

## USE OF SCHOOL FACILITIES

The board subscribes to the belief that public schools are owned and operated by and for the community. The public is encouraged to use school facilities, but will be expected to reimburse the district for such use to ensure that funds intended for education are not used for other purposes. On recommendation of the superintendent, the board will set the rental rates schedule.

The Superintendent is authorized to establish procedures for use of school facilities, including rental rates, supervisory requirements, restrictions, and security. Those using school facilities will maintain insurance for accident and liability arising out of the use of District facilities of not less than \$1,000,000 and naming the District as an additional insured. The Superintendent or his or her designee may waive such insurance.

The district does not discriminate based on race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability and provides equal access to Boy Scouts of America and other designated youth groups.

Community athletics programs that use district facilities will not discriminate against any person on the basis of gender in the operation, conduct or administration of their programs. The district will provide copies of the district's nondiscrimination policy to all third parties using district facilities.

The District reserves the right to deny or cancel any application for use when such use, in the sole discretion of the Superintendent or his or her designee, may be prejudicial to the best interest of the facility, District, or children.

### **Charges and Priority Among Users**

Qualified users (defined below) may use District facilities subject to the following order of priority and charges:

- A. *District Programs and District Sponsored Programs.* No charge will be assessed for such use;
- B. *School Associated Organizations and Foundations.* PTA, PTO, or approved non-profit groups established to directly and financially benefit the Port Angeles School District or individual schools within the District. No facility charge will be assessed for such use, however, a staff fee, if required, will be charged. The district will provide official recruiting representatives of the state and United States military forces, Job Corps, Peace Corps and AmeriCorps with access to school facilities (including number of days and type of presentation space) equal to and no less than the access provided to other post-secondary occupational or educational representatives;
- C. *Community Non-Profit, School Associated.* Approved non-profit groups established in part to benefit the Port Angeles School District or individual schools within the District. A facility charge will be assessed for such use based on our fee schedule and if required a staff fee will also be charged.

- D. *Public Entities.* Use by public entities may be arranged through intergovernmental use agreements. Charges, if any, will be determined in the intergovernmental use agreement. Use by public entities or private organizations assisting the government in times of emergency, such as the Red Cross, may also be arranged directly through the Superintendent or designee on a case by case basis. In case of local or national emergency, such use may take precedent over all other uses at the sole discretion of the Superintendent or his or her designee;
- E. *Community Non-Profit Group Use.* Community groups such as youth groups, churches, lodges, recreation leagues, music groups, etc. may apply for use of District facilities. Such groups will be charged a rental rate for the actual cost of the use of the facility. Such costs will include the costs of any additional personnel, material, and utilities costs made necessary by the use, plus a uniform administrative service charge to be determined by the Superintendent or his designee. If the use entails wear and tear on the facility, an extra charge may be included to account for such costs, or the use may be denied, at the Superintendent's or designee's sole discretion;

Nonprofit groups of the kind that in most communities have their own facilities (such as churches, lodges, veterans groups, granges, etc.) which wish to use District facilities on a regular, but temporary basis, may do so under this rental rate, but for no more than two years and may not average more than twelve hours of use per week. The District expects that such groups will be progressing towards building their own facilities.

The rental fee may be waived at the sole discretion of the Superintendent or designee when a non-profit group is raising funds for charitable purposes. To be granted this exception, the group must be recognized by the Philanthropic Division of the Better Business Bureau.

- F. *Commercial For Profit Use.* School District facilities will not be available to any commercial enterprise for more than two occasions per year. The District will charge the commercial user at least market rates for facilities rental, as determined at the sole discretion of the Superintendent or designee. Exception may be made to this sub-paragraph by Board action in special circumstances involving use of unused or excess District property and where the commercial use is something that substantially supports the District's educational program. Such action would be taken by the Board's approving a written lease agreement or other written use agreement between the District and the outside organization.

### **Facilities Use Permits**

All users described above, except for the first group of "District Programs and District Sponsored Programs," must apply for a facilities use permit with the District. Except for "District Programs and District Sponsored Programs," no use permit will be for more than one year. All groups desiring to use a school facility, except for the first group, must therefore reapply at least annually to continue their use of a school facility. Additionally, youth organizations engaged in sports activities and using school facilities must provide a statement of compliance with the policies for the management of concussion and head injury in youth sports as required by RCW 28A.600.

Qualified users are defined as:

- A. Groups whose use of the facility will not be inconsistent with the educational mission of the District.
- B. Groups whose use of the facility in question will not interfere with school or District use of the facility, nor damage or cause harm to the facility or grounds.
- C. Groups who follow the District’s Facilities Use Rules. (See Procedure 4260P.)
- D. Groups who are properly insured and provide a valid and current certificate of insurance. The insurance must be of the type required by the Superintendent or designee, and must comply with the policy limits requirements which the Superintendent or designee may establish from time to time, or for a particular use.

**Not an “Open Public Forum”**

The Board and the District do not intend to create an open forum<sup>1</sup> for public use of its facilities and grounds. The Superintendent and his or her designee will take appropriate action to avoid such a forum being created. If at any time the Board wishes to change the nature of the forum it has previously allowed through community use of District facilities, the Board may do so to either expand or contract that forum and its attendant facilities usage.

Cross References: Policy 3422

Student Sports – Concussion and Head Injuries

Legal References: RCW 4.24.660

Liability of school districts under contracts with youth programs

[RCW 28A.230.180](#) Educational and career opportunities in the military, student access to information on, when  
RCW 28A.320.510 Night schools, summer schools, meetings, use  
of facilities for

RCW 28A.335.150 Permitting use and rental of play-grounds, athletic fields, or athletic facilities

RCW 28A.335.155 Use of buildings for youth programs — Limited immunity

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<sup>1</sup> “Open public forum” is a legal term defined by case law such as *DiLoreto v. Downey Unified School Dist.*, 196 F.3d 958, 964 (9th Cir. 1999).

20 USC Sec. 7905 Boys Scout of America  
Equal Access Act

34 CFR Sec. 108.6 Equal Access to  
Public School Facilitie For The Boy Scouts  
of America and Other Designated Youth  
Groups

AGO 1973 No. 26, Initiative No. 276

School districts — Use of school facilities for  
presentation of programs — Legislature —  
Elections

Management Resources: *Policy News*, August 2009

Concussion and Head Injuries  
Legislation

20 U.S.C. § 7905, Equal Access Act

*Good News Club v. Milford Central School*, 533 U.S. 98 (2001).

*DiLoreto v. Downey Unified School Dist.*, 196 F.3d 958, 964 (9th Cir. 1999).

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