

DALLASTOWN AREA
SCHOOL DISTRICT

ADMINISTRATIVE
REGULATION

707-AR USE OF DISTRICT FACILITIES

The following instructions are established by the Dallastown Area School District administration (“Administration”) pursuant to Dallastown Area School District Policy 707, Use of School Facilities (the “Policy”), which was adopted by the Dallastown Area School District Board of Directors (the “Board”). The use of any school facilities of the Dallastown Area School District (“School District” or “District”) shall be in accordance with the policy and these procedures.

I. User Categories

The users of school facilities (each a “user”) shall be classified according to the categories established in Exhibit A, which is attached and incorporated by reference herein (each category being a “user category”). The lower numbered user categories will be granted priority over higher numbered user categories subject to the discretion of the Board or administration, which may be exercised under special circumstances.

II. Rental Costs

Rental costs and staff fees for the use of school facilities will be based upon the schedule attached as Exhibit B, which is incorporated by reference. The rental costs and staff fees shall be reviewed by the administration no less than annually. The rental costs and staff fees may vary depending upon the user category. Only those school facilities listed for use on Exhibit B are available for rental.

III. Application Procedure

Any user desiring to use school facilities (each an “applicant”) shall submit an application requesting said use. The approval of the application by the school district shall be required before an applicant can use school facilities. An application to use school facilities must be submitted on the form attached as Exhibit C, which is incorporated by reference (the “application”). The application must be completed in its entirety and have attached to it any information requested on the application or in the policy or procedures.

IV. Applications

Completed applications shall be submitted to the Director of Building and Grounds no more than one (1) year or less than thirty (30) days prior to the requested date of use. If more than one (1) application is received for use of a particular school facility at the same time, then the requests will be considered on the basis of the following factors:

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1. The user category and relationship of the applicant to the school district.
2. If the user is an organization or entity, the full name of the entity, evidence of its establishment (i.e. Articles of Incorporation, Certificate of Organization, etc.) and evidence that the applicant is authorized to apply on behalf of the entity shall be provided to the District with the application.
3. The aims, goals, and objectives of the applicant.
4. The purpose of the planned facility usage.
5. The relationship of the planned facility usage to the general welfare of the community.
6. The financial circumstances of the applicant.
7. The operational aspects of the proposed use, including attendees and their supervision, when school age children will be involved.
8. If the rental involves an activity in which the applicant will be supervising children such that the applicant will assume responsibility for participating children in lieu of a parent or guardian, then the applicant shall obtain background checks and clearances for all employees or volunteers who will have direct contact with children during the activity for which the facility is rented. Such background checks and clearances shall include the following, or an equivalent thereof determined to be acceptable by the District:
 - a. A report of criminal history information from the Pennsylvania State Police or a statement from the State Police that the State Police central repository contains no such information relating to a particular employee or volunteer. The report or statement must be no more than one (1) year old. To obtain this document, contact the State Police Barracks nearest you can be contacted, online at <https://epatch.state.pa.us> or by telephone at 1-888-783-7972.
 - b. A report of Federal Criminal History from the Federal Bureau of Investigation. The report must be not more than one (1) year old. This report is prepared online at www.pa.cogentid.com or by telephone at 1-888-439-2486.
 - c. A Child Abuse Clearance Report, which can be obtained online at www.dpw.state.pa.us/findaform/childabusehistoryclearanceforms or by telephone at 1-877-371-5422.

If any employees or volunteers of the applicant are also employees of the Dallastown Area School District, and have already undergone a satisfactory background check that is on record, then a new background check is not required.

Verification that background checks have been obtained for each and every employee or volunteer of the applicant, as required above, shall be submitted to the District with the Application. The applicant must be ready to provide all background check information to the District for inspection, upon request.

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If the applicant is a recognized parent/teacher organization, booster club, or any School District sanctioned volunteer group, such that it receives insurance coverage through the School District's insurance policy, then the background check and clearance requirements of this subsection shall not be required.

9. Other criteria that may be deemed relevant.

Applications may be accepted less than thirty (30) days prior to the requested date of use on a case-by-case basis. In such case, the application will be evaluated at the earliest convenience of the Director of Building and Grounds. However, there shall be no guarantee that the requested use will be granted in such case.

The administration, if necessary, may implement a meeting process to allow all applicants to work together collaboratively when requesting the use of school facilities. Applications will be reviewed and decided upon as soon as practicable following receipt thereof. An application that has been granted approval shall result in the applicant being entitled to use of the school facility in accordance with the approved application. All applicants should bring their approved application to the school facilities when using the school facilities as proof of that right to use.

The failure of an applicant to utilize school facilities pursuant to its approved application(s) shall be a factor when evaluating any future applications, and accordingly, excessive requests for use of school facilities when the actual use is not anticipated are strongly discouraged.

Applications may be approved with conditions attached and to which the applicant shall comply.

The failure of an applicant to comply with all provisions of this Administrative Regulation, the Policy pursuant to which it was implemented, and other requirements related to rental of District facilities, may result in the immediate termination of the rental and the denial of future requests for rentals as well. If the school district's insurance policy will not provide coverage for any reason, then the applicant shall be required to meet the requirements of this subsection.

If the facility usage is operated under a recognized parent/teacher organization, booster club, or any school district sanctioned volunteer group, a recognized officer must complete the rental application. In addition, the recognized parent/teacher organization, booster club, or any school district sanctioned volunteer group shall be responsible for all funds received and expended by the activity, including documentation thereof as required by Policy 915 or applicable law. The proceeds of the rental use must benefit the recognized parent/teacher organization, booster club, or any school district sanctioned volunteer group that applied for the rental.

After receipt of an approved application, the applicant is entitled to use the school facilities pursuant to the application and liable for the costs associated with the proposed use.

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V. Cancellation

After receipt of an approved application, the applicant is entitled to use the school facilities pursuant to the application and liable for the costs associated with the proposed use.

- If an application is submitted at least thirty (30) days prior to the requested date of use, and the application is approved, then the applicant shall be allowed to cancel its request to use the school facility without any administrative fee or cost any time prior to the date and time two (2) weeks immediately before that requested use. Such a notice of cancellation is effective upon receipt by the district.
- If the applicant, after receiving an approved application, desires to cancel its request to use a school facility between two (2) weeks and seventy-two (72) hours in advance of the proposed date and time of use, then the applicant shall be required to pay to the school district a \$50 administrative fee plus any and all costs incurred by the school district in preparing the school facilities for use by the applicant.
- If the applicant cancels its request to use the school facility within seventy-two (72) hours of the proposed use, then the applicant shall be required to pay to the school district a \$75 administrative fee plus any and all costs incurred by the school district in preparing the school facilities for use by the applicant.
- If the applicant fails to cancel its request to use the school facility and does not, in fact, use it, then the applicant shall be liable for either the actual costs (rental, staff and other fees) that would have been incurred pursuant to the proposed use or a \$100 administrative fee plus any and all costs incurred by the school district in preparing for the proposed use.
- The choice shall be at the discretion of the district. Exceptions to these cancellation charges may be granted in emergency circumstances.

If the school district is required to enforce its rights pursuant to these procedures or the policy, then the school district shall be entitled to recover all costs incurred, including reasonable attorney's fees.

VI. Insurance

The applicant shall provide evidence of insurance coverage. A certificate of his insurance is required, and it shall name the Dallastown Area School District as an "additional insured". Such insurance shall be in effect for the minimum amounts listed below in any commercial general liability, with those numbers.

General Aggregate Limit: \$2,000,000.00.

Each Occurrence Limit: \$1,000,000.00.

Workers Compensation Coverage, if the applicant has employees involved with the use.

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If working with children, there must be Abuse and Molestation Coverage, either within the Commercial General Liability Policy or as a separate policy, to which the same limits would apply.

Insurance shall also have a waiver of subrogation.

If the applicant consists of a recognized parent/teacher organization, booster club or any school district sanctioned volunteer group, such that it receives coverage through the school district's insurance policy, then these insurance requirements shall not be applicable.

Other exceptions to the insurance requirements may be considered upon request, in the case of hardship. The school district may waive the requirements, in its discretion, or with the approval of its solicitor.

VII. Waiver

The applicant shall obtain from any participants in the activity for which the rental is sought, a release in the following form set forth on Exhibit D to this administrative regulation, or in a form found acceptable by the district solicitor. The applicant shall have such waivers available for review and inspection by the District prior to or at the commencement of the activity for which the rental is sought.

By conducting the activity and allowing the participants to come to the school facility, the applicant is representing that it has obtained waivers from all participants.

VIII. Limitation Of Use Of School Facilities

The district reserves the right to limit the use of school facilities based upon the recognized capacity for use of those facilities, the condition of the school facilities, and to avoid excessive wear and tear.

Applicants are advised that they must exercise discretion before utilizing school facilities even after receipt of approval in the event of inclement weather or other factors that could result in damage to the school facilities. Applicants shall be responsible for any damages to school facilities beyond reasonable wear and tear appropriate for the proposed activities.

IX. Requirements For Use

1. A school district custodian or other responsible employee shall be on duty at all times when a school facility that includes a building is used by the applicant. However, exceptions from this requirement may be granted on a case-by-case basis, depending upon the frequency of use of the school facility by the applicant, the nature of the use, and the applicant's relationship to the district.
2. The applicant shall assume full responsibility for its authorized users of school facilities pursuant to its request. The applicant shall be liable for all damages or injuries occurring to persons or property during the requested use. The applicant shall provide sufficient, competent supervision during the use of school facilities. The amount and type of

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supervision shall be subject to approval by the school district. The applicant shall place all school facilities in the same condition following their use as they were prior to their use. When considered necessary by the administration or School Board, police and/or security protection shall be provided at the school facility during the use and at the sole expense of the applicant.

3. Use of any school facilities shall be subject to the general rules established for that school facility by the appropriate representative of the administration.
4. Use of any school facilities shall in no way interfere with the operation of regular district programs.
5. The applicant shall report immediately upon discovery any damaged or dangerous portions of the school facilities to the school district employee on site or the Director of Building and Grounds.

X. Restrictions Applicable During Use Of School Facilities

In addition to the limitations set forth in the policy, the following restrictions shall also apply to an applicant's use of school facilities:

1. Parking is restricted to paved areas and areas approved for overflow parking.
2. Sneakers or gym shoes must be worn while playing or coaching in gyms or all-purpose rooms.
3. The applicant's use of school facilities is authorized only for those areas specifically requested in and/or approved pursuant to the application.
4. No storage of equipment or other items is authorized on school facilities between uses by the applicant. Temporary storage may be provided upon written authorization of the administration, if space is available.
5. The sale of any items during the activity conducted during the use of the school facilities is not permitted unless previously authorized in writing by the administration.
6. Permanent alterations or other damaging activities to school facilities or equipment are prohibited.
7. The use of technology and network access may be authorized upon request. In such case, the Director of Technology Services shall specify the type of supervision and set up that shall be required at the cost of the applicant.
8. The use of kitchen school facilities may be authorized upon request. In such case, the Director of Food Services shall specify the type of supervision that shall be required at the cost of the applicant.

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XI. Provisions For Inclement Weather

If there should be inclement weather on or around the time for which an applicant has been granted approval to utilize the school facilities, then the following shall apply:

1. The applicant is entitled to reschedule its use of the school facilities at a future date and time if the inclement weather does not permit safe use, as determined by the applicant or district.
2. To the extent that the applicant would like to use the school facilities, it shall be required to ensure that access to and from the school facilities and the school facilities itself is in appropriate and safe condition. Emphasis on this requirement is heightened during the weekends when the district's maintenance staff may not be actively maintaining the school facilities based upon its schedule, the availability of its employees, and the expected time that students will return to school facilities for instruction. If the applicant desires to request that the maintenance staff make special accommodations for use of the school facilities, it may do so, in which case the applicant shall be responsible for all costs and expenses of such efforts. Third-party maintenance of the school facilities shall not be permitted
3. Use of the school facilities during inclement weather, pursuant to this Administrative Procedure shall also be subject to receipt of verbal approval from a representative of the district including the Superintendent, Supervisor of Buildings and Grounds, Assistant Supervisor of Buildings and Grounds, or another individual so designated in writing, and any other conditions that such representative may require as a condition of such approval.
4. Additionally, the applicant understands and agrees, by virtue of its application, the policy, this Administrative Procedure, and its use, that the applicant shall indemnify and hold harmless the Dallastown Area School District, its Directors, administrators, employees, agents, and representatives, from and against any and all liability or damages that may arise out of or be related to the applicant's use of the school facilities, included reasonable attorney's fees.
5. It is the purpose of this paragraph to ensure that the school facilities are safe for use and that such effort to ensure the safety does not result in additional costs or liabilities to the Dallastown Area School District.