

## **PAMLICO COUNTY SCHOOLS**

### **REGULATIONS FOR SCHOOL FACILITY USE IN COMPLIANCE WITH PAMLICO COUNTY SCHOOLS POLICY 7401**

#### **A. LIABILITIES ARISING FROM USE OF SCHOOL FACILITIES**

1. Section 115C-524(c) of the General Statutes of North Carolina provides that no liability will attach to any board of education or individual board member for personal injury suffered by reason of the use of school property pursuant to a facilities use agreement. Any non-school group or individual desiring to use school facilities must enter into such an agreement before any use will be allowed.
2. In addition, under the doctrine of governmental immunity and G.S. 115C-42, the board of education is exempt from any and all liability for bodily injury or other tort claims unless waived by the purchase of liability insurance. The board of education maintains no liability insurance in regard to tort claims for injury or damage arising from use of this property and, accordingly, maintains governmental immunity against any and all such claims.
3. In the event the board of education is made a party to any legal proceedings as a result of a claim, injury or damage arising from use of this property, the user of school property shall agree that it will indemnify and forever hold harmless the board of education on account of any expenses incurred or losses suffered by it, including but not limited to, judgment and attorney fees.
4. It is further understood and agreed that the user of school facilities will have full and complete responsibility for the proper care and use of such facilities and will be liable to the board of education for any damage to such school facilities resulting from any action of the user or users, agents, employees, members, or invitees during the period of use at such facilities by users as approved by the board of education.
5. This Regulation 7401-R shall be deemed incorporated in every facility use agreement.

#### **B. AUTHORIZED USERS OF FACILITIES**

The following groups will be permitted to use unreserved school facilities (in order of use priority):

1. County Board of Elections, in accordance with G.S. 163-129, as a polling place on election days.

2. Student clubs and teacher-led groups approved by the school administration and who are engaged in an activity which is considered a continuation of the school day and is an outgrowth of a school program or activity.
3. Organizations or groups which are co-sponsors of the educational activities and programs of the Pamlico County Schools, such as Booster clubs, PTA/PTO, parent school organizations, and Pamlico County Education Foundation.
4. County and state government agencies (recreation department, Pamlico Community College).
5. Community groups, civic organizations, non-profit groups, and service agencies for non-commercial activities.
6. Political parties, in accordance with G.S. 115C-527, for the express purpose of annual or biennial precinct meetings and county and district conventions.
7. For-profit companies and organizations, or non-profit organizations for commercial activities.

### **C. APPLICATION PROCEDURES**

Applications are not required for the authorized users listed in B.2 and B.3, above. All other individuals and organizations wishing to use the facilities of the school district must first complete the application for use of school facilities form. These forms will be available on-line at [www.pamlico.k12.nc.us](http://www.pamlico.k12.nc.us) and at the central office. The completed application form must be filed with the facilities use coordinator no less than 15 calendar days prior to the date of proposed use, unless the principal determines that this is impossible or would impose an undue burden.

All applications must be approved by the principal prior to obtaining final approval from the Superintendent's designee at the central office. Following approval of the application, fees and charges will be assigned according to Section E of this policy. Approved copies of the application will be sent to the applicant, filed in the school office, and filed in the office of the Superintendent's designee. Approved users will receive an invoice for use of the facilities. All invoices are due upon receipt. Requests for long-term use (more than 3 weeks) of a facility may require a separate lease document including a payment schedule and a joint condition inspection before and after use.

#### **D. RULES AND REGULATIONS**

1. 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. Failure to comply may result in a loss of current and/or future rental privileges.
2. Facilities can be used only if proper supervision and/or janitorial services can be obtained.
3. Users shall be responsible for leaving such equipment, facilities, or buildings in the same state and condition as existed prior to the use, or as otherwise approved by the principal.
4. Cafeteria managers, or their designees, must be present when kitchens or kitchen equipment is/are used.
5. The use or possession of alcoholic beverages or other illegal substances in school buildings or on school grounds is prohibited.
6. Weapons and weapon-like items identified in G.S. 14-269.2 are prohibited.
7. Smoking or use of tobacco products is prohibited in all school facilities and on all school grounds in accordance with Policy 4032.
8. Users must comply with all fire ordinances and regulations of the county fire marshal with respect to the manner of use.
9. Signs or banners may be posted prior to or during the event only if prior approval is given by the principal or designee. Signage must be temporary and must be removed at the conclusion of the use of the facility.
10. Use of school facilities may be canceled when schools must be closed or there is a need to reschedule school activities due to inclement weather or other unforeseen conditions. The user should contact the principal's office regarding the availability of the facility. Cancellation because of weather conditions may result in not being able to reschedule missed days. If an event cannot be rescheduled because of school schedule conflicts, the user may apply for a prorated refund.
11. Facilities users must comply with all standard security measures required by Pamlico County Schools, including continuous monitoring of all access points. Unlocked doors shall not be left unattended. Doors may not be propped open. Additional security measures, if determined necessary by the principal, must be provided by the using organization or individual.
12. Any rearranging of school furniture must be approved by the principal.

13. Agreements for use of school facilities are not transferable.
14. Cancellations must be made at least 48 hours prior to the event or the fee will not be refunded.
15. Concession privileges are not conferred automatically by virtue of rental of any school facility. Concession privileges must have the prior approval of the school principal and the facility use coordinator.
16. All payments for the use of school facilities will be made payable to the Pamlico County Board of Education.
17. A Board of Education employee must be present when buildings are being used to:
  - open and prepare the building for use;
  - protect other areas of the building not in use by the user;
  - ensure that the building is properly secured after use is terminated; and
  - inspect the building and report any damage, abuse, and unusual circumstances to the building principal.

Exception: Use by Pamlico County and Parks & Recreation in which case PCP&R shall assume responsibility for the foregoing.

18. An adult supervisor must be in attendance at all times to accept responsibility for:
  - care of the facility and equipment;
  - conduct of the group using the facility;
  - restricting the group's activities to the area and equipment assigned; and
  - vacating the premises at the arranged time.
19. When activities involve persons under 21 years of age, additional adult supervision must be provided on a ratio of at least one adult to 25 participants.
20. Users shall assume full responsibility for cleaning the area used and all areas adjacent that are affected by that use.
21. Users shall be responsible for any loss or damage that might occur to the facilities/equipment during usage.
22. Approval of use of the gymnasium extends only to the use of the gymnasium playing floor. The use of lockers, showers, apparatus and other athletic equipment belonging to the school will not be permitted unless specifically authorized, however, restrooms will be open.

23. Equipment, goods, and materials may not be brought into the school facilities without approval of the principal or designee. Any such approved items must be removed by the applicant upon termination of the rental period.
24. No facility may be used later than 10:30 p.m. unless by specific permission of the principal.
25. If a scheduled facility use will result in the use of adjacent school parking areas or access roads, the user shall provide adequate security to ensure that emergency access areas remain clear.
26. If use of a school facility will involve use of the facility's sound system, light system, computers or other sophisticated technology owned by the Pamlico County Board of Education, a school system employee familiar with the technology shall be present to assist with use of the technology. An additional fee shall be charged in accordance with Section E(4) below.
27. Users of all Pamlico County Board of Education owned facilities are expressly forbidden from tampering with, altering or otherwise making changes to any building system or structure.
28. By allowing community use of school facilities under policy 7401, the Board of Education does not intend to relinquish its control over school facilities, and does not intend to create a public forum.
29. Policy 7401 and Regulation 7401-R do not confer any entitlement to use of school facilities, and the Board of Education reserves the right to deny any requested use.
30. School officials shall apply these rules and regulations in a viewpoint neutral manner without regard to the religious or political viewpoint of a proposed user of school facilities.
31. Users of all Pamlico County Board of Education facilities are prohibited from advertising an event to be held on school property prior to receipt of written approval by Pamlico County Schools.
32. Failure of any user to comply with these rules and regulations, including but not limited to failure to pay fees as charged in a timely manner, will be cause for termination of previously approved facility use and may affect future use of school facilities.
33. The Superintendent shall develop the application form to accompany these procedures. That form shall be designated Form 7401-F.

**E. FEES & CHARGES**

1. Fees will not be charged to the authorized users listed in B.1, B.2 and B.3 above. Fees generally will not be charged to the authorized users listed in B.4 above, however the Board of Education reserves the right to charge a fee to cover expenses for use of facilities, if circumstances warrant based on extent of usage. Fees will not be charged to the authorized users listed in B.6 above, except custodial and utility fees.
2. The following fees will be charged for using school facilities to the authorized users listed in B.5 and B.7 above:

	Users identified in B.5 above	Users identified in B.7 above
	(Per Hr./Maximum)	(Per Hr./Maximum)
Auditorium	\$75 / 225	\$125 / 325
Band/Cultural Arts Room	\$70 / 210	\$100 / 300
Classroom	\$25 / 75	\$50 / 175
Technology classroom	\$50 / 150	\$125 / 375
Conference Room	\$25 / 75	\$40 / 120
Cafeteria	\$45 / 135	\$75 / 225
Cafeteria & Kitchen	\$90 / 270	\$150 / 450
Gymnasium	\$65 / 195	\$125 / 375
Media Center	\$65 / 195	\$100 / 300
Baseball Field	\$65 per day	\$300 per day
Softball field	\$65 per day	\$250 per day
Football field	\$95 per day	\$300 per day
Football practice field	\$50 per day	\$50 per day
Concession stand	\$50 per day	\$100 per day

3. A damage deposit and/or a certificate of insurance sufficient to protect the board's property and interests may be required prior to the use of the facility at the discretion of the Superintendent's designee at the central office.
4. If services are provided by Pamlico County Schools sound, lighting, computer technicians, custodial staff, child nutrition employees, or adult supervisors, users will be charged a fee of \$35 per hour per staff member.
5. If a particular use of a school facility will result in more than normal wear and tear or other expense, the Superintendent or designee shall add an additional charge to the standard fee schedule. Any such additional charge shall be established when the use agreement is signed and shall be an amount designed to reasonably reflect the additional wear and tear or expense to the school district.

6. A reduction to the established fee structure may be granted by the Superintendent or his/her designee at the central office for the following users:
- a) Organizations sponsoring education-related programs in which Pamlico County Schools participates or sends student representatives (Girls on the Run, Heartworks); and
  - b) Organizations sponsoring student-only sports-related programs in which Pamlico County Schools students participate (e.g., baseball, softball, wrestling, basketball), when all proceeds from the program are used in direct support of students participating in the program.
  - c) Frequent users (3 or more uses per week for a period of at least five weeks).

## **F. LEASING SCHOOL BUILDINGS**

When the board determines that a particular building is not needed to support the instructional program of the school system, the building may be leased under the conditions set forth in G.S. 115C-518 and Chapter 160A, Article 12 of the North Carolina General Statutes.

Legal Reference: G.S. 115C-42, -203 et seq. (Community Schools Act), -518 -524, -527; Chapter 160A, part. 12; 163-129.

Cross Reference: Smoking and Tobacco Products Prohibited (policy 4032); Consumption of Alcoholic Beverages (policy 8560); Community Use of School Facilities (policy 7401)

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