

# DALLASTOWN AREA SCHOOL DISTRICT

SECTION: PROPERTY

TITLE: USE OF SCHOOL FACILITIES

ADOPTED: July 1983

REVISED: October 9, 2014

<b>707. USE OF SCHOOL FACILITIES</b>	
<b>1. Purpose</b>	<p>The Dallastown Area School District (“school district” or “district”) Board of Directors (the “Board”) recognizes that although the primary purpose of the school buildings, facilities and property (collectively the “school facilities”) is to provide students with an appropriate learning environment, the Board may make school facilities available to local individuals and community groups without discrimination and in accordance with this policy, provided that the use does not interfere with the educational program of the schools or the safety and security of staff and students. The Board supports access to a wide range of opportunities for all district students and residents.</p>
<b>2. Authority</b>	<p>The Board directs that use of school facilities may be granted to individuals and community groups for the following types of activities:</p> <ol style="list-style-type: none"><li>1. Instruction in any branch of education, learning and the arts, consistent with the school district’s mission.</li><li>2. Social, civic and recreational meetings and entertainment, and other uses pertaining to the welfare of the community and consistent with the school district’s mission; but such use shall be nonexclusive and open to the public without charge.</li><li>3. Polling places for holding primaries, elections and special elections as permitted or required by state law.</li><li>4. Recreation, physical training and athletics, including competitive athletic contests for children and adults, consistent with safety and security requirements found later in the document.</li></ol>
<b>SC 775</b>	<p>The administration shall establish, and the Board shall approve, a schedule of fees for the use of school facilities by approved groups.</p>

707. USE OF SCHOOL FACILITIES - Pg. 2

<p>3. Delegation of Responsibility</p> <p>4. Guidelines</p>	<p>The Superintendent or designee shall implement guidelines for requesting and granting permission for use of school facilities (the “procedures”) and shall distribute the policy and procedures to individuals affected by them.</p> <p>An application for use of school facilities may be disapproved by the Director of Building and Grounds or the Superintendent because of noncompliance with established policy and procedure, inconsistency with the school district mission, or due to safety and security concern.</p> <p><u>Application Procedures</u></p> <p>An individual or community group requesting permission to use school facilities (the “applicant”) shall submit a written request on the prescribed application form (the “application) within no more than one (1) year nor less than thirty (30) days prior to the requested date of use. The applicant shall include all of its authorized or allowed users.</p> <p>The application shall specify the portion of the school facilities requested for use; proposed activities; type of activity; number of individuals participating; and the date, time and duration of the proposed event.</p> <p>The application shall be completed in its entirety.</p> <p>Along with the completed application, the individual or group must submit the following:</p> <ol style="list-style-type: none"><li>1. Evidence of organizational liability to limits required by district guidelines.</li><li>2. Documentation evidencing the school district shall be held harmless by the users for any liability that arises from use of school facilities by the applicant.</li></ol> <p><u>Specific Requirements For Use</u></p> <p>The district reserves the right to limit facility use that may impair daily building operations. The rental of individual classrooms is prohibited unless approved by the Superintendent or building principal.</p> <p>A district custodian or other responsible employee will be required to be on duty, if applicable. Use of a kitchen requires the presence of a district cafeteria employee. Costs are the responsibility of the requestor/user, unless waived by the Board.</p>
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Sponsoring organizations shall provide sufficient, competent adult supervision whenever use involves activities by individuals under the age of eighteen (18). 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:

1. 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, the State Police Barracks nearest you can be contacted, online at <https://epatch.state.pa.us> or by telephone at 1-888-783-7972.
2. 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](http://www.pa.cogentid.com) or by telephone at 1-888-439-2486.
3. A Child Abuse Clearance Report, which can be obtained online at [www.dpw.state.pa.us/findaform/childabusehistoryclearanceforms](http://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.

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.

The district will assume no liability for accidents or injury. Insurance for participants shall be the responsibility of the sponsoring organization. Certificates of insurance providing a general aggregate limit of \$2,000,000 and each occurrence limit of \$1,000,000 must be provided prior to confirmation of any facility usage. Workers' Compensation Coverage is required, if the applicant has employees involved with the use. 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.

Keys to district facilities shall be used only by authorized district employees.

Any damage to school facilities shall be the responsibility of the individual or group using the facilities. All areas of the building and grounds being used are included in this responsibility.

Facilities shall be placed in the same condition as they were prior to their use.

Use of any district building shall conform to the general rules established for that building and by the building principal.

Additional Criteria

No application to use school facilities shall be approved if the proposed activity may result in any of the following:

1. Conflict with any school-sponsored activity or with the district mission.
2. Access to school facilities closed due to renovations, maintenance, cleaning, the school calendar, or Board action.
3. Access to school facilities containing equipment or furnishings which would be detrimental to the operation of a district program if damaged or operated by an unqualified operator.
4. The proposed use would prevent or encumber district personnel from preparing school facilities for their primary educational purpose, because of the nature or duration of the activity.

707. USE OF SCHOOL FACILITIES - Pg. 5

	<p><u>Limitations</u></p> <p>When applicants receive written permission to use school facilities under this policy, such use shall be conditional upon strict compliance with the following:</p> <ol style="list-style-type: none"><li>1. Applicants shall not use, access or enter upon any portions of the school facilities or their contents not specified in the approved application.</li><li>2. Applicants shall refrain from any conduct or activities not specifically identified in the approved application.</li><li>3. When advertising or promoting activities held at school facilities, applicants shall clearly communicate that the activities are not being sponsored by the school district.</li><li>4. School equipment used in conjunction with requested facilities shall be identified when the application is submitted. Users of school equipment must accept liability for any damage to or loss of equipment that occurs while in their use. Where rules so specify, no equipment may be used except by a qualified operator, provided by the school.</li></ol>
SC 511	<p><u>Prohibited Activities</u></p> <p>The following activities are strictly prohibited in school facilities when applicants are granted written permission to use school facilities:</p>
Pol. 227	<ol style="list-style-type: none"><li>1. Possession, use or distribution of illegal drugs and/or alcoholic beverages as defined in DASD Policy 227. Violators will be prosecuted.</li></ol>
Pol. 218	<ol style="list-style-type: none"><li>2. Possession of weapons as defined in DASD Policy 218.</li><li>3. Conduct that would alter, damage or be injurious to any school facilities, equipment or furnishings, or create an unsafe environment for students, staff, citizens or attendees.</li><li>4. Conduct that would constitute a violation of the Pennsylvania Crimes Code, and/or state and federal laws and regulations.</li></ol>

707. USE OF SCHOOL FACILITIES - Pg. 6

<p>10 P.S. Sec. 328.101 et seq Title 61 Sec. 901.701 707-AR Attachment E</p> <p>35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7182, 7183 Pol. 222</p>	<p>5. Gambling, games of chance, lotteries, raffles or other activities requiring a license under the Local Option Small Games of Chance Act, other than Bingo. (Refer to 707-AR Attachment E)</p> <p>6. Use of tobacco products as defined in DASD Policy 222.</p> <p><u>Other Restrictions</u></p> <p>Food or beverages may be sold, served, or consumed, within school buildings, only in cafeterias, all-purpose rooms, and gymnasium/auditorium lobbies.</p> <p>Parking is restricted to paved areas and areas approved for overflow.</p> <p>Sneakers or gym shoes must be worn while playing or coaching in gyms or multi-purpose rooms.</p> <p>All safety regulations pertaining to use of the pool must be met by the users. Details are available from the building principal or Pool Director. Proper swimwear must be worn in the pool.</p> <p>Groups are restricted to the areas specifically requested.</p> <p><u>Violations</u></p>
<p>SC 511</p>	<p>The school district reserves the right to remove from school facilities any applicant, individual, or community group who fails to comply with the terms and conditions of this policy and the established procedures and guidelines contained herein.</p> <p>In the event an applicant violates this policy or the terms under which permission was granted to use school facilities, that applicant forfeits the right to submit future applications to use school facilities, unless otherwise decided by the Board.</p>

Provisions For Cancellation

The Superintendent or his/her designee reserves the right to cancel the utilization of the school facility at any time due to an emergency, inclement weather, or other unforeseen circumstance. The applicant may request to reschedule its use of the school facilities at a future date.

The purpose of this section is to ensure that school facilities are safe for use and that such use can be accommodated in an efficient, fair, and appropriate manner. Additionally, third party maintenance of the school facilities or grounds shall not be permitted under any circumstances.

Complaint Resolution And Special Provisions

All objections or complaints regarding the administration of this policy by nonschool-related/nonschool-affiliated organizations will be considered only if made by writing to the Superintendent within fifteen (15) days of the scheduled use.

The written objection(s) must include the signature(s) of the individual(s) or group making the complaint, including names, addresses and phone numbers. When a complaint or objection to use is received prior to fifteen (15) days of scheduled use, the following action may be taken:

1. At the discretion of the Superintendent, use of the facilities by the specified applicant may be suspended temporarily to afford the Superintendent sufficient time to meet with the proper Board committee and all concerned parties of the purpose of a hearing. The applicant shall be notified in a timely manner to contact the members of the group regarding any temporary suspension of use and/or a pending hearing.
2. Within ten (10) days of temporary suspension, the Superintendent, the Board committee, the complainant, and the applicant shall convene at a specified time and location to review the matter. A recommendation shall then be made by the appropriate committee to the Board.
3. The Board shall be the deciding authority, and the decision shall be final. A copy of the written decision may be obtained by any and all members of either the complainant group or the applicant group by request.

"Hold Harmless" Policy

The applicant understands and agrees, by virtue of its application, the policy, the administrative regulation, 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, including court costs and reasonable attorney's fees. This duty of indemnification shall be applicable in any and all circumstances, regardless of any action the district does or does not take relative to the school facilities or the applicant.

References:

School Code – 24 P.S. Sec. 511, 775, 779

State Board of Education Regulations – 22 PA Code Sec. 403.1

Department of Revenue Regulations – 61 PA Code Sec. 901.1, 901.701

Local Option Small Games of Chance Act – 10 P.S. Sec. 328.101 et seq.

School Tobacco Control – 35 P.S. Sec. 1223.5

Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.

Boy Scouts of America Equal Access Act – 20 U.S.C. Sec. 7905

Board Policy – 000, 218, 222, 227, 321, 421, 521, 906