

Policy KF Community Use of School Facilities

Issued 5/20

General Principles

The district board of trustees provides public school facilities through the use of taxpayers' funds collected for educational purposes. The board views district property as a community asset and promotes community use of such property for purposes that are consistent with and contribute to the district's programs and promote the health and welfare of the children, youth, and adults in our district.

The board authorizes the superintendent to prescribe and publish separate administrative procedures required for the implementation of this policy in an orderly and equitable manner.

Facilities Available for Use

The following types of facilities are available for use: auditoriums, galleries, media centers, gymnasiums, dining areas, kitchens, designated classrooms, meeting rooms, athletic fields, and stadiums.

Permission to use district facilities may be granted by the superintendent or designee when such use will not, in the sole discretion of the superintendent:

- interfere, conflict, or compete in any way with the programs, activities, and schedule of the schools or the district
- compete with commercial organizations or businesses in providing services to the public
- utilize equipment, staging, decoration, and the like which could cause damage to the facilities
- be contrary to the best interests of the district

Eligible Users, Priority of Use, and Fees Required

Eligibility and priority in the use of district facilities will be in accordance with the user descriptions listed below. Specific groups will be given priority, as listed. Collection of fees is required to cover the expenditure of utilities, custodial, and building operation expenses associated with each group's use of the district facilities. All fees collected pursuant to this policy will be deposited in the appropriate district fund for recovery of expenditures and as directed by the superintendent.

User Group Description	Fees Charged
District Affiliated Groups:	
1. District-sponsored Groups including teachers and students in the district's regular K through 12 curricular program and established co-curricular educational and extra-curricular activities, district clubs, and student organizations.	No fees are charged , and no facility use agreement is required, unless such groups are using facilities for a profit-making endeavor where 100% of the total profits are not deposited back into a school district fund.
2. District-related Groups that conduct activities that enhance and support the district's regular K through 12 curricular program and extra-curricular activities directly, such as PTO, academic, music, and athletic booster clubs, and administrators' organizations.	
Not-For-Profit or Tax Exempt Groups:	
1. Federal, State, and Local Government Agencies.	Fees will be charged for these groups based on a fee schedule approved by the board to recover costs of rent, utilities, and custodial services required by this policy.
2. Comprehensive youth recreational sports programs representing a designated tax district within school district boundaries.	
3. Organized Non-Profit Community and Civic Groups , supervised non-profit youth and adult athletic and character-building groups, church and non-profit faith-based groups, and other non-profit groups.	
For-Profit Groups, Private Groups, and Individuals of the General Public:	
The board will not rent any building or part thereof to an individual or group for fundraising or for private or corporate gain, except when the activity is considered to be a desired part of the school curriculum and the school does not offer the activity in its curriculum. This would include activities such as music lessons, art lessons, and dance lessons. Both the principal of the school and the superintendent must approve any such use or rental where a profit could be realized.	Fees will be charged for these groups based on a fee schedule approved by the board.

Terms and Acceptance of Agreements

CSD facilities are not available for long-term use. The superintendent or his/her designee is authorized to enter into facility use agreements with eligible users for the use of district property for terms up to six (6) consecutive months, with one (1) six-month extension upon approval.

Damages and Liability Insurance

User groups executing a facility use agreement are responsible for:

- the proper conduct of all persons attending the event
- compliance with all state and federal laws
- immediate (within thirty (30) days of incident) repair and restoration of all damages to district facilities, property, or equipment that occurs while the facility is being used by the group and all individuals therein
- loss, damage, or expense caused or arising from the use or operation, as a means of inflicting harm of any computer system, software program, malicious code, computer virus, or process of any other electronic system
- all liabilities of any persons in attendance

All user groups, except district affiliated groups, must furnish a Certificate of Insurance for general liability coverage of \$1,000,000 per occurrence. Clover School District must be listed as additional insured on the certificate.

Rules Governing the Use of District Facilities

In addition to other provisions of this policy and to any specific administrative procedures established by the superintendent, all users of district facilities must comply with the following rules:

- When school facilities are used by non-school persons, a school staff member may be required to be present while the facility is in use. The staff member's services will be paid for by the group using the facility, except when a primary or election is conducted in a school facility.
- Groups and individuals that use district facilities must comply with all federal, state, and local laws and any additional rules required by the board, superintendent or designee, or principal.
- For profit groups may not use school facilities for fund-raising events.
- All groups wishing to use any school kitchen must have members of the kitchen staff from that particular school present. Kitchen staff members will be paid for their services by the organization using the facility.
- No organization will be eligible to use district facilities if such organization advocates governmental change by violence or advocates any doctrine of theories subversive to the law or constitutions of the State of South Carolina or the United States of America.
- No group or organization characterized as a gang or secret society, pursuant to board policy JICF, *Secret Societies/Gang Activity*, will be eligible to use district facilities.
- User groups and all individuals therein will not consume or possess prohibited substances and items, complying in all terms and conditions with board policies including but not limited to:
 - *Tobacco-Free Districts/Use of Tobacco* (policy ADC)
 - *Drug-Free and Alcohol-Free Districts, Workplace* (policy ADB)
 - *Weapons in District* (policy JICl)
- The use of district facilities as election polling stations, for meetings of registered political parties or the State Election Commission will be without charge (S.C. Code of Laws, 1976, as amended, [Section 7-9-110](#)).
- District facilities available for funerals, memorial services, or celebrations of life are limited to the Clover School District Auditorium and the District Resource Center Auditorium outside of regular school hours.
- Any violation by a user group or associated individual of the provisions of this policy or any applicable administrative procedure will be deemed grounds for the suspension of the user group's privilege to use district facilities for such period of time considered appropriate by the district, subject to the review of the superintendent and the board of trustees.
- The board, through the superintendent or his/her designee, reserves the right to cancel a permit to use district property or facilities and will refund payment of fees whenever it deems such action advisable and in the best interest of the district. The board further reserves the right to modify or change its rules at any time with or without cause. In the event of such revocation or cancellation, there will be no claim or right whatsoever to damages or reimbursement on account of loss, damage, or expenses.

Review of Decisions Concerning Use of District Facilities

Any person or organization may request a review of any decision made by staff pursuant to this policy. The review will be
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conducted by the superintendent's designee. Subsequent reviews will follow board policy KE, *Public Concerns and Complaints*.

Implementation of Policy

All existing facility use agreements in force on the date of adoption of this policy will remain in effect for the duration of the current term of such rental agreement.

APPENDICES TO THIS POLICY:

KF-E1: Fee Schedule for Facility Use

KF-E2: Request for Use of District Facilities

Adopted 5/18/20

Legal References:

United States Code of Laws, as amended:

Boy Scouts of America Equal Access Act, [20 U.S.C.A. Section 7905](#).

S.C. Code of Laws, 1976, as amended:

[Section 7-9-110](#) - Conducting elections or primaries in a facility that receives state funds.

[Section 59-1-370](#) - Closing of educational institutions on general election day.

[Section 59-19-90\(7\)](#) - General powers and duties of school trustees.

[Section 59-19-120](#) - Rules and regulations governing use of school buildings.

[Section 59-19-125](#) - Leasing school property for particular purposes.

Federal Cases:

Child Evangelism Fellowship of South Carolina v. Anderson School District Five, 470 F.3d 1062 (4th Cir. 2006).

York 2/Clover School District