

Duluth Public Schools

Facilities Use Guidelines and Procedures

School Board Policy 902

The following guidelines have been established for the use of Duluth Public Schools' facilities by our students and staff, our extracurricular programs and community members.

The district reserves the right to adjust these guidelines to fit unique circumstances as determined by the Superintendent and School Board.

Facility Use Webpage link: <https://www.isd709.org/community/facilities-use>

Community Use of School Policy Statement

The School Board, being aware of the large capital investment the community has in school facilities, has determined that the community should receive maximum return for this investment. The introduction of the community education program has been made in pursuit of this objective. The policy is further extended to the use of school buildings and facilities by community groups in the promotion of school, civic, or social goals.

Public school facilities exist primarily for the purpose of serving the educational needs of the youth in the community. No group or organization will be scheduled if requested use interferes with regular school programs or school sponsored activities. The school district will determine the most appropriate and available use of the district's facility space.

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902 USE OF SCHOOL DISTRICT FACILITIES AND EQUIPMENT

I. PURPOSE

The purpose of this policy is to provide guidelines for community use of school facilities and equipment.

II. GENERAL STATEMENT OF POLICY

The school board encourages maximum use of school facilities and equipment for community purposes if, in its judgment, that use will not interfere with use for school purposes.

III. SCHEDULED COMMUNITY EDUCATION CLASSES AND ACTIVITIES

- A. The school district administration shall be charged with the process of scheduling rooms and special areas for community education classes and activities planned to be offered during each session.
- B. Procedures for providing publicity, registration, and collection of fees shall be the responsibility of the school district administration.
- C. Registration fees may be structured to include a pro-rata portion of costs for custodial services that may be needed.

IV. GENERAL COMMUNITY USE OF SCHOOL FACILITIES

- A. The school board may authorize the use of school facilities by community groups or individuals. It may impose reasonable regulations and conditions upon the use of school facilities as it deems appropriate. The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.
- B. Requests for use of school facilities by community groups or individuals shall be made through the school district community education office. The district will present recommended procedures for the processing and review of requests to the school board. Upon approval by the school board, such procedures shall be an addendum to this policy.
- C. The school board may require a rental fee for the use of school facilities. Such fee may include the cost of custodial, technician, and supervisory service if deemed necessary. This fee may also be reviewed and adjusted annually. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities. A rental fee schedule, deposit or surety bond schedule, and payment procedure shall be presented for review and approval by the school board.

- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities, every effort will be made to find acceptable alternative meeting space.

V. USE OF SCHOOL EQUIPMENT

The administration will present a procedure to the school board for review and approval regarding the type of equipment that is available for community use, the extent to which it may be utilized, and the manner by which it may be scheduled for use and any charges to be made relating thereto. Upon approval of the school board, such procedure shall be an addendum to this policy.

VI. RULES FOR USE OF FACILITIES AND EQUIPMENT

The school board expects members of the community who use facilities and equipment to do so with respect for school district property and an understanding of proper use. Individuals and groups shall be responsible for damage to facilities and equipment. A certificate of insurance may be required by the school district to ensure payment for these damages and any liability for injuries. The district will determine the need for provided insurance based on risk assessment of the activity and size of permitted groups. Insured individuals, groups and/or organizations that are not ISD 709 school or district affiliated groups should provide proof of liability insurance and submit a Certificate of Insurance verifying liability insurance covering up to \$1,000,000 prior to use of district facilities.

Legal References: Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)

Cross References: MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA/MASA Model Policy 901 (Community Education)
902R Facilities Use Guide ISD 709

Replacing: Policies 1130, 1130.1R, 1130.2R, 1130.3R, 1130.4R
First Reading: 05.07.24
Second Reading:
Adopted:

Process & Procedures for Scheduling School District Facilities

Contact Information:

Melissa Hogfeldt, Facilities Use Coordinator

Email: facilitiesrequest@isd709.org

Phone: 218-336-8760 x3232 Cell: 218-591-4183

713 Portia Johnson Drive, Door F, Duluth, MN 55811

All facility requests are to be made online following the facility use request process found on the district website: <https://www.isd709.org/community/facilities-use>

Permits:

Online requests are to be electronically submitted and signed five (5) business days prior to the event, requests made less than 5 days in advance will be considered as space and personnel allow. Each group is required to have the approved permit available for review during the event. In addition, the electronic signature is part of the requirement for securing a space with Duluth Public Schools. Permit holders must be at least 18 years old.

Insurance:

Applicants and/or organizations agree to assume all responsibility for damage or liability of any kind and further agree to hold harmless Independent School District 709 from any liability and/or expense in connection with the use of the school facilities. The district may require the applicant and/or organization to sign a Waiver of Release or furnish a Certificate of Liability/Property Insurance in the amount of \$1,000,000 combined, single limit, for general liability, naming the school district as an additional insured.

Tax Exempt Status:

For tax exempt users, a completed Certificate of Exemption—MN Revenue Form ST 3 must

accompany your request. This may be submitted by email to facilitiesrequest@isd709.org.

Right of Refusal:

The school district reserves the right to cancel any reservations should district needs arise.

Regular school activities and organizations of the school district shall have first priority in the use of any facility. The district may also reject requests or cancel permits for facility use for any reason deemed to not align with ISD 709 policies, values, or set requirements.

Invoice Payment:

Payment for use of facilities, equipment, and district personnel fees are due immediately upon receipt of the billing statement. Contract holders with unpaid invoices of 60 days or more will not be allowed to reserve district facilities until the account has been settled.

Community Use Rules and Regulations

Rules and regulations exist to protect property owned by our school district, and to ensure safety to users. The following rules are to be adhered to when using school district facilities, grounds and equipment in accordance with Minnesota School Board Association Policy 902. It is the facility user group's responsibility to communicate these rules and regulations to their leaders, participants and spectators.

- Regular school activities, programs and organizations shall have first priority in the use of any district facility or grounds.
- After the Facility Use Permit has been approved by the facility scheduler and signed by the requestor, it becomes an agreement with the requestor and/or the organization.
- Contract holders cannot sublet or transfer their rights and privileges to any other individual, group, business or organization.
- If any damage is found after a group has used the district facilities, grounds or equipment, the group scheduled will be held responsible for the cost of repair or replacement of any items damaged, lost or stolen from school district property.
- Facility user groups will be responsible for leaving the facilities and property in the same condition or better as upon arrival (including returning furniture to original configuration and any other clean up needed).
- The Facility Use Permit is granted for specific dates, equipment, room or areas of building for specific periods of time and for specific uses including the nearest restrooms and drinking fountain. Using a building for other purposes, using additional facilities, loitering in other areas, entering or remaining in the building beyond the allotted time will be considered as unauthorized use of the facilities.
- Additional charges may be added to the facility use fee as well as denial of future use.
- Any propping of doors, or doors remaining open during the time of your event will result in denial of future facility use requests.
- For use of kitchens (food service areas), classrooms with cooking facilities, stadium, pools, sound booths, lighting booths and all related technology equipment usage will require appropriate district trained personnel and/or permission. The facility user group will be billed at the current hourly rate.

Use of computer facilities must comply with the district's Internet Acceptable Use Guidelines as defined in Policy 524.

- Facility user groups receiving approval to use district facilities, grounds and equipment are responsible for ensuring adequate supervision for the approved activity. For safety reasons, no children will be allowed entrance to a building until a responsible adult is in attendance and ready to take charge of the group. The adult responsible for the activity must remain with the group the entire time that they are in the building and must not leave until he/she is certain that all members of his/her group are out of the building and picked up by parents/guardians.
- The adult responsible for the activity is also accountable for the conduct and behavior of both participants and spectators. Responsibility includes enforcing rules and regulations as well as restricting group activity to the areas listed on the facility use permit. All children must be under parental/leader supervision. Running or ball play is not permitted outside of the gym.

Cancellations and No-Shows

If a permit needs to be canceled, please contact the Community Education office as soon as possible. Last minute cancellations should notify the Community Education office and call the site's engineer office. Phone numbers can be found in the ISD 709 Buildings and Locations section of this document.

The district reserves the right to charge a cancellation fee and/or full payment if cancellation is not requested 7 days prior to the event or for no-shows.

Exceptions are for weather related cancellation or canceled by ISD 709. There will be no charge for cancellations for these reasons.

The district will make every effort to provide alternative locations or reschedule the event.

Equipment Use

Use of ISD 709 equipment such as athletic equipment, sound and lighting equipment, instruments, etc., may require a rental fee. All fees will be pre-approved and listed on the group's facility use permit.

A group will be charged if damages of ISD 709 equipment results from non-supervision of those in attendance, carelessness, inappropriate use of equipment, etc.

Custodial Services

Events that require special or heavy set-up or clean-up, involve meals, are large enough to require the cleaning of public areas and/or rest rooms, or involve other issues requiring custodial support will have a custodian assigned and the group will be responsible for the cost. Cost is dependent on space rented. Renters scheduling events that extend beyond the custodian's normal work schedule will pay overtime rates.

District 709 Policies and Procedures

Duluth Public Schools policies, local and state ordinances and laws, and fire codes pertaining to the use of public facilities must be observed. Copies of all school district policies are available online at <https://www.isd709.org/about-us/policies>. Policies include but are not limited to the following:

- Duluth Public Schools are tobacco free. Use of tobacco products is prohibited on school district property including buildings and grounds as defined in Policy 419.
- Possession or consumption of intoxicating beverages or illegal substances, (drugs) of any form is prohibited on school district property including facilities and grounds as defined in Policy 418.
- No weapons or look-a-like weapons, as defined in Policy 501, shall be allowed on school property for any reason other than in conjunction with an authorized firearm safety program with the exception of legally authorized officials.
- Facility user groups agree to go over any safety concerns and rules related to the scheduled activity including proper sportsmanship, location of fire extinguishers, and proper use of equipment. Facility user groups must furnish their own first aid kits and instructional supplies.
- The district prohibits all forms of harassment and violence as defined in Policy 413.
- If a fire alarm sounds in any area of a building the entire building must be evacuated according to evacuation maps posted in each room near the exits.
- If an alarm sounds related to tornado warning the entire building must take cover in the nearest location as indicated on maps posted in each room/space.
- Consumption of food (including snacks and refreshments) and beverages in school facilities is allowed in designated areas only, this does not include instructional areas, gymnasiums, auditoriums, and other special use rooms.
- Disorderly conduct is prohibited and punishable by ejection from the facility or grounds. This includes inappropriate communication and disrespect for authority, event supervisor and/or custodian by group leaders and/or participants of a group. The proper authorities will be notified. Law enforcement may be called to intervene.
- Parking is allowed in designated areas only.

AV / Technology

Community groups may use district technology with permission only. Wifi access can be requested from the Facility Use Coordinator who can provide guest network logins.

Any use of district technology and/or accessing ISD 709 networks must follow district Policy 524 Internet Acceptable Use and Safety Policy. Failure to comply with this policy will result in access being revoked from ISD 709 networks.

Our networks do not support Point of Sale (POS) Systems and Payment Processors.

Special Use Areas: Pools, Kitchens, Athletic Fields/Gyms, etc.

Swimming Pools

Maximum number using the pool facility is limited to fifty (50).

Any clean swimsuit (except wool) may be worn. Cut-offs, shirts, blouses and casual wear shorts are not permitted. Participants shall provide their own towels.

Permission for use of any foreign objects in the pool shall be granted only when necessary for training which leads to certification or for classes offered/approved by the School District. Approval shall be obtained in advance from the Facilities Use Coordinator or Aquatics Manager.

The following rules shall be adhered to by all groups using pool facilities:

- Take a hot soap shower, without a suit, before and after swimming.
- Use lavatories before swimming.
- Remove bandages, plasters, tape, bobby pins, and gum before entering the pool.
- Enter and leave the water at lifeguard's request.
- Avoid all forms of dangerous activities including running, pushing, "dunking," throwing objects, and hanging on diving boards, platforms, or blocks.
- Remain out of the diving area while the diving board is used. Stay off the diving board when occupied by another person. Take only one bounce when diving. Wait until others are out of the diving area before completing a dive. Swim straight out of the diving area after completing a dive.
- Report illness or injury to a lifeguard or swimming instructor.
- Stay in the pool area suited to the swimmer's ability or area designated by a lifeguard or swimming instructor.
- The use of gum, food, and drinks of any kind in the pool area is prohibited and shall be enforced by the lifeguard.
- Inner tubes and other inflated objects, towels, and metal objects are not permitted.
- The lifeguard will allow the use of diving bricks, rings, flutter boards, and swimming fins as part of the regular instruction. Goggles, aqua lungs,

skin-diving equipment and snorkels shall be used only when qualified instructors are present and preliminary approval granted.

- A first-aid kit shall be available for preliminary first aid.
- Feats of daring, exhibition, rowdiness, and spouting of water are prohibited.
- Groups or individuals using the pool and/or gym are responsible for their own valuables.

Kitchen and Cafeteria Areas, Food Sales, and Concessions

The principal and Facilities Use Coordinator will grant permission for the use of cafeterias. The organization/individual will pay for any damages. All machinery and technical equipment shall be operated by regular food service employees at the expense of the organization. Certified staff shall be on-site at all times with kitchen use.

Child Nutrition personnel employed by the renting organization shall be reimbursed at a rate of pay determined by the School Board. Banquets or special dinners may be served in the school cafeterias for school-related functions. The cost of these services shall be paid by the group using said facilities.

All federal, state, and St. Louis County Health Department rules and regulations governing food service shall be adhered to. Items bought from a licensed bakery, grocery store, or other commercial kitchens may be allowed.

The permit holder shall comply with the following restrictions:

- No home-canned products including vegetables, meat, poultry, fish or shellfish, or homemade sausage shall be sold or served.
- None of the following potentially hazardous food shall be prepared in private homes and brought into school buildings for consumption:
 - Casseroles containing meat, fish or poultry.
 - Baked ham, roasted poultry, roasted pork.
 - Salads and sandwiches containing meat, fish, poultry or eggs.
 - Milk-based cream pies, including banana cream, Boston cream, butterscotch, chocolate, coconut cream or other milk-based mixtures.

- Custard-filled pastries including éclairs and cream puffs or other custard filled products.
- Potluck style foods and events are exempt from any licensing requirements so long as the food is brought by the people attending and the food is not prepared in or brought into a licensed kitchen at the site of the potluck.
 - Information about Potluck Events can be found here:
<https://www.health.state.mn.us/communities/environment/food/docs/fs/potluckfs.pdf>
- Dishes and silverware of the cafeteria may be used. However, it shall be the responsibility of the organization, under the direction of the food service personnel, to return, clean, and store items in the same manner as before usage.

Bake Sales

Any bake sale must be approved by the district and hold a permit from the Community Education Department. All items sold shall adhere to the restrictions above and only sell non-potentially hazardous food items. A sign needs to be posted (see #48 on the MN Department of Agriculture's Cottage Food Law Guidance for the sign for non-potentially hazardous foods). According to MN State Law 28A.152, an individual selling allowable foods under this section is limited to total sales with gross receipts of \$78,000 or less in a calendar year.

MN Department of Agriculture Cottage Food Law:

<https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>

Independent Concession Stand Operation

Any and all service of food to the public must be licensed. The practice of student or parent booster clubs, activity clubs, or class groups preparing or selling food at games and activities is not allowed without the proper food license and approval from the district.

All license requirements must be met and provided to the Duluth Public School District prior to any and all events along with obtaining a facility use permit from Community Education. Any food or drink item to be sold must meet all federal, state, and St. Louis County Health Department rules and regulations governing food service.

To come into compliance, groups will need to either:

- Obtain the correct license to sell food.
- Construct a seasonal food permanent food stand with all commercial equipment.

The type of food license needed, and the regulatory agency that will approve/issue it, depends on the predominant type of foods that will be sold by the group.

- If a group anticipates more sales (dollar amount; not quantity) from prepackaged foods/beverages, baked goods, popcorn, candy, nuts, or snow cones, then they would need a license from the Minnesota Department of Agriculture (MDA). "More" meaning 51% or more of total sales. They would need to apply for either a Special Event Food Stand license (if selling for 10 or fewer dates), or a Retail Mobile Food Handler license.
 - Information for the Special Events Food Stand Licence can be found here:
<https://www.mda.state.mn.us/special-event-food-stand-license-application-guide>
- If a group anticipates more sales from foods prepared or dispensed/served onsite per customer order like hot dogs, burgers, sandwiches, pizza slices, nachos, soft serve ice cream, beverage dispensing, etc., then a license would be needed from the Minnesota Department of Health.
 - The MDH Duluth district office can be reached at 218-302-6166 for further information or on their website at
 - <https://www.health.state.mn.us/communities/environment/food/licensing/index.html>.

Mobile Food Carts and Mobile Food Vehicles

No person or business may operate a mobile food cart or mobile food vehicle within the city of Duluth without a license. Duluth Public Schools also requires any mobile food vendor to meet these requirements.

If a group would like to have a outside mobile food vender, they must provide the district with the following information:

- Name of Mobile Food Vendor

- Dates and times in which the mobile food vendor will be on ISD 709 property

The mobile food vendor must be in line with Duluth City Code Chapter 27 Article III: Mobile Food Carts and Mobile Food Vehicles. This includes current inspections from Duluth Fire Department in line with Minnesota State Fire Code Chapter 3 Section 319: MOBILE FOOD PREPARATION VEHICLES. If the mobile food vendor does not have the above requirements, they are not permitted to sell or be on ISD 709 property.

Information and licensing requirements can be found at <https://duluthmn.gov/fire/licenses-and-permits/> and <https://duluthmn.gov/csi/codes-resources/codes-and-ordinances/>

Media Centers

School Media Centers are geared to school curriculum and not general public use. Should a community feel it important to open a Media Center, the following usage procedure is required:

- A request for Media Center usage shall be filed with the Facilities Use Coordinator and coordinated with the school Media Center Technician.
- No person may check materials out of the Media Center or remove items from that space. Library media supplies such as markers, crayons, puzzles, games, legos and other maker space items should not be used.
- Any individual, group, or organization shall be responsible for replacing any materials lost, damaged or destroyed during use of the Media Center.
- No food or drink shall be brought into any Media Centers.
- If the use of AV equipment is requested, it must be approved by the Media Center Technician and the user must have ISD 709 district credentials whether as a staff member or requested through the Facilities Use Coordinator who shall request guest credentials from the Technology and Digital Innovation Department. Any use while accessing ISD 709 equipment and networks must follow district Policy 524 Internet Acceptable Use and Safety Policy.
- After use of the Media Center, return all furniture and equipment to their original locations, wipe off white boards, tables should be cleaned as necessary, and turn off lights. If using AV equipment, sign out of computers and Smartboards and restore all technology settings (i.e. speaker selection).

Career and Technical Education (CTE) Facilities

CTE Faculty and Staff shall be responsible for all equipment in an CTE facility. Programs using career and technical education facilities shall be approved by the Community Education Office with permission from CTE faculty.

School Grounds and Athletic Fields

Application for the use of playgrounds and athletic fields shall be made in the same manner as for the use of buildings and facilities.

The applicant shall provide police and/or fire supervision for those activities where it is deemed necessary by the Facilities Use Coordinator.

Professional contests shall not be played on school athletic fields or playgrounds without district approval whether from the Community Education Office or Activities Directors.

Gymnasiums

Gymnasiums may be used by organizations for recreation and instruction purposes.

- No instructor, member of a gymnasium class, or visitor shall be permitted on the playing portion of the floor wearing street shoes.
- Each leader shall use reasonable caution to see that snow, water, or dirt are removed from shoes before admittance to the gymnasium.
- Each leader shall be held responsible for enforcement of all safety and security regulations.
- Each leader shall conduct only those gymnasium activities that are meaningful and within the physical capabilities of the students/adults expected to perform them.
- Use of school district owned physical education and athletic equipment and supplies will be permitted if authorized by the principal, gym teachers, or Facilities Use Coordinator.
- Use of physical education apparatus is permitted only when a leader competent to instruct in its use is present and use has prior approval of the principal, gym teachers, or Facilities Use Coordinator.