

Dell Rapids School District #49-3



Policies and Regulations Code: KG – School-Community Relations

KG Use of School Facilities for Dell Rapids School District and Non-School District Purposes

The Dell Rapids School District facilities are for the use of school officials, employees and students for the purpose of providing a public education to enrolled students. However, as the Dell Rapids School District facilities are constructed with local taxpayer funds, the Dell Rapids School District Board of Education encourages the use of school facilities for activities of an educational, cultural, civic, social, recreational and governmental nature which are sponsored by individuals residing in or entities located within the Dell Rapids School District. The Dell Rapids School District Board of Education also authorizes the use of school facilities by non-school district residents, organizations, agencies, institutions and individuals.

It is expressly noted within the policy that the right to use the property for any lawful purpose is a privilege granted by the District, and no person or entity, other than the Dell Rapids School District, has any vested right to use school property.

The District shall not grant any use of a school facility if the use of the facility would, in the opinion of the school administration, infringe on or interfere with the conduct, operation or best interests of the school system.

Scheduled and rescheduled school activities for which the facility will be used shall take priority over any other activity which may be authorized pursuant to this policy and related regulations and notwithstanding that such use may have been authorized prior to a school activity is scheduled or rescheduled. Should the Dell Rapids School District need to reschedule a previously scheduled school activity the District shall make a reasonable attempt to reschedule school activities so as not to conflict with a previously scheduled non-school activity, but should the District not be able to do so, the school activity shall have priority and precedence over the non-school scheduled activity.

The permitted use of school facilities pursuant to this policy by any person or organization does not imply endorsement by the Dell Rapids School District of the activity for which the facility is used.

No user authorized to use a school facility pursuant to this policy and corresponding regulations shall permit or allow the use of drugs, alcohol and tobacco products in school facilities or on school grounds. Violation of these restrictions shall result in the permission to use school facilities being rescinded.

Subject to the approval of the School Board, the Superintendent shall develop regulations for the use of school facilities and establish user fee schedules for such use. User fees are assessed to cover utilities,

maintenance, and custodial and administrative costs. User fees shall be based upon the following criteria:

- 1) status of the user as resident or nonresident*
- 2) status of the user as being "for-profit" or "non-profit"
- 3) district direct or indirect expenses incurred due to facility being used for non-school purposes

* "Resident user" is defined as a person residing within the Dell Rapids School District or entity having its principal place of business located within the Dell Rapid School District. Any user not meeting the definition of "resident" shall be deemed to be a "nonresident."

** A "for-profit" user is a user (person or entity) which is in business for the purpose of generating a financial profit for the user and the user, in his/her/its sole discretion, determines how that profit is to be distributed.

*** A "non-profit" user is a user which is organized under rules (such as a non-profit corporation) that prohibit the distribution of profit to any person or persons and all profit generated by the user after payment of expenses are reinvested in objectives of the non-profit user. "Non-profit" users include organizations with IRS 501c3 status and organizations with State of South Dakota non-profit status. The superintendent of schools may also recognize as "non-profit" organizations that exist solely to provide programs and services that are of public benefit and do not charge any fees or admissions for their activities. *[For purposes of this policy and related regulations (including specifically the user fee schedule), the "for-profit" and "non-profit" distinction applies to the type of user and not to the activity or event for which the school facility is to be used by the user.]*

**** The Dell Rapids School District may require verification by an applicant of the applicant's residency and/or non-profit status prior to granting the applicant the use of school facilities.

Prohibited uses are:

1. Any purpose in conflict with school activities.
2. Any activity promulgating any theory or doctrine subversive to the laws of the United States or any political subdivision thereof advocating governmental change by violence.
3. Any activity that may violate the canons of good morals, manners or taste, or be injurious to the buildings, grounds or equipment.
4. Fund-raising campaigns except as permitted by School Board policy or special action of the School Board.
5. Fund-raising purposes except those intended to be of a benefit or service to students of the school district.
6. Activities, which are discriminatory in the legal sense.
7. Private parties, including but not limited to wedding receptions, anniversaries, birthday parties, etc.
8. Activities which in the opinion of the school administration create a significant risk of damage to a facility or its equipment or would result in unacceptable degree of cleaning or maintenance being required.

GENERAL PROCEDURES AND BOARD REGULATIONS

1. Written application for a written permit to use school facilities shall be made with the superintendent or his designee prior to use of the facilities.
2. The superintendent or his designee will be responsible for maintaining an accurate calendar of all uses of school facilities by school and community groups, and a weekly schedule will be sent to the administrative staff, activities directors, school secretaries, and building custodians.
3. The Board shall adopt a user fee schedule applicable to the use of district facilities for non-school activities.
4. The authorized user must provide sufficient supervision by person(s) age 21 or older for the authorized non-school activity.

LEGAL REFS.: SDCL 13-24-20 **Use of school facilities or buses for other community or commercial purposes-- Compensation--Liability for damages.** The school board may grant the use of school facilities, computers, motor vehicles, or land belonging to the school district for any purposes which it considers advisable as a community service for such compensation as it determines. The use may also include a contract with a vendor that sells soft drinks or other concessions on school property. The use may not interfere with school activities. Any person or persons or public body using such school facilities, computers, motor vehicles, or land is responsible to the school district for any and all damages that may be caused by reason of the use or occupancy. The school district is not liable for any damages which might arise as the result of such use or occupancy, including the use of school computers by students.

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