

Cache County School District Policy Series 6000: Finance and Operations

Policy No. 6400

Facilities Permit and Use

The use of school buildings and grounds is granted pursuant to the Utah Civic Center Statutes at Utah Code (UC) 53G-7-209- 210. Approval under this policy is a PERMIT and grants the District full legal immunity under the Government Immunity Act of Utah pursuant to UC 63G-7-301.

I. Civic Center Act

A. Under the provisions of the Civic Center Act, school facilities may be used as civic centers as described in the UC:

1. UC 53G-7-209. Use of School Buildings and grounds as civic centers.
 - a. All public school and grounds are civic centers and may be used by district representatives for supervised recreational activities and meetings.
 - b. Use of school property for civic center purposes may not interfere with any school function or purpose. c. The organizer of an event may not use a civic center unless the organizer resides within the geographic boundaries of the school district in which the civic center is located.
2. UC 53A-3-414. Local school boards' responsibility for school buildings and grounds when used as civic centers.
 - a. It manages, directs, and controls civic centers under this chapter.
 - b. It adopts rules for the use of these civic centers.
 - c. It may charge a reasonable fee for the use of school facilities as a civic center so that the district incurs no expense for that use.
 - d. It may appoint a special function officer under Section UC 53-13-105 to have charge of the grounds and protect school property when used for civic center purposes.
 - e. It may refuse the use of a civic center, for other than school purposes, if it determines the use inadvisable.

II. Prohibition of Smoking/Possession of Alcohol

A. UC 26-38-2(2)(k) Prohibition of smoking in elementary and secondary educational facilities and childcare centers.

1. A person may not smoke or use tobacco in any area of the following facilities or locations whether or not they are also public places:
 - a. public or private elementary and secondary school buildings and educational facilities and the property on which those facilities are located.

B. Utah Code 53G-8-602 Possession or Consumption of Alcoholic Beverages at School or School-Sponsored Activities.

2. A person may not possess or drink an alcoholic beverage

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- a. inside or on the grounds of any building owned or operated by a part of the public education system; or
- b. in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.

III. Categories of Use Facilities User Request Form and Permit is required for all categories.

Category 1- District or school sponsored events or activities.

1. Free use of District facilities is granted for District after school, school sponsored programs, PTA activities, and Cache County School District Adult and Community Education classes and sponsored programs.
 - a. Registration, salaries, personnel charges and custodial fees are collected and managed through the school's finance office and charged to each individual program.
 - b. Free use may be terminated because of vandalism or failure to properly clean the facility.
 - c. Salaries are based on the "hourly rate beyond the regular contract."
 - d. Personnel Charges: Charges will apply when school personnel are required to open and close the building. If a staff member at the school location is involved in the direct supervision of the program, he/she may open and close the facility.
 - e. Custodial Supply Charges: A fee may be charged to cover custodial supplies.

Category 2 - District Employee Use (not for-profit)

1. A fee may be charged for personal use of District facilities. Personal use of District facilities for-profit is treated as Category 5 - Commercial Use.
 - a. Personnel Charges: Charges will apply when school personnel are required to open and close the building. If a staff member at the school location is involved in the direct supervision of the program, he/she may open and close the facility.
 - b. Custodial Supply Charges: A fee may be charged to cover custodial supplies.

Category 3 – Government Agencies. This applies to cities, county, state, or other government entities. Terms, conditions, stipulations, and fees are identified in the MOU.

1. Free use of the District facilities is granted for Governmental or City Sponsored programs.
 - a. Personnel Charges: Charges will apply when school personnel are required to open and close the building.
 - b. If a staff member at the school location is involved in the direct supervision of the program, he/she may open and close the facility.

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- c. Custodial Supply Charges: A fee may be charged to cover custodial supplies.

Category 4 – Non-Profit or Non-Commercial

1. A fee is charged to charitable and non-profit organizations for necessary custodial supplies, and for normal wear and tear of the facilities.
 - a. Organizations renting District facilities under this category may be required to provide evidence of their non-profit status through an official classification by the IRS and/or the Office of the Secretary of State.
2. Exceptions: Principals or building managers may grant limited free use to public service organizations, for occasional use only, who perform strictly public services, such as civic groups, Boy Scouts or Girl Scouts, community programs and activities, when custodial and other services are not required beyond the regularly scheduled duty. Such organizations may be required to pay a custodial hourly fee if deemed necessary by the school principal. The trade of services is to ensure
3. Partnerships: A partnership exists when services from an outside entity are exchanged for school rental. The school principal, to fair market value of the facility rental, reviews each partnership. Certificates of liability and indemnity agreement may be required.
4. Individual inter-local agreements negotiated by the superintendent, or his designee supersede this policy.
5. Personnel Charges: Charges will apply when school personnel are required to open and close the building. If a staff member at the school location is involved in the direct supervision of the program, he/she may open and close the facility.
6. Custodial Supply Charges: A fee may be charged to cover custodial supplies.

Category 5 - Commercial Use

1. A fee is charged for all business and profit-making entities.
 - a. Personnel Charges: School personnel charges are required.
 - b. Custodial Supply Charges: A fee may be charged to cover custodial supplies.

IV. Grounds Use (No Building Access)

- A. Facility Use: With the exception of for-profit and commercial users, no fee is charged for the use of District grounds with an approved Permit.

1. Approved users will provide, when required, sanitation facilities or they will pay a custodial fee to open, supervise, and clean restrooms.
2. To properly water and maintain District property for our students and patrons, fields should not be scheduled more than four days per week.
3. The principal will attempt to equitably distribute the use of school grounds to responsible groups with appropriate requests.
4. Approved groups will be issued a permit listing the dates, times, and areas of the campus to be used.

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5. Personnel Charges: Charges will apply when school personnel are required.
6. The building administrator may require a refundable security/cleaning deposit.

V. Insurance Requirements

A. Categories 1-4: Proof of insurance is not required with an approved Permit.

B. Category 5

1. User is required to sign the Request for Use of School Facilities Agreement.
2. Evidence of insurance must be attached to the Facilities User Request Form and Permit form.
3. The District shall be insured on the group's policy for liability arising out of the group's use of District facilities. 4. The insurer is required to send the District a certificate of insurance giving the District the right of advance notice of cancellation of such insurance.
5. The amount of required notice should be at least 10 days and preferably 30 days prior to the event. C. Sources of Insurance Coverage
6. The Office of Risk Management currently has a commercial insurance program available to cover outside entities that do not have insurance coverage. An application for putting this coverage in place is available from the office of the Business Administrator, Cache County School District (752-3925).

VI. Procedures and General Information

- A. The building administrator is the initial representative of the Board of Education in scheduling the use of facilities under their direction. The designated administrator has the right and obligation to deny requests that would disrupt regular programs or threaten damage to the facility or the grounds.
- B. The building administrator, in consultation with persons requesting the rental, will determine personnel required for each rental. In case of a dispute, appeals may be made to the district Business Administrator.
- C. The Facilities User Request Form and is required for all category 1-5 school facilities requests.
- D. Permit. The building administrator is responsible to issue the Permit to all Users.
- E. The building administrator is responsible to collect the rental fees.
 1. All funds are collected and managed through the school's finance office.
 2. Payment for building rentals should be received in advance. All payments should be made payable to THE SCHOOL. In every case, an agreement should be made for a prompt payment date.
 3. Costs for damages (vandalism, accidents, etc.) are not part of the rental fee. Facility users are responsible to pay for all damages incurred during the rental period. Collection for damages will be the responsibility of the building

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administrator. If payment for damages is not made in a timely manner, all collection procedures necessary will be used.

F. Restrictions for Rentals

1. School facilities will not be rented for public dances.
2. All users should leave the building no later than 11:00 p.m. and all outdoor activities should end by 10:00 p.m.
3. Responsible adult supervision by the user must always be provided throughout the building whenever school facilities are used by minors.
4. Athletic, audio/visual and other district-owned equipment and supplies may be available for use within the facility. If requested, the principal or building manager may assess additional charges for use of school equipment (volleyball nets, etc.).
5. The removal of any furniture or equipment from the school facility for private or public use is prohibited unless prior approval is received from the building administrator.
6. No outside properties may be brought into the building without prior approval from the building administrator. When approval is granted, all property must be removed immediately following its use. No signs, posters, properties, or other materials shall be attached to the building by tape, tacks, or other methods without permission of the building administrator or designee.
7. Equipment and property shall not be loaned or removed from the building.
8. Keys are not loaned to outside individuals, groups or agencies.

G. Distribution of rental funds – refer to Cache School District Facility Rental Rates form

Deposit: retained at the school

Facilities: 80% school, 20% district Business office

Facilities: 70% school 30% district (gym and auditorium rentals)

Personnel: collected at schools, payroll claims sent to district with school check

Supplies: retained at school

Utilities: school check sent to the district Business office

VII. Fees and Charges

A. Facilities

1. Users are charged according to the Facility Rental Rates form. Fees are charged on a one-half hour basis with a minimum charge of two hours.

B. Personnel

1. The local school administrator is responsible to determine if school personnel are required for facility supervision, security, or assistance during the rental period.
2. Tips or gratuities or payments not specified in the agreement may not be offered or paid to any school employee.
3. Auditorium - A stage technician is required for the auditorium when using the sound system and/or special lighting.

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4. Kitchen - A member of the school lunch staff is required when the kitchen is used. This employee is responsible for supervising the use of equipment and the cleaning in keeping with standards of the Department of Health.
 5. Computer Lab - A District employee who is competent in the use of computers must be present to supervise when a computer lab is rented.
- C. Personnel Charges to Renters
- Student Helper Hourly Rate
 - Assistant Custodian Hourly Rate
 - Paraprofessional Hourly Rate
 - Secretary Hourly Salary or Time & One-Half
 - Kitchen Help Hourly Rate
 - Custodian Hourly Salary or Time & One-Half
 - Teacher Miscellaneous Hourly Rate
- D. When are required only to unlock and/or lockup the facility, a claim is submitted for 1.5 hours (45 minutes to open-up and 45 minutes to lock-up facility).
- E. Each school will submit an annual report that includes all Facilities User Request Forms and Permits, personnel payments, and budget incomes and expenditures.
personnel
- F. Facility Rental Rates – refer to current Facility Rental Rates form.
- G. Rental Charges – calculate charges using the Facilities User Request Form and Permit.

Legal References:

Utah Civic Center Statutes at Utah Code (UC) 53G-7-209- 210

Civic Center Act - UC: 1. UC 53G-7-209

Government Immunity Act of Utah

UC 53A-3-414

UC 53-13-105

UC 26-38-2(2)(k)

Utah Code 53G-8-602

Synopsis:

Approved by the Board of Education: August 17, 2017.