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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. DEFINITIONS

- A. “Facility” includes any physical structure including, but not limited to, buildings, sheds and playground equipment, as well as grounds owned or leased by the school district.
- B. “Equipment” includes, but is not limited to, any item, appliance, gear, technology or technical equipment, furniture and fixture owned or leased by the school district and stored, displayed or installed in a facility owned or leased by the school district.
- C. “User” means groups, organizations, businesses and individuals who have school district approval to use school facilities and equipment for events and activities.

IV. 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 reasonably reflect the school district’s cost of providing community education classes or activities to the extent permitted by law.

V. GENERAL COMMUNITY USE OF SCHOOL FACILITIES AND EQUIPMENT

- A. The school board may authorize the use of school facilities and equipment users. It may impose reasonable regulations and conditions upon the use of school facilities and equipment as it deems appropriate.
- B. Requests for use of school facilities and equipment by users shall be made through the Community Education department consistent with this policy and the attached Appendix A. The superintendent or designee will be responsible for developing, reviewing and modifying forms and agreements to facilitate the processing, review and approval of requests to use school facilities and equipment consistent with this policy and Appendix A.
- C. The school board may require a rental fee for the use of school facilities and equipment consistent with this policy and the attached Appendix A. Such fee may include the cost of custodial and staff member service if deemed necessary. It may also require a deposit or surety bond for the proper use and repair of damage to school facilities and equipment. The school district administration has the authority to decide whether to require a deposit or surety bond.
- D. When emergencies or unusual circumstances arise that necessitate rescheduling the use of school facilities and equipment, reasonable efforts will be made to find acceptable alternative meeting space.
- E. The school expects users who use school facilities and equipment to do so with respect for school district property and an understanding of proper use.

VI. LIMITATIONS OF SCHOOL FACILITIES AND EQUIPMENT USE

- A. School facilities and equipment shall not be used for events or activities which:
 - 1. Advocate for or assist in raising funds for social or political change by violence.
 - 2. Are illegal or which materially or substantially interfere with the orderly conduct of the educational activities of the school.
 - 3. Advertise or promote any activity, product or service that is illegal for minors or adults.
 - 4. Encourage people to commit illegal acts, acts that violate school district or school polices, rules, regulations and procedures, or acts that substantially disrupt the orderly operation of a school or school activities.
 - 5. Express or advocate any form of discrimination, harassment or violence because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, disability, sexual orientation, age or political affiliation.

6. Violate any school district policy, rule, regulation or procedure, or federal, state or local law.
 7. Are in conflict with a school district program or contrary to the basic educational mission of the school district.
 8. Jeopardize the safety, security, or supervision of individuals or school facilities or equipment.
 9. May be detrimental to the best interests of the school district.
 10. Might result in any undue damage or wear, or is not consistent with the use for which the facilities and equipment were designed.
 11. Advocate drug or alcohol use, abuse, sex or conduct that is otherwise inconsistent with the shared values of a civilized social order.
 12. Present a danger or potential for harm to a degree not appropriate for a school district facility.
- B. Requests may be denied, approval for events and activities may be revoked and prepaid fees/deposits forfeited for:
1. Violation (repeated or one time) of school district policy, rules, regulations or procedures, or violation of federal, state or local laws.
 2. Repeated short notification of cancellations.
 3. Failure to pay rental fees (Payment shall be made within 45 days of receipt of rental invoice).
 4. Inappropriate behavior.
 5. Damage to school district facilities or equipment.
 6. Reasons state in Section VI.A above.
 7. Lack of availability of school facilities or equipment.
 8. Lack of availability of school district employees to be present at the event or activity.
 9. Other reasons as stated in this policy.
- C. School facilities and equipment use shall not be allowed during the regularly scheduled school day by users unless specifically authorized by the Superintendent or designee. Lunch periods are considered part of the regularly scheduled school day.
- D. When a snow day, other weather-related emergency, or an event beyond reasonable school district control closes part of or the entire school district, school facilities and equipment use shall be canceled for the duration of the closure or until the Superintendent or designee authorizes commencement of such use in the sole discretion of the school district.
- E. School facilities and equipment will not be used for the following private events:

parties, dances, funerals or memorials. Accommodations may be made for the funeral or memorial services of a student or staff member of the school district. Exceptions to this policy will be reviewed individually by the Superintendent or designee for possible approval.

- F. Use of school facilities and equipment shall comply with federal, state, and local laws and regulations related to discrimination.
- G. School facility and equipment use is restricted to the dates and hours approved and to the facilities, facility areas and equipment specified in the request and approved by the school district.
- H. The administration of the school district may cancel or revoke approval for events and activities at any time when determined by the Superintendent or designee to be in the best interest of the school district. When this occurs, fees charged to the user shall be refunded. This action will be taken only when necessary due to unavoidable circumstances as determined by the Superintendent or designee, and reasonable attempts will be made to offer alternative space, if possible and appropriate under the circumstances.

VII. GENERAL REGULATIONS FOR SCHOOL FACILITIES AND EQUIPMENT USE

- A. **SAFETY.** All applicable fire and safety laws/regulations and school district policies, rules, regulations and procedures governing the use of school facilities and equipment must be observed at all times.
- B. **AGE REQUIREMENT.** A user must be 18 years of age to apply for use of any school facilities and equipment.
- C. **TOBACCO, ALCOHOL AND ILLEGAL SUBSTANCES.** Tobacco products, e-cigarettes, vape pens, other vaping devices and paraphernalia, illegal substances and alcoholic beverages are prohibited in and on all school facilities, with the exception that alcoholic beverages may be served during events held during the summer months between the last student contact day to first student contact day, as per calendar approved by the Board of Education, at the Gichi-ziibi Center for the Arts at Brainerd High School to the extent permitted by law and with the Superintendent's or Superintendent's designee's prior written approval under the following conditions: (1) the individual or entity hosting the event must obtain a temporary liquor license meeting the requirements outlined in Minnesota Statutes section 624.701, subdivision 1a; (2) alcohol may only be served, consumed, or possessed in the lobby, the balcony lobby, the lavatories immediately adjacent to the lobby and balcony lobby areas and the studio stage area of the Gichi-ziibi

Center for the Arts; (3) no individual may possess an alcoholic beverage in other areas of the Gichi-ziibi Center for the Arts unless the individual is moving alcohol into or out of the Gichi-ziibi Center for the Arts on behalf of an entity holding a liquor license from the City of Brainerd for the sole purpose of setting up or taking down a designated serving area in connection with an event; (4) the individual or entity holding the event must pay a damage deposit in the amount of \$1,500, which will be first applied to the rental fee for use of the Gichi-ziibi Center for the Arts if there is no damage and then any balance will be refunded; (5) the availability of an appropriate number of security professionals, as approved by the superintendent or superintendent's designee, from the district's contracted security provider the cost of which will be included in the Estimate of Fees; (6) the individual or entity must maintain social host or similar insurance coverage approved by the Superintendent or the Superintendent's designee in addition to insurance requirements applicable to other events; (7) the hours of sales and service of alcohol is limited to between 5:00 p.m. and 9:00 p.m. and (8) the individual or entity holding the event must comply with all other school district policies and procedures as well as all applicable federal, state, city, and county laws and ordinances. Failure to comply with this regulation will be grounds for revocation of approval or denial of a use request, immediate termination of the school facilities and equipment use and may be grounds for legal action. (See Appendix B Gichi-ziibi Alcohol Beverages Procedure.)

- D. **WEAPONS.** No weapons of any kind are allowed in or on school facilities except as provided by Policy 501 School Weapons Policy. Facility use must be consistent with Policy 501. Failure to comply with this regulation will be grounds for revocation of approval or denial of a use request, immediate termination of the property use and may be grounds for legal action.
- E. **INSURANCE.** Proof of satisfactory liability insurance protection in the amount of, at a minimum, \$1,000,000 per occurrence/\$2,000,000 aggregate with the school district, its board, employees and volunteers named as additional insureds is required. Proof of satisfactory liability insurance protection with the user named as an additional insured is required for any sub-contractors or sub-consultants. A waiver of subrogation will also be required for events involving the service of alcohol.
- F. **PERSONAL PROPERTY.** The school district shall not be held responsible for any damage or loss that may occur to non-school property brought in or on the school facilities.

- G. PERSONAL INJURY. The school district shall not be held responsible for any personal injury that may occur to users, participants and individuals in or on school facilities during use of school facilities or equipment.
- H. SNOW REMOVAL. If snow removal is requested by the user, the school district may charge for the service unless removal would have been performed in the course of normal school district operations.
- I. CONCESSIONS. A user intending to sell concessions or provide food for a free will donation to the public in the course of the event or activity shall follow the procedure described in Policy 902 Appendix A.
- J. SUPERVISION. All scheduled events and activities must be under competent adult supervision. It is this adult's responsibility to maintain control of the behavior and location of users, participants and individuals involved in the event or activity to ensure they remain in the area authorized by the school district.
- K. DAMAGE. The user (this includes the individual names on the Facility Request Form and/or Facility Use Agreement and any group, organization or business in whose name the rental request is made) will be responsible for its use of the school facilities and equipment as granted by the school district and will accept responsibility for any behavior of users, participants and individuals, any damage to the school facilities and equipment and for custodial or staff member fees incurred. School facilities, facility areas and equipment used shall be left in an orderly condition and restored to the same condition as prior to use.
- L. TECHNOLOGY. Room rental fees include use of technical equipment. The school district may assess fees for technical equipment damage.
- M. ASSIGNMENT. No user may sublet or assign their use of school facilities and equipment to another user.
- N. DEFENSE AND INDEMNITY. The user must agree to defend and indemnify the District for any claims or liability associated with the use of the District's facilities.

VIII. PRIORITIZATION OF FACILITY AND EQUIPMENT USE

Facility and equipment use shall not conflict with the requirements of the school district's educational programs and shall be scheduled according to the following priorities:

- A. TIER 1. Events and activities of Brainerd Public Schools, Minnesota State High School League events and activities, Community Education events and activities and government activities and elections.

- B. TIER 2. Events and activities for local tax-exempt organizations within the boundaries of Brainerd Public Schools serving primarily youth.
- C. TIER 3. Events and activities for local tax-exempt organizations within the boundaries of Brainerd Public Schools serving primarily adults and families.
- D. TIER 4. Events and activities for commercial businesses inside and outside the boundaries of Brainerd Public Schools, tax-exempt organizations outside the boundaries of Brainerd Public Schools serving youth and adults and any other appropriate use of school facilities and equipment.

IX. FACILITY AND EQUIPMENT USE FEES

Facility, equipment and personnel fees are described in the Fee Schedule found here [\[clickable link\]](#) or by contacting the Community Education Department and are subject to change. Regardless of tier, all users are responsible for payment of all personnel fees directly related to their use of school facilities and equipment. The following fees will be assessed to users, regardless of tier.

- A. A school district custodian or other qualified Brainerd Public Schools staff member must be present at all times when school district facilities or equipment are in use. This person will not supervise activities or events, users, participants or individuals in the events or activity. This person is only present to provide access and ensure facilities and equipment are being used appropriately. If the use takes place outside of the custodian/staff member's regular schedule, the user will incur the fees described in the Fee Schedule.
- B. Additional set-up and clean-up fees will be assessed, when appropriate, as determined by school district administration.
- C. Events held outside of school district buildings on school district property (e.g., playground, athletic field, parking lot, etc.) may not need a school district employee to be present. To ensure compliance with the facility use policy, school district personnel will perform a post-event inspection. Fees may be assessed for trash pickup or damage as deemed appropriate by school district administration.
- D. Use of pool facilities requires lifeguard services provided by the user. The school district will require proof of current certification of persons serving as lifeguards for the user's event or activity.
- E. Use of ropes courses requires that a school district instructor be present. Fees for this service will apply and be assessed.

- F. Use of strength training facilities requires that a school district strength instructor be present. Fees for this service will apply and be assessed.
- G. Use of kitchen equipment requires that a school district food service employee be present. Fees for this service will apply and be assessed.
- H. Use of climbing walls requires that a school district instructor be present. Fees for this service will apply and be assessed.
- I. Use of the planetarium requires that a school district instructor be present. Fees for this service will apply and be assessed.
- J. Use of technology equipment may require that a school district technology employee be present. Fees for this service will apply and be assessed.

X. LONG-TERM RENTAL AGREEMENTS WITH OUTSIDE ENTITIES

The school district reserves the right to enter into long-term rental agreements with outside entities provided those entities meet the requirements outlined in section VI of this policy. In addition, it is understood that:

- A. The Superintendent or designee is granted the authority to negotiate fees for longterm users as seen fit by school district administration. Past practice and current facility fees will be used as benchmarks for determining rental fees for long-term users.
- B. The school district reserves the right to relocate or adjust the schedule of outside entities based on the current tier structure of priority of use with a reasonable amount of notification to the outside entity. When possible, a minimum of 120 days notice prior to the scheduled event or activity will be given.

XI. TIER 1 AND OTHER GOVERNMENT USES

The school board intends to allow school district administration flexibility in handling Tier 1 events and activities. The school district administration has the discretion to reasonably decide the extent to which Tier 1 events and activities are required to submit Facility Request Forms, Facility Use Agreements, and other forms and agreements. The school district administration also has the discretion to reasonably decide the extent to which the requirements in sections VII and IX of this policy and Appendix A need to be followed by Tier 1 events and activities. For other governmental uses that do not fall within Tier 1 uses, the school district administration has discretion to approve modifications to the requirements of this policy and Appendix A to the extent required by law or to the extent necessary to ensure that the requirements of this policy and Appendix

A do not unnecessarily interfere with the ability of other governmental entities to use the school district's facilities.

Legal References: Minn. Stat. § 123B.51(Schoolhouses and Sites; Access for Noncurricular Purposes)

Cross References: MSBA/MASA Model Policy 801 (Equal Access to Facilities of Facilities)
MSBA/MASA Model Policy 901 (Community Education)