

The Watauga County Board of Education may make school facilities available for non-school use when such use does not interfere with the instructional program of the schools. All use of school buildings and facilities, other than by the school or school affiliated groups, requires an approved contract for use of school facilities.

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.

**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. 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 violence;
4. may damage school buildings, grounds or equipment; or
5. conflict with school activities.

**B. PRIORITY IN USE**

The priority for use of school facilities will be based on the following categories.

1. Use by the school, including the after school program, provided that, subject to any applicable federal and state legal requirements, special consideration may be given to government and non-profit use in case of emergencies due to flooding, fire, or other disaster situations
2. In accordance with G.S. 163-129, use as a polling place on election days
3. School affiliated groups such as PTA/PTO organizations, booster clubs, the Watauga Education Foundation, and student clubs, including organizations permitted to meet under the Equal Access Act
4. In accordance with G.S. 115C-527, use by political parties for the express purpose of annual or biennial precinct meetings and county or district conventions
5. Use for youth athletics or youth development activities, including but not limited to

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summer camps, in which no admission fees are charged, provided that such use is exclusively or primarily for youth residing in Watauga County, and education related use by local Chambers of Commerce

6. Non-commercial use by local government, non-profit agencies, religious or political groups (including political parties when meeting for purposes other than precinct meetings or county or district conventions), and Watauga County residents and organizations
7. Use for commercial purposes, provided that school facilities may not be used to promote or sell any products or services except those with a major emphasis on education

**C. FEES FOR USE**

No rental fees will apply for category 1-5 uses as described above. However, fees for custodial, kitchen, and security personnel, may be charged to category 1-5 users at the discretion of the principal, subject to the fee schedule approved by the board. Fees for technical personnel or other specialized assistance may be charged at the discretion of the principal subject to the approval of the superintendent or superintendent designee.

Rental and other fees will apply for category 6 and 7 uses according to the fee schedule approved by the board per regulation 5030-R for K-8 schools and the separate fee schedule approved by the board for Watauga High School.

All groups within the same user category will be charged for facility use according to the uniform fee structure.

All rental and personnel fees shall be paid by check made out to the Watauga County Schools and collected by the principal/designee. Neither the school nor any user of school facilities shall make any direct payment to school personnel; all such payments are the exclusive responsibility of the Finance Department.

**D. REQUESTS FOR USE OF FACILITIES**

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school in which the facility is located. Application forms will be available in the school administrative office.

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

1. Regulations for Use of Facilities

The superintendent shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding fees, prohibited conduct and other issues deemed appropriate by the superintendent. A copy of the regulations will be provided to all applicants with the facilities use application form.

## 2. Compliance with Laws and Policies

In addition to the regulations established by the superintendent, users of school facilities must comply with all federal, state and local laws and all rules established by the board, the superintendent or designee, and the principal.

## 3. Concession Rights Reserved to Schools

For any athletic tournament or other public event, the principal may require that the school or a school affiliated group be granted exclusive right to concession sales, or that the user pay the school up to 15% of gross revenues from concession sales at the event in addition to any other fees. Payments for concessions may be made directly to the school, or to the PTO/PTA or other school-affiliated group operating on behalf of the school. These revenues may be used for any school related purpose approved by the principal.

## 4. Non-Discrimination Notice

Discrimination on the basis of race, color, national origin, sex, disability or age is prohibited in the use of school facilities as in all school system activities and programs.

## 5. Opening and Closing of Buildings

Buildings may be opened and closed only by assigned employees of the school system or specific persons approved in advance by the principal.

A user's violation of the provisions of this policy or any applicable regulation is grounds for suspending 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-affiliated groups must furnish a certificate of insurance for general liability coverage with a total coverage of \$1,000,000 for each claim made. Alternatively, the superintendent or principal may require the user group to execute a waiver of liability that states that no liability will be attached to the board of education or the Watauga County Schools, 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. LIMITATION OF ROUTINE USE**

To ensure equitable access to school facilities by the community, the use of a major school facility such as a gym, auditorium, cafeteria, or media center by the same group (other than a school affiliated group) will be limited to three occasions per week for no more than four consecutive weeks, provided that this limitation shall not prohibit the use of school facilities for summer camps approved by the principal. Use for up to eight additional weeks may be approved at the discretion of the superintendent, after which any continued regular use requires the approval of the board.

Principals will inform the superintendent of any requests for facility use that cannot be approved because of conflicting long term use approved by the superintendent or the board.

#### **I. 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.

#### **J. 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 4010, Student and Parent 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: Prohibition Against Discrimination, Harassment and Bullying (policy 4021/7230), Student and Parent Grievance Procedure (policy 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)

Adopted: February 8, 2016

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Replaces: Policy 2.05.20, Community Use of School Facilities and policy 2.05.25, Community Use of Watauga High School Facilities