Community Use Of Facilities

Regulations and Schedules of Charges

Department of District Operational Services

531-299-8333
531-299-4930

Community Use of Facilities

Facilities owned by Douglas County School District 0001 (Omaha Public Schools or “the District”) exist primarily to support the District’s educational programs and extracurricular activities. When not in use by the District, and consistent with Board of Education Policies 1100 and 1101 (included in Appendix B), District facilities may be made available for use by outside organizations when such use does not interfere with educational programming or needs and supports the interests of the District and the community.

In accordance with these policies, the following regulations govern the use of District facilities and property by organizations whose purposes and activities align with or are compatible with the objectives of the District. Prospective applicants are encouraged to carefully review these regulations and the applicable Board of Education policies in Appendix B before submitting an application, so they fully understand the District’s requirements for facility use by external individuals and groups.

Application Procedures

Any organization seeking to use District facilities must submit an application using the online application found at www.district.ops.org/DOS and provide the required certificate of insurance. All applications and supporting documentation must be received at least **forty-five (45) days** prior to the requested date to allow adequate time for District review and consideration.

The application must clearly identify the activity and the complete schedule of requested facility use. Only the specific dates and times listed in the application will be considered for approval. All requests must receive a recommendation for approval from the building principal or an authorized building representative, as well as approval by the District, before final authorization is granted.

Facility use applications are valid for one school year only (July 1 through June 30) and must be renewed annually. Submission of an application containing knowingly false or misleading information will result in the forfeiture of any future scheduled facility use.

Permitted Uses

The acceptance or denial of applications shall be the responsibility of the Department of Operational Services, as delegated by the Superintendent.

Applications will not be denied for any unlawful reason or for any reason that violates Board policies, including discrimination based on race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status,

political affiliation, or economic status. This also includes protection for an applicant's lawful exercise of constitutional or statutory rights.

Use of District facilities may be approved for organizations whose activities are educational, political, cultural, religious, or recreational in nature and provide a benefit to the communities served by the District. Limited non-school and commercial uses may also be permitted if they comply with these procedures. District facilities are designated as nonpublic forums; therefore, applications will not be approved for the following:

- Uses that conflict with or disrupt District educational or extracurricular programs.
- Activities inconsistent with the District's mission.
- Uses that present an unacceptable risk of noncompliance with Board of Education Policy 1100 or that could result in damage, excessive wear, or misuse of facilities or equipment.
- Outside commercial activities, except for camps and similar programs for high school students that align with the Bylaws of the Nebraska School Activities Association.
- Activities involving gambling or games of chance.
- Activities associated with groups that advocate or support the violent overthrow of the Constitution or government.
- Meetings of secret organizations that are not open to the public.
- Non-community uses such as private receptions, celebrations, slumber parties, or other personal events.
- Fundraising activities, unless they directly benefit District students or staff in accordance with District policies and regulations.
- Activities that violate applicable election guidelines as outlined in District policies and regulations.

The District may establish reciprocal facility use agreements with organizations such as the University of Nebraska, the American Red Cross, the City of Omaha, and formally recognized school partners. These agreements will function as addenda to these procedures, and all uses under such agreements will remain subject to these regulations unless specifically modified by the terms of the agreement.

Time Limits - During the school year, use of District facilities in the afternoon prior to student dismissal or extending beyond 6:00 p.m. on regular school days will not be permitted. Evening use may begin no earlier than 6:30 p.m. and must conclude by 10:00 p.m.

As a general practice, District facilities are not available for use by outside organizations on District-observed or national holidays. If an approved series of events includes a date that falls on a holiday, that specific occurrence will be automatically canceled. The event may be rescheduled, when possible, on a mutually agreed-upon date.

Applications for facility use may be denied when the requested date or time is deemed unsuitable. In general, facilities are not available for community use when staff are not available to supervise activities, including legal holidays, before 7:00 a.m., after 10:00 p.m., or on Sundays prior to 12:00 p.m.

Custodial time will include an additional thirty minutes before and after the scheduled event time to accommodate opening and closing responsibilities. For example, for a program scheduled at 8:00 p.m., the facility will be available beginning at 7:30 p.m.

Conflicting Applications – In general, all applications are accepted on a first-come, first-served basis. In the event that multiple applications are submitted by different applicants for the same time period, those applications that comply with District regulations and procedures will be approved based on the following order of priority:

1. Activities or events intended to serve District students or that support a District function, including approved school-community associations and school-affiliated nonprofit organizations.
2. Tax-supported entities, such as educational institutions or units of city, county, or state government.
3. Nonprofit community organizations, including private educational agencies.
4. Groups in which the majority of participants reside within the District.

When conflicting applications fall within the same priority group, preference will be given to the application submitted first. However, the Superintendent or the Superintendent's designee may approve a later-submitted application if the earlier reservation can reasonably be rescheduled to a non-conflicting date.

District Cancellation - The District reserves the right to cancel the permit previously granted or postpone the use allowed under that permit, upon the occurrence of one of the following events: (1) a change requiring the use of the facility for a school event or other school use, (2) an emergency requiring use of the facility under a reciprocal agreement, (3) the facility unavailable for use due to damage or the existence of a hazardous condition, or (4) the facility needs emergency maintenance or repairs that require facility closure. Whenever District schools are closed due to inclement weather, all permits for that period will be automatically postponed. Every effort will be made under such conditions to reschedule the use to a mutually satisfactory time.

Applicant Cancellations - Applicant requests for cancellation of use of District facilities must be received at least 48 hours in advance of the scheduled start time. Failure to do so shall oblige the applicant and the organization to pay all custodial and other expenses incurred in specifically opening the building to meet the application request. Cancellations due to inclement weather will not be penalized.

Assignment or Transfer – The use permit is not transferable by the applicant. No organization or individual having been issued a permit for use of a District facility can sublet, assign, or transfer in any manner the use of all or any part of the facility to another individual, group, or organization.

Smoking/Alcoholic Beverages - The possession or use of alcohol shall not be permitted on District property. Smoking, use of tobacco products, or vaping devices are NOT permitted on District property at any time. Applicant shall take reasonable measures to enforce these restrictions.

Illegal Drugs - The possession or use of illegal drugs shall not be permitted on District property. Applicant shall take reasonable measures to enforce these restrictions.

Firearms/Weapons - The possession or use of firearms and other weapons shall not be permitted on District property. Applicant shall take reasonable measures to enforce these restrictions.

Decorations - All decorations must be provided by the organization and be fully removed by the organization by the end of their scheduled time each day. Decorations must be fireproof and assembled in a manner not destructive to District property. The District cannot store items for organizations.

As a precaution against fire, no request will be granted for facility usage involving lighted candles or other materials or equipment that produce an actual flame or spark.

Liquid (for example, gasoline), propane, and natural gas-fueled vehicles are not allowed in school buildings.

Use of School Equipment - Office equipment, classroom equipment, such as industrial technology, science, physical education, family consumer science, music, business education, computers, TVs, Projectors, and other electronics are not available for use by non-school groups and shall not be used. Sports equipment (including scoreboards and video boards), cafeteria equipment, and/or theater equipment may only be used if prearranged as a part of the permit application.

General Conditions

Responsibility of Applicant – conditions governing facility use are outlined in Board of Education Policy 1100 and apply to all use of District facilities by outside groups and individuals. The applicant assumes full responsibility for the appropriate use of District facilities, the conduct of all participants, and adherence to the approved activity schedule as defined in the permit. All activities must be sponsored and supervised by a competent adult who is directly accountable to the organization requesting the permit.

In the event of damage to or theft of District property, the applicant shall promptly reimburse the District for any assessed costs related to repair or replacement. Depending on the nature and extent of the damage or the circumstances involved, existing permits may be canceled, and future permit requests may be denied.

Designated representatives of the District's Operational Services Department will make the initial determination as to whether loss, theft, or damage occurred during the applicant's use and whether the applicant is financially responsible. When circumstances suggest a potential for misuse or damage to District property, the District may require a security deposit in advance of the facility use.

Personal Protective Equipment (PPE) – The organization will be responsible for providing appropriate PPE for their event, including hand sanitizer, face coverings, and other recommended items specific to type of event. Please note that the District cannot store any PPE items for organizations.

Any District-required Health and Safety measures in effect (i.e., required use of face coverings) apply to organizations and their guests during facility usage under a building permit. Applicant shall take reasonable measures to enforce these restrictions.

Payment Procedures - All payments for the use of District facilities must be received by the Department of District Operational Services at **least ten (10) working days prior** to the scheduled event. Accepted forms of payment include cash, credit/debit card, or check. Checks must be made payable to **Douglas County School District 0001**; two-party checks will not be accepted.

Failure to comply with this requirement, or the submission of any altered, non-sufficient funds (NSF), or closed-account checks, will result in cancellation of the permit and may lead to the denial of future requests to use District facilities.

Insurance - The Board of Education reserves the right to require prescribed limits of public liability for groups using any school facility and to require that evidence of such insurance be presented at the time of application. A certificate showing **Commercial General** liability insurance with a minimum per occurrence limit of $1,000,000 for both bodily injury and property damage caused by the negligent act or omission of Applicant or Applicant's employees, volunteers, contractors, and invitees must be provided to the Department of District Operational Services before use of the pool/facilities. The District must be named as an additional insured on such policy **on a Primary and Noncontributory basis**. **A Waive or Subrogation in favor of the District shall be included.** If required insurance is not provided, or if the policy lapses or is not renewed and is not replaced prior to the occurrence of the use, the permit will be canceled.

Indemnity – By applying for a permit, the Applicant agrees to indemnify and hold the District, the Board of Education and District employees and agents harmless from any and all claims, demands, causes of action, or lawsuits for any death or personal injury or damage to property sustained during, caused by or arising out of the Applicant's use of the District facilities and not caused by the gross negligence or intentional misconduct of the parties so indemnified.

Risk of Loss or Damage - All personal property brought into the District Facility shall be at the sole risk of the owner thereof. The District shall have no responsibility or liability for any loss or damage to any personal property of any type or nature which is owned, rented, or possessed by Applicant, or Applicant's employees, contractors, volunteers, invitees, or by any other persons or groups using the District Facilities or on District Property during the time period of use allowed by Applicant's permit.

Security Personnel - Uniformed security personnel approved and secured by the District must be on duty when so directed by the principal or Office of the Chief Operations Officer, and the cost will be computed in the fee for use of the facility.

Auditorium and Related Equipment - A request to use stage equipment such as public address systems, projection equipment and screens, spotlights, stage sceneries, and pianos may be included in the application for auditorium use. All such equipment and properties shall be operated, moved, and controlled only by the Stage Director and/or authorized assistants. In schools without a stage manager, all equipment and properties shall be operated only by persons specifically designated by the Department of District

Operational Services or by the principal or authorized building representative of the building.

Athletic Activities - Permission for non-school groups to use school facilities for athletic activities may be granted. Such use does not include permission to use the school's apparatus or other athletic equipment. Practice sessions shall be allowed for non-school groups, provided they do not involve spectators.

Swimming Pools - Swimming pools availability is limited and only allowed to organized groups, provided such use does not interfere with the regular program of the District, required downtime for the pool to maintain a safe environment, and that a sufficient number of lifeguards with current Red Cross Senior Life Saving Certificates (1 per 25 participants) are provided by the organization and are on active duty at all times. The name of such person or persons, along with verification of their lifeguard certification, must be provided in advance of the use of the facility. A certificate of liability insurance complying with these Regulations must be provided in writing at the time of application.

The maximum water temperature in swimming pools during competition season will be 80° F, with the maximum air temperature being 84° F. The Head Custodian, Shift Engineer, and/or Maintenance Staff are the only persons authorized to make adjustments to maintain the operating temperatures.

Food Service - The use of cafeteria dining rooms may be granted with or without use of kitchen facilities. No organization may have access to the cafeteria kitchen area unless a District-designated representative is present. This person will be in charge of the kitchen and supported with such additional paid help from the District's building staff as may be required in planning an event that will use the cafeteria kitchen equipment. The Executive Director of Food Service or designee and the Cafeteria Manager must be involved in the planning, operation, and supervision of such a project. Due to the onsite food supplies, equipment, and the legally required health and sanitation protocols, the use of cafeteria facilities must be under the direct control of the District's Nutrition Services Division. The cost for any use of any District staff member for food service will be paid by the Applicant.

Parking Lots - Parking lots are provided for the use of most District Facilities. Parking areas are not reserved exclusively for groups using the facilities. Only designated areas may be used for parking. Parking is not allowed on any unpaved area.

If the use of a parking lot only is desired, an application shall be made for the use of this space specifically.

Use of School Grounds – Elementary and/or Middle School open grounds (excluding athletic facilities/fields) may be made available for use at times when they are not being used for school or other District purposes, at no charge on a first-come, first-served basis. The individual/group has a responsibility not to cause damage to the District's property, become a nuisance to adjoining property owners or others in the neighborhood, or damage their property. In effecting the above policy, it is realized that each case should be considered separately. However, the following administrative regulations will serve as a guide to appropriate use.

1. School grass areas may be used at no charge by organized athletic leagues outside the school day when not in conflict with school programs, on a first come first serve basis. There must be cooperation between groups using the area at the same time. Groups will be held responsible for any property damage occurring at the time of their use. All litter must be picked up and properly disposed of after each use.
2. School playgrounds may be used, at no charge, when school is not in session, and provided such use does not conflict with District programs. All use must occur during daylight hours. Users are expected to cooperate when multiple groups are present. Groups and individuals are responsible for safely using equipment and any property damage occurring during their use. All areas must be cleaned following each use, and all litter must be properly collected and disposed of.
3. Use of grass areas and/or playground as outlined above does not include the use of any building. Use of restrooms in a District facility may only be granted through the building permit process and are subject to advance payment of the standard permit charges, including custodial fees.
4. Use of stadiums, turf fields, grass athletic fields, and/or tracks at any site may only be granted through the building permit process and are subject to advance payment of the standard permit charges, including custodial fees.
5. Animals/Livestock (e.g. Horses), motorized vehicles, and power-driven recreational equipment shall not be permitted on school grounds unless present under one of the exceptions specifically enumerated in these regulations. Subject only to the regulations in paragraphs 6 and 7 below, motor-powered vehicles and motor-driven recreational equipment shall not be permitted on school grounds that are not specifically set aside for parking or driving.
6. School service, emergency vehicles, and vehicles present at the request of the District shall be permitted to drive or park on any portion of the District property, whether paved or unpaved, as necessary to accomplish their function.
7. The Chief Operations Officer may grant special permits for the use of horses, motor-driven vehicles, and motor-powered recreational equipment for those activities that are conducted as a part of a school-related function or that accomplish a civic purpose.
8. Motor-driven vehicles shall be permitted in parking areas and on roadway areas located on District property for the purpose of transportation to and from school facilities so long as such vehicles are operated in a safe and lawful manner.
9. Persons violating these regulations will be considered trespassers. Whenever feasible, school officials or employees will request violators to leave before requesting assistance from local law enforcement agencies.

Church Services - Church services by established religious groups may be scheduled in school facilities on a temporary basis due to emergency conditions, for a group's organizational efforts to build a church, or to expand an existing church facility. In no instance will such temporary use be extended over one calendar year unless clear evidence exists that a permanent structure is being constructed.

Custodial Services - Custodial staff will be assigned in sufficient numbers to remain on duty throughout the applicant’s use of District facilities, in accordance with District policies and applicable local and state building and fire regulations. Custodians are responsible for opening the building, preparing the approved areas prior to the scheduled start time,

assisting with requested setup needs, and remaining available during the event as needed. Only qualified custodial staff are permitted to operate or adjust District equipment. In certain facilities, a stage manager is required to operate the stage or auditorium equipment, and associated costs will be included in the facility use charges.

If the applicant does not use the facility and has not canceled in accordance with District procedures, custodial staff will remain on site for one hour after the scheduled start time. If no communication is received within that period, the facility will be secured, and the minimum fee will be charged to the applicant. Custodial charges will reflect the time staff were present.

Custodians are responsible for the building and grounds during permitted use, and all directions from custodial staff must be followed. Access is limited to the areas approved in the application; additional spaces require a separate application and approval.

Custodial charges will be applied to all permits as follows:

- **Facility/School Use:**
  - When custodians are regularly scheduled to work, a minimum charge of two hours will apply, covering setup, cleanup, and on-call time during the event.
  - When custodians are not normally on duty, charges will be based on the full duration of the permit plus an additional one hour to account for pre- and post-event needs.

- **Stadium or Grounds Use:**
  - If no access to District equipment, restrooms, or support buildings is required, a minimum two-hour charge will apply for site maintenance following use.
  - If access to equipment, restrooms, or support buildings is required, charges will be based on the duration of the permit plus an additional one hour to cover pre- and post-use time.

Building Use Subject to Charges

Fees for the use of District facilities (outlined in Appendix A) are not considered traditional rental charges. Instead, they reflect the additional operating costs incurred by the District as a result of the applicant's use, including utilities, supplies, maintenance, custodial and cafeteria services, and administrative processing.

These charges are subject to change at the District's discretion. If changes occur prior to the scheduled use, the updated rates will apply. All fees must be paid in full at least ten (10) working days before the scheduled use; failure to do so will result in cancellation of the permit.

Building Use Without Charge

School organizations—such as school-sponsored student groups, employee organizations, and educational associations like the Omaha Education Association—may use District facilities without charge, provided the use does not conflict with regular school

activities. Nonprofit school- or youth-related organizations whose membership is primarily drawn from within the District may also qualify for non-profit rates for certain activities. In all cases, applicable personnel charges will still apply.

No rental fee will be assessed for the following school-affiliated and community youth-serving organizations when holding their regularly scheduled meetings:

- Parent-Teacher Association (monthly meetings, afternoon or evening)
- School or school activity booster clubs (regular meetings, afternoon or evening)
- Cub Scouts/Boy Scouts (weekly and/or monthly meetings, afternoon or evening)
- Girl Scouts (weekly and/or monthly meetings, afternoon or evening, plus one annual awards event)
- Camp Fire Boys and Girls (weekly and/or monthly meetings, afternoon or evening)
- YMCA, YWCA, and 4-H (weekly and/or monthly meetings, afternoon or evening)
- Omaha Public Schools employee organizations for regular, non-fundraising meetings
- Governmental agencies using facilities as polling locations for regular or special elections
- Other similar organizations as approved by the Chief Operations Officer

Additional meetings beyond regularly scheduled use for the above organizations will be charged at the applicable individual or for-profit rate, in accordance with the established fee schedule.

Organizations that qualify for no-charge weekday use may be subject to standard fees for weekend use, as well as for access to recreational facilities, food service, or pool areas. Refer to the fee schedule for full details.

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-0310). The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director of Equity and Diversity, 3215 Cuming St, Omaha NE 68131 (531-299-0307).

APPENDIX A

Schedule of Charges

FACILITY *Minimum of 2 hours charged for all spaces*	**FOR PROFIT RATE**	**NON-PROFIT RATE**
Classrooms/ Hallways	$20.00 / hr	$10.00 /hr
Elementary Auditorium, Gym, or Multipurpose Room	$ 25.00 / hr	$12.50 /hr
Locker Rooms and/or Dressing Rooms	$20.00 / hr	$10.00 /hr
Middle or High School Auditoriums	Performance: $125.00 / hr Rehearsal: $75.00 / hr	Performance: $75.00 / hr Rehearsal: $37.50 / hr
Middle or High School Gyms	$75.00 / hr	$37.50 / hr
Cafe /Dining Rooms:	$ 25.00 / hr	$ 15.00 /hr
Stadiums (football, baseball, softball, etc.):	Day Use - $350.00 / hr Night Use - $900.00 / hr	Day Use - $ 175 .00 / hr Night Use - $450.00 / hr
Central High Courtyard, North High Viking Center, and other specialty location	$50.00 / hr	$25.00 / hr
Swimming Pool	Not Available	$100.00 / hr

PERSONNEL CHARGES (PER HOUR, PER PERSON)

- Custodian: $35.00 per hour
- Stage Manager (if necessary): $30.00
- Kitchen Manager (if necessary): $40.00
- Kitchen Assistants (if necessary): $30.00
- Security Guard (if required): $35.00, four (4) hour minimum

Appendix B

Board of Education Policy #1100

Community Relations

Community Use of School Facilities

School facilities are primarily intended for the District's educational and extracurricular activity programs. School facilities are, however, made available for use by outside groups to further the interests of the District and the community. Use by non-school groups is allowed pursuant to an application process and is subject to the terms and conditions set forth in this policy.

A. **Application for Use**

Outside groups that wish to use school facilities must submit a completed Application for Use form signed by a representative of the outside group who has authority to commit the outside group to the terms and conditions of the Application. The outside group, as Applicant, shall specify the nature of the intended use, the dates and times of the requested use, and the facilities for which use is requested.

The form shall be developed by the administration. The form shall include the statement that:

> Applicant will comply with all applicable federal, state, and local laws, ordinances and regulations affecting the facility or affecting any use of the facility. Applicant shall also comply with all Omaha Public Schools' policies, rules, regulations, practices and procedures that govern the use of this facility and which are in effect at the time of such use. Applicant acknowledges receipt of the Omaha Public Schools pamphlet "Community Use of Facilities." The terms of such pamphlet that are in effect at the time of use of the facility are incorporated in this application, and Applicant agrees to comply with its terms.

B. **Acceptance of Application for Use**

Acceptance or rejection of applications shall be the responsibility of the Superintendent or the Superintendent's designee.

Applications shall not be rejected for any unlawful reason, including unlawful discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status and including the applicant's legally protected exercise of constitutional or statutory rights.

The District's facilities are designated as nonpublic forums. Accordingly, applications shall not be accepted for:

1. Uses that may conflict with or that disrupt the District's educational or extracurricular activity programs.
2. Uses inconsistent with the mission of the District.
3. Uses that present an unacceptable risk that the conditions of use set forth in this policy will not be adhered to; either due to the nature of the requested use or the

character of the group or individuals within the group.

4. Uses that present an unacceptable risk of damage or unacceptable wear and tear to facilities or equipment.
5. Uses for outside commercial activities except with approval of the Board; and except for camps and other activities for high school students subject to and consistent with Bylaws of the Nebraska School Activities Association.
6. Uses that involves gambling or games of chance.
7. Uses that involves a group or activity which advocates or condones the violent overthrow of the Constitution or of the government.
8. Uses that involve the meetings of secret clubs not open to members of the public.
9. Non-community type uses such as wedding receptions, slumber parties, personal use and similar activities.

Applications for use of facilities may be denied based on unsuitability of the date or time of the requested use. Facilities will generally not be available for community use at times when school staff are not available to monitor the Applicant's use, such as on legal holidays; before 7:00 a.m.; after 10:00 p.m. and Sunday mornings prior to Noon.

Leases of school facilities require approval of the Board. As such, Applications that request long-term use of facilities in the nature of a lease will be denied.

Applications may be denied based on the determination of the Superintendent or the Superintendent's designee that the Applicant does not have the financial ability or financial responsibility to pay fees or expenses or to reimburse the District for any damages that may be sustained to facilities or equipment or any liability that may be created by the use.

When an Application conflicts with another Application, the Applications will be accepted according to the following priority order:

1. Events or activities that are designed to service students of the District or which are related to any function of the District, including approved school-community associations and school-affiliated non-profit groups.
2. Tax-supported agencies such as educational entities or units of city, county or state government.
3. Nonprofit community agencies such as private educational agencies.
4. Groups where the majority of the members reside within the District.

For use conflicts within each group, priority will be given to the first to submit their Application; provided that the Superintendent or the Superintendent's designee may approve an Application that is not first-filed if the other Applicant's use could be feasibly changed to a non-conflicting time or area.

Applications that are accepted may not be assigned or transferred to another outside group.

Applications that are accepted are subject to cancellation by the Superintendent or the Superintendent's designee. Cancellation will occur in the event the administration reasonably determines:

1. Any of the reasons for non-acceptance of an application exist.
2. The Applicant fails to meet any term or condition required prior to the use. This includes but is not limited to failure of the Applicant to pay required fees or

deposits or failure to show evidence that any required insurance is in place.

3. Circumstances make the use unsuitable. This includes but is not limited to:

    a. The condition of the facilities being unsafe. For example, the presence of snow, ice, fallen limbs or other potential hazards that the school would not otherwise clear prior to the activity or event. The Applicant may request that the District clear the hazards such that it may proceed with its activity or event. If the District agrees to do so, the Applicant shall be responsible for all costs incurred by the District in clearing the hazard.
    b. School staff being unavailable to monitor the use or to provide set-up or clean-up services where the District has accepted responsibility for such.
    c. The need to use the facilities for a school activity or purpose.

4. Generally, if school is closed on the date of the Applicant's intended use due to inclement weather or hazardous conditions, the Applicant's use will be cancelled.

The Applicant shall remain responsible for fees or expenses, and any deposit that has been received by the District shall be forfeited and be kept by the District, if cancellation occurs because of the fault of the Applicant. Otherwise, the District will return any deposit that has been received by the District. The District will in no event be responsible for any damages, expenses, or losses incurred by the Applicant or any person arising from the cancellation.

An Applicant may withdraw its Application at any time prior to acceptance. An accepted application may be withdrawn by the Applicant, subject to approval of the Superintendent or the Superintendent's designee. Approval is subject to the conditions that the Applicant has given reasonable advance notice (ordinarily, at least 48 hours) and that the Applicant reimburse the District for any expense the District has incurred.

C. **Conditions of Use**

The conditions for use are as follows:

1. Compliance - Applicant agrees to:

    a. Comply with all local, state and federal laws, including health and fire codes.
    b. Comply with Board policies concerning non-discrimination and the use of school facilities.
    c. Comply with reasonable administrative rules related to use of facilities and the requests of school officials related to the Applicant's use of the facility.

2. Disclaim School Sponsorship - The District does not sponsor or endorse the Applicant or the activity or event conducted by the Applicant. To ensure that the public understands this fact, the Applicant agrees to not make any statements suggesting such sponsorship and to publish statements of non-school sponsorship in such form and manner as the administration may request.

3. Supervision - Applicant agrees to provide appropriate supervision of the activity or event in all respects, including supervision reasonably necessary to ensure that

no person participating in or attending the activity or event:

a. Is presented with conditions that pose an unreasonable risk of personal injury or damage to personal property.
b. Enters any area of the school facilities that the Applicant has not been given permission to use, or accesses any school records.
c. Engages in the use of tobacco, alcohol, or illegal drugs, or is under the influence of alcohol or illegal drugs.
d. Possesses a firearm or a weapon.
e. Engages in disorderly, lewd, or lascivious conduct.
f. Engages in any criminal behavior.

Applicant shall remove any person from the activity or event who engages in any of the above listed conduct. Applicant agrees to report to the school administration by the close of the next business day the identity of any person who engaged in any of the above listed conduct and the details of the conduct. If the offending person is a student, the report shall be made immediately.

Security Personnel - Uniformed security personnel approved and secured by Omaha Public Schools must be on duty when so directed by the principal or Office of the Chief Operations Officer and will be computed in the fee.

Applicant agrees to ensure that all persons attending its activity or event are off school grounds at the end of its time of permitted use, except for students or school staff who are authorized to remain for a school-related purpose.

4. Condition of Premises **-** Applicant agrees to:
   a. Conduct a reasonable inspection of the premises prior to the activity or event to ensure that the premises are safe for the intended use. In the event of any unsafe condition, Applicant shall notify an administrator. In the event the unsafe condition is not corrected prior to the activity or event, the Applicant shall postpone or cancel the activity or event.
   b. Not use or allow any school equipment to be used without express approval of school administration.
   c. Not bring or allow others to bring food or beverages on to school grounds without express approval of school administration.
   d. Not bring or allow others to bring or use any flammable items (including candles or incense) or any volatile chemical or any explosive.
   e. Not use any electrical equipment that has been brought onto the premises without express approval of school administration.
   f. Not allow the wearing of street shoes on gym floors or other protected surfaces.
   g. Not park or allow others to park in fire lanes or reserved spaces or in any manner inconsistent with the school's parking rules.
   h. Not cause or allow others to cause damage to school facilities or equipment.

      i. In the event damages are sustained, Applicant accepts responsibility for reimbursing the District for the cost of repair or replacement.
      ii. Applicant agrees that the school administration's determination

that damage was sustained in connection with the Applicant's use, and of the cost of repair or replacement, is controlling.

iii. Applicant shall immediately report to the school administration any damage to school facilities or equipment that occurs during the Applicant's use of school facilities that may present a risk of injury to students or any subsequent users. Any other damage shall be reported by the close of the next business day.

i. Return the facilities in as good a condition as it was prior to use. This includes, without limitation, cleaning, removal of trash, and returning tables and chairs and other school property to their proper location. The clean-up shall be promptly completed. In the event the District provides the clean-up service, Applicant agrees to reimburse the District for the cost of such clean-up.

j. Remove any property brought in by the Applicant and by any person attending the activity or event. The District is not responsible for any personal property that is left on the premises.

5. Financial Responsibility **& Liability Insurance** - Applicant agrees to:

a. Procure, at its own expense, a ~~Comprehensive~~ **Commercial** General Liability insurance policy naming the District as an additional insured **on a Primary and Noncontributory basis**. This policy shall be written with a minimum of $1,000,000 Combined Single Limit per occurrence. A Certificate of Insurance evidencing coverage must be submitted prior to the Applicant's use. **A Waive or Subrogation in favor of the District shall be included.**

b. The insurance requirement is subject to waiver by the Superintendent or the Superintendent's designee only in circumstances where the intended use presents very little potential for injury or damage and the activity or event is designed to serve the District's students or staff.

c. Indemnify**, Defend,** and hold the District, the Board, school employees and agents of the District harmless from any and all claims, demands, causes of action, or lawsuits for any death or personal injury or damage to property sustained during, caused by or arising out of the Applicant's use of school facilities.

D. **Fees for Use**

The Superintendent or Superintendent's designee shall establish a daily use fee schedule that establishes rates for specific parts of the school facilities (that is, kitchen, auditorium, gymnasium, athletic field, classrooms, meeting rooms). The rates shall be reviewed on a periodic basis; with the review to occur no less than every two years.

The fee rates shall be in an amount sufficient to cover estimated staff time and direct costs associated with:

1. Access - Cost of providing access; such as unlocking doors before use and locking after use, turning lights on and off, and disarming/re-arming security systems.
2. Custodial - Cost of providing custodial or maintenance services to prepare the facility for the use and for clean-up after the use.

3. Kitchen - Cost of providing access to the kitchen facilities; as ordinarily any permitted use of the kitchen will require the presence of a member of the school's food service staff.
4. Special Equipment - Cost of making special equipment available such as sound and lighting set-up; as ordinarily any permitted use of special equipment will require the presence of a member of the school's staff who is familiar with proper use of the equipment.
5. Monitoring - Cost of administrative or other professional staff to monitor the Applicant's use to ensure compliance with the terms and conditions of the permitted use.
6. Security - Cost of providing security services when determined to be needed for the activity or event.

The fee schedule shall be applied evenly to all Applicants, with two exceptions:

1. A different fee may be assessed where the Superintendent or Superintendent's designee reasonably determines that the Applicant's use will require staff time or cause direct costs different than those used in establishing the fee schedule.
2. A fee waiver or reduced fee rate shall be given for use where the activity or event is designed to serve students of the District or children; such as approved school-community associations and school-affiliated non-profit groups and summertime sports leagues, sports camps, etc., that are subject to NSAA regulations.

E. **Use Consistent with NSAA Bylaws**

Use of school facilities for activities that are subject to the Bylaws of the Nebraska School Activities Association (NSAA) shall be permitted subject to and in accordance with the NSAA Bylaws. Such use shall be consistent with this policy for non-school groups. Examples of acceptable use of school facilities for activities are:

1. Summer Leagues - There must be evidence that the organization or individual conducting the league has rented or leased the facility (for example, via an Application for Use) to prove the school is not involved in its sponsorship or funding.
2. Commercial Sport Camps/Clinics - School facilities for use by individuals, including the District's own coaches or other organizations for commercial camps/clinics or schools. Camps conducted by high school coaches shall be publicized as open to all area individuals wishing to attend and not limited to students from the coach's high school.
3. All-Star competition that involves graduated seniors.
4. Competitive meets and contests sponsored by non-school groups.
5. Facilities approved under the above stipulations include: gymnasiums, tracks, swimming pools, tennis courts, athletic playing fields, and baseball and softball diamonds.

Reviewed: December 2, 2019
Date of Adoption: May 2, 2016

Board of Education Policy #1101

Community Relations

Use of School Facilities: Student Groups and Boy Scouts

A. Equal Access to Student Groups: In the event any of the secondary schools have a limited open forum as defined in the Equal Access Act, such school(s) shall not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. A limited open forum for this purpose exists if the secondary school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

All such student meetings at school are subject to the following requirements:

1. the meeting must be voluntary and student-initiated;
2. there must be no sponsorship of the meeting by the school or its agents or employees;
3. employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
4. the meeting must not materially and substantially interfere with the orderly conduct of educational activities within the school; and
5. non-school persons may not direct, conduct, control, or regularly attend activities of the student group.

The administration shall in all respects maintain the District in compliance with the Equal Access Act.

B. Equal Access to Boy Scouts: If the District provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours, the District shall not deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America. The same principles apply to any other youth group listed in Title 36 of the United States Code as a "patriotic society." The administration shall in all respects maintain the District in compliance with the Boy Scouts of America Equal Access Act.

The use of school facilities for student meetings and Boy Scouts as provided above shall be subject to the same provisions as other community, non-school groups and may be required to complete a community use application as and to the same extent as other noncurriculum related student groups (in the case of student meetings) and other outside youth or community groups (in the case of the Boy Scouts).

Legal Reference: 20 U.S.C. 4071-4074 (Equal Access Act)
20 U.S.C. 7905 (Boy Scouts of America Equal Access Act) & 34 CFR Part 108
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