

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.

**Temporary Restriction on Community Use of Facilities**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic and in accordance with the requirements of the North Carolina Department of Health and Human Services (DHHS), school facilities will not be made available to community groups during or after the school day or on weekends in any week in which the school is holding in-person classes on the school campus. Issues regarding the parties' contractual obligations under long-term leases will be referred to the board attorney. This temporary restriction shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

**A. GENERAL PRINCIPLES**

The use of school facilities by community groups should be consistent with the educational 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. For-profit groups and individuals are permitted to use school facilities only for educational, civic or charitable purposes. Use of facilities by private individuals for events such as wedding parties, birthday parties, anniversaries and other meal functions is not allowed.

Use of school facilities will not be approved for activities that do any of the following:

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. are in conflict with scheduled school activities.

**B. PRIORITY IN USE AND FEE STRUCTURE**

School Sponsored Groups (defined as current school classes, individual classes or grade-levels as a whole; school bands; school choral groups; school ensembles; school organized

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drama groups; athletic teams and cheerleader groups organized by and through the McDowell County Schools athletic program; student organizations, clubs, and associations officially sponsored by McDowell County Schools; student-initiated groups, organizations, clubs, and associations at McDowell High School; including organizations that are permitted to meet under the Equal Access Act; school advisory councils; and school improvement teams) shall 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 (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying). All groups that fall within the same User Category will be treated equally. 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, booster clubs, teachers' and principals' organizations, and school alumni groups).
- 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 non-profit groups (all non-profit 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.

### **C. REQUESTS FOR USE OF FACILITIES**

Board of Elections: An authorized person on behalf of the McDowell County Board of Elections should notify the superintendent or designee of the dates, times, and specific facilities required for these purposes. The superintendent or designee shall then notify the principals affected by the requisition. No other provisions of this policy must be followed.

Any school sponsored group needing or wishing to use school facilities for its activities, including any fundraising activities, shall notify the principal of the school in which the requested facility is located at least 20 days in advance of the use date. The school sponsored group is not required to complete a written application, unless custodian services are required. 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 must submit a written application initially 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 Executive Director of Administration.

Conflicts between multiple requested uses will be determined based upon the ranking of priority of user categories (see Section B). 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](http://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. 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. 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 Central Administrative Office and on McDowell County Schools’ website ([www.mcdowell.k12.nc.us](http://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 Executive Director of Administration is authorized to determine the fees for the use of facilities in such circumstances.

**E. RULES GOVERNING USE OF SCHOOL FACILITIES**

The superintendent shall develop regulations consistent with this policy. The regulations will include provisions regarding supervision of groups using facilities, the care of facilities, prohibited conduct and other issues deemed appropriate by the superintendent. A copy of the regulations will be furnished to all applicants at the time they receive 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 are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during the activity.

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.

#### **F. DAMAGES AND LIABILITY INSURANCE**

Users of school facilities 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. Users also are responsible for the conduct of all persons involved in the users' activities while on school property.

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.

#### **G. 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.

#### **H. 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 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 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; 163A-1046

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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