 163-129

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal, and Lease of Board-Owned Real Property (policy 9400)

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