

## **POST FALLS SCHOOL DISTRICT NO. 273**

Series 700: Business Procedures: Income

Policy No. 702.2

Policy Title: Use of School Facilities and Other School Properties

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The Board of Trustees shall have the care and keeping of all district buildings. They shall have authority to open any or all district properties for purposes within the general philosophy of the district. The district will provide equitable access after school to youth groups or organizations serving young people under the age of 21. The board may, at any time, refuse to allow usage of any district facilities or property. The board recognizes district buildings and properties are not open forums.

The board shall adopt a uniform use fee structure which may, from time to time, be changed based upon the costs incurred by the district for the operation of its facilities. It is the intention of the board to uniformly apply such charges, except as to those entities which are otherwise exempt by contractual relationship (other governmental entities or subdivisions) by statute (universities, colleges, and senior organizations) or by joint powers agreements between governmental units/agencies executed as authorized by the statutes of the State of Idaho. These fees will be used to defray the expenses incurred by increased use of heat, lights, utilities, grounds-keeping costs, administrative costs, and custodial services. The county board of elections will not be assessed any fee for the regularly scheduled use of district facilities for elections. Nothing contained herein shall limit or expand the board's ability to negotiate with the various municipalities within the district boundaries for the purposes of shared facilities use by such municipalities for activities included, but not limited to, basketball, baseball, soccer, football.

**NOTICE:** Any person, entity, corporation, partnership, limited liability company, or association applying for use of school facilities pursuant to this policy shall be provided a copy of policy and administrative procedure, and prior to authorization of use shall provide certificate of insurance and pay such fees and deposits as are required under this policy and related schedules as prepared by the administration of the district and in addition thereto shall, as a prerequisite to the authorization of use, execute an acknowledgment/application in a form provided by the district.

The district's buildings and other school properties are an asset of the citizens of the district, and it is the desire of the board to make them available to responsible individuals and organizations as authorized by policies of the district and the Constitution of the United States, the Constitution of the State of Idaho, and the statutes, both federal and state, as are applicable. The board is mindful of the Federal Constitution and the First Amendment thereof and the State Constitution of the State of Idaho with particular reference to Article IX, Section 5. In order to preclude an apparent or actual entanglement with sectarian or religious beliefs or philosophies, and further to avoid the appearance of underwriting sectarian beliefs or philosophies, to provide for the avoidance of an establishment clause violation, and further to preclude the appearance of continuous use by sectarian organizations that would implicate the board in the promotion of religion or a particular religious sect, the board has determined there is a compelling State interest to limit uses by sectarian or religious organizations to occasional uses at the same fee schedule established pursuant to this policy. In addition, the district's buildings and other school properties shall not be used for funerals and celebrations of life.

The board has determined that occasional use by sectarian organizations for sectarian purposes is authorized; provided, however, any prolonged or extended use of school facilities by a sectarian or religious group for religious purposes shall not be authorized or allowed by the board. (Legal

Authority *Lamb's Chapel v. Center Moriches Union Free School District*, 113 S. Ct. 2141 (1993).

The board is mindful of the First Amendment of the United States Constitution and Article IX, Section 5 of the State Constitution of the State of Idaho and the application of the Federal and State Establishment Clauses as referenced therein. In order to preclude a violation of the Establishment Clause, at either the Federal level or the State level, Applications for Use of School Facilities by sectarian organizations for sectarian or religious purposes shall not be granted or may be terminated if previously granted where there is a violation of one of the following six (6) criteria:

1. An express or recognizable purpose or intent on the part of the district of aiding or supporting religion;
2. Support of religion in terms of preference for a particular religion to the exclusion of others;
3. Support of religion in terms of the placement of the authority and/or prestige of the district behind a particular religion or religion generally;
4. Excessive political divisiveness in the community as a consequence or likely consequence of the use of district buildings for religious purposes;
5. Direct and indirect financial support of religion;
6. Prolonged or extended use in excess of six (6) months (including previous uses).

Legal References: IC 33-601

Applicable Procedural Regulations: 702.5a, 702.5b, 702.5c

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