



## **1340.1: USE OF SCHOOL FACILITIES AND EQUIPMENT**

### **I. Categories for Facility Use**

The following priorities are established for scheduling the use of district facilities and equipment:

**Category 1 Uses:** Building or district-wide school events, activities, and programs;

**Category 2 Uses:** Events or activities that are designed to serve district students or are related to any function of the school and are planned and directed by school-affiliated non-profit groups and events or activities sponsored by Partners for Education and programs which meet an action plan in the District's strategic plan;

**Category 3 Uses:** Events or activities which serve Millard area youth (i.e., a majority of participants must be from Millard) that are planned and directed or sponsored by non-profit youth organizations not directly affiliated with the school.

**Category 4 Uses:** Non-profit civic, service, or other groups whose purpose is to promote the general welfare of the community;

**Category 5 Uses:** Individuals or groups involved in activities not listed above.

### **II. Limitations on Use of School Facilities**

In no event will the use of school facilities and equipment be permitted:

- A. When the use would interfere with any class-related use;
- B. When the use would interfere with events sponsored by the school or school groups;
- C. When the use would involve illegal activity;

- D. When the organization or individual(s) involved have previously engaged in (or can reasonably be expected to engage in) any form of illegal discrimination or violence or when such organization or individual(s) advocate (or have a reputation for advocating) violence or rebellion against the United States, the State of Nebraska, or any political subdivision thereof;
- E. When the use would be of a morally objectionable nature or would be contrary to any of the District's policies or rules or would be contrary to the goal and/or objectives of the District's educational programs;
- F. When the use would result in the District's facilities or equipment being altered, modified, or changed;
- G. When the use would result in the District's facilities being used to store the equipment of the user;
- H. When, in the opinion of the administration, the use would present an unacceptable risk of damage or excessive wear and tear to the facilities or equipment;
- I. When, in the opinion of the administration, the use would present a significant disruption to the effective administration of a building or district program.

District facilities will not be made available for private social functions, including but not limited to, wedding receptions; birthday, graduation, or swimming parties; or other such events. Building administrators may place further limitations on uses in their buildings. Such limitations may include, but shall not be limited to: excluding the use of indoor facilities for soccer and/or baseball practices; excluding the use of science laboratories, media centers, elementary classrooms, and/or administrative offices; and excluding the use of facilities if such would be reasonably necessary to ensure timely cleaning and maintenance. Such additional limitations by a building administrator shall be supported by a reasonable rationale, shall be consistently applied, and shall be reported to the office of the District Executive Director of Activities.

Building administrators or their designees may inspect and review any and all items brought into the building to ensure appropriate building safety and effective administration of the facilities. If, in the opinion of such administrator, any items would be unsafe, inappropriate, or undesirable in the building, he/she may prohibit such item from entering the building or require its removal from the building. In the event the building administrator's directive is not complied with expeditiously, approval for the use of the facility shall be withdrawn immediately by the administrator.

### **III. Applications for Use of School Facilities**

The administration shall develop an Application for Use of School Facilities form to assist with the administration of this Rule. Such form shall be completed by all non-school organizations requesting the use of school facilities or equipment. The Application shall require that all applicants:

- A. Agree to comply with all district policies, rules, and regulations that govern use of facilities;

- B. Agree to be responsible for any damages incurred to facilities, grounds, or equipment during the period of such use;
- C. Agree to have the District Executive Director of Activities as the final determiner as to whether repair or replacement is the appropriate remedy for any damages.
- D. Agree to be wholly responsible for the supervision and control of all persons and activities during such use;
- E. Agree to protect, indemnify, and hold the district harmless for any and all claims, suits, actions, damages, judgments, or causes of action arising out of, or in any related to, such use and further that, if requested, the applicant will provide, prior to the planned use of a facility, a Certificate of Liability Insurance in the amount of at least one-million dollars, naming the District as an additional insured.

District employees wishing to use a district facility for other than their assigned contractual duties must submit a completed Application for Use of School Facilities and shall be subject to the same rules (including fees and charges) as non-employees.

#### **IV. Cancellation of Approved Applications**

A previously approved facility use may be canceled for one or more of the following reasons:

- A. Failure of the Applicant to pay applicable fees or charges for this use or any prior use;
- B. Failure to reimburse the District for damages incurred during any prior use;
- C. Evidence satisfactory to the District that Applicant's use of the facility would violate a District policy, rule, or regulation or would be illegal;
- D. Any violation of the terms and conditions of the Application;
- E. Any change in the school activities that presents a conflict with the use; or
- F. Any snow or ice accumulation that would require additional removal costs for the District;
- G. Any other event or circumstance which, in the opinion of the administration, necessitates cancellation of the use.

In the event a previously approved facility use is cancelled, the District shall not be responsible for any damages incurred by the Applicant as a result of such.

An Applicant may, without penalty, cancel a previously approved facility use by giving notice of such to the District at least 48 hours prior to the scheduled use. If notice is given within 48 hours but prior to the use, the facility use fee may not be refunded.

## V. Use of Facilities Rate Schedule

A Use of Facilities Rate Schedule shall be reviewed and revised as necessary and distributed by the District's Activities Office. Such schedule shall include, but not necessarily be limited to, fees for facilities use, equipment use, access charges, and charges for staff time.

## VI. Rate Schedules

The following fees and charges shall be assessed for the use of district facilities and equipment:

**Category 1 Uses:** No fees will be assessed. A charge may be assessed for a use which requires additional staff time.

**Category 2 Uses:** No facility use or equipment use fee will be assessed. An access charge will be assessed for weekend usage. A charge may be assessed for a use which requires additional staff time.

**Category 3 Uses:** No facility use or equipment use fees will be assessed. Facility use by youth teams is limited to one hour on weekdays with no fees assessed and facility use fees and minimum time requirements will apply for any facility use by youth teams on weekdays in excess of one hour. An access charge will be assessed for weekend usage. A charge may be assessed for a use which requires additional staff time. The exception to this is the use of Lyle Buell Stadium or the Millard South Track Facility, in which a reduced facility use and/or equipment use fee will be assessed and an access charge will be assessed. A charge may be assessed for a use which requires additional staff time.

**Category 4 Uses:** A reduced facility use and/or equipment use fee will be assessed. An access charge will be assessed for weekend usage. A charge may be assessed for a use which requires additional staff time. The exception to this is the use of Lyle Buell Stadium or the Millard South Track Facility, in which a reduced facility use and/or equipment use fee will be assessed and an access charge will be assessed. A charge may be assessed for a use which requires additional staff time.

**Category 5 Uses:** A full facility use and/or equipment use fee will be assessed. An access charge will be assessed for weekend usage. A charge may be assessed for a use which requires additional staff time. A charge may be assessed for a use which requires additional staff time.

When applicable, the minimum time upon which the facility use fee is determined will be two hours. The exception to this is the use of Lyle Buell Stadium or the Millard South Track Facility when minimum time upon which the facility use fee is determined will be three hours. Use fees may be waived for public service meetings or presentations by governmental agencies; for governmental agencies conducting district-initiated services or for a specific program as determined in the discretion of the district, to serve the interests of the District, upon prior approval by the Superintendent or designee.

## VII. Equipment Requirements

Approval for the use of a facility shall not include the use of school equipment unless specifically requested and approved on the Application form.

### **VIII. Access Charges**

An hourly access charge shall be assessed to compensate the District for expenses incurred in providing building access and other normal overhead expenses during weekend usage, such as heating, air conditioning, lighting, and general maintenance services. Such charge shall be assessed for the hours of the use plus the additional time required to clean up and secure the area.

If a user desires to have a custodian assigned exclusively to assist with the use, an additional charge for such service shall be assessed.

In situations where no advanced cancellation notice has been received by the District and the user does not appear at the scheduled time, the staff assigned shall remain available at the facility for one hour before securing the building and departing. An access fee will be assessed to the scheduled user for such time.

### **IX. Special Staff Requirements**

District staff must be present when certain school facilities are used. These facilities shall include, without limitation, kitchen facilities, swimming pools (where a life guard must be assigned), auditoriums (where stage and lighting technicians may be needed), and other such areas as may be determined by the administration. When such additional staff are required to be present, the using organization will be charged for district expenses associated with such additional staff.

Arrangements for any additional staff (except kitchen staff) shall be made by the building administrator or his/her designee. Arrangements for kitchen staff shall be made by the District's Director of Food Service or his/her designee.

If the approved use involves employees other than those specifically required by the District, the user may contract directly with the employee.

### **X. Religious Organizations**

Religious organizations may make application to use a district facility for a period of one year. An extension may be granted if satisfactory evidence exists that the organization is in the process of acquiring or securing the use of other non-district facilities for its use.

### **XI. Use of Open Areas**

School playgrounds, practice fields, and other open areas which are not being used for school activities shall be available to the general public on a first-come, first-served basis from one hour before sunrise to one hour after sunset each day. Thereafter, such areas shall be closed to public use. The only organizations that may submit an application to reserve the use of such areas shall be non-profit organizations serving Millard youth, and these organizations shall meet district requirements for the use of district facilities. Any groups using such facilities shall be responsible for any damage occurring as a result of such use and shall be responsible for clearing the grounds of litter after such use.

## **XII. Snow and Ice Removal**

In the event of significant snowfall (or accumulation of ice) prior to a use of district facilities, the District's operations and maintenance supervisors shall make a determination as to whether or not snow or ice removal is required. If such is required and if snow or ice removal is not necessary for other school-related activities, the scheduled use shall be canceled or, if mutually agreed to by the District and the user, the snow or ice will be removed by district personnel or contractors and an additional charge for such will be assessed to the user.

All snow and ice removal on district property must be made by district personnel or by properly insured independent contractors approved by and working for the District. Users will not be permitted to engage in snow or ice removal activities nor will they be permitted to hold activities on school property without proper snow or ice removal.

## **XIII. Vehicle Parking**

Vehicles may properly park in district parking areas when attending school activities, when conducting school related business, or when in attendance at any approved use of school facilities. The District's grounds may not be used for any other parking of private vehicles. Any vehicles which are not permitted by this Rule to be parked on District property shall be subject to towing at the owner's expense. Similarly, vehicles that are improperly parked shall also be subject to towing at the owner's expense. Improper parking shall include, but not be limited to, parking in driveways or throughways, parking over painted stall lines, and parking on grassed areas.

**XIV.** For the purposes of this Rule, the term "school-affiliated non-profit groups" shall be narrowly construed so as to only include groups which satisfy the Internal Revenue Service requirements for a non-profit organization and whose sole and direct mission and purpose are to support a district school or district schools.

**Date of Adoption**

August 15, 1983

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September 21, 1998

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December 19, 2005

June 16, 2008

April 5, 2010

January 9, 2012

November 4, 2019

**Related Policies and Rules**

[1340: Use of School Facilities and Equipment](#)