

# EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PROPERTY  
 TITLE: USE OF FACILITIES  
 ADOPTED: August 19, 2002  
 REVISED: May 17, 2004  
 November 15, 2004  
 August 21, 2006  
 July 16, 2007  
 June 22, 2009  
 May 15, 2017  
 November 20, 2017  
 (Effective Date 1/1/18)  
 February 25, 2019  
 (Retro Back to February 1, 2019)

707. USE OF FACILITIES	
<p>1. Purpose SC 775</p>	<p>The Board recognizes that the primary purpose of the buildings, facilities, and property of the district is to provide students with an appropriate learning environment. The district does make available its facilities <u>without discrimination</u> to district residents, community organizations and organizations providing a benefit to the school and community on a space available basis outside of normal school hours. This use is not intended to be permanent or ongoing for an extended time. District events shall have priority in the use of facilities and may preempt requests for use by other groups. <u>This policy establishes conditions, restrictions and procedures for the use of school facilities for non-school-sponsored purposes.</u></p>
<p>2. Authority SC 511 Title 22 Sec. 12.9  SC 775</p>	<p>The Board will permit the use of school facilities when permission has been requested in writing and has been approved in accordance with this policy.</p> <p>Scheduling priority shall be granted in order of classification.</p> <p>The Board shall establish annually a schedule of fees for the use of school facilities. Please refer to Attachment A.</p> <p>The Board will not consider waivers of any of the requirements set forth in this policy.</p>
<p>3. Definitions</p>	<p>An <b>event</b> is any single use consisting of up to four (4) consecutive hours.</p>
<p>4. Delegation of Responsibility</p>	<p>The Superintendent or designee shall implement administrative regulations or procedures for requesting and granting permission for use of school facilities and shall distribute the necessary information to individuals/groups affected by them.</p> <p>An application for use of school facilities may be disapproved by the Superintendent because of noncompliance with established policy and procedures.</p>

5. Guidelines

**Application Process**

- a. When requesting permission to use school district buildings, facilities or property, the applicant must submit a written request on the prescribed application form at least thirty (30) calendar days prior to the date for which a facility is requested. Applications for Class IV organizations may only be submitted for a facility use occurring no less than 30 and no more than 120 days from the date of application. (Applications for such usage may be obtained in any school office.) Completed applications not submitted for determination of availability of the requested facility as set forth above shall be denied.
- b. The application must specify the portion of the school facilities requested for use; proposed event; anticipated number of individuals participating; and the date, time and duration of the proposed event. Any school equipment that is to be used in conjunction with requested facilities shall be identified on the application. The applicant must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.
- c. The applicant shall agree to exercise proper care in the use of the property and facilities, to indemnify and hold harmless the school district for any and all damages to school or other property by any person or persons attending the affair and to indemnify and hold harmless the school district against liability for any and all damage to any person or persons for injuries, including death.
- d. A certificate of insurance shall be attached to the application. The minimum limits of liability are: a minimum of \$100,000 for all damages arising out of bodily injury/person/accident; and \$300,000 aggregate for all damages sustained by two (2) or more persons/accident. Applicants other than Class I applicants (defined below) must secure liability and property insurance in the amount of not less than \$500,000 Bodily Injury Liability and \$500,000 Property Damage Liability, listing the school district as an additional insured. In such event, the applicant shall furnish the building principal with a certificate showing that such insurance has been obtained. The *Certificate of Insurance* **MUST** list the applicant as the insured and the East Stroudsburg Area School District as a certificate holder as well as an additional insured on the policy.
- e. An application fee may be assessed in accordance with the 707A-Schedule of Fees.

**Application Evaluation**

No application to use school facilities shall be approved if the proposed activity would result in any of the following:

1. Conflict with any school-sponsored activity. Any scheduled school activity, whether taking place during the school day or otherwise, shall have precedence over any other activity for the use of such facility. In the event a school activity is postponed due to inclement weather, etc., and the make-up day conflicts with a planned community or other activity, the school program would take precedence and necessitate the rescheduling of the community activity and/or other activity.
2. Access to school facilities that are closed due to renovations, maintenance, cleaning, the school calendar or Board action.
3. Access to school facilities containing equipment or furnishings which, if damaged or operated by an unqualified operator, would be detrimental to the operation of a school district program.
4. Prevention or encumbrance of school district personnel from preparing school facilities for their primary purpose, because of the nature or duration of the activity.

**Limitations**

When applicants receive written permission to use school facilities under this policy, such use shall be conditioned upon strict compliance with the following:

1. All events must terminate and all groups and event participants must vacate school premises at a designated time; but school premises must always be vacated by 10:30 p.m. unless otherwise authorized in advance by the Superintendent.
2. Facilities may not be occupied beyond rated capacity. The total number of participants and spectators in that activity must be provided on the application.
3. Individuals shall not use, access or enter upon any portions of the school facilities or their contents not specified in the approved written request form.
- 2.4. Individuals shall not prop open doors to the facility while in use. This is a safety and security issue.

22 PA Code 18.42

- ~~3.5.~~ If advertising or promoting events held at school facilities, groups shall clearly communicate that the events are not sponsored by the school district. This disclaimer must be posted on all flyers and flyers must have approval of Superintendent prior to posting and/or distribution. All flyers must contain specific disclaimer language that may be obtained through the Superintendent's Office.
- ~~4.6.~~ Accidents involving persons and/or property should be promptly reported to School Police at 570-424-7833 (24-hours).
- ~~5.7.~~ Requests for use of stage facilities, lighting, installation of scenery and other specialized equipment shall be clearly indicated on the application. School district staff may be required to operate and/or setup and secure such systems at the discretion of the district. Personnel fees shall be incurred by the applicant.
- ~~6.8.~~ Requests for use of district kitchens and/or concession stands shall be clearly indicated on the application. The use of district kitchen or concession stand equipment requires the supervision of the district's Food Service Department. Personnel fees shall be incurred by the applicant.
- ~~7.9.~~ For any use of swimming pool facilities, the requesting group must supply documentation of certified lifeguard(s) in accordance with applicable law.
- ~~8.10.~~ Where large audiences are anticipated, the applicant shall be responsible for proper security, parking of cars on the paved parking area and to provide the additional services needed to direct and control parking. Security and parking provisions must be approved by the Chief of School Police prior to the event taking place. The Chief of School Police shall determine whether school district security personnel are required due to the anticipated number of participants.
- ~~9.11.~~ Responsible adult supervision in adequate numbers must be provided by the sponsoring organization. Sponsors of an activity must remain on the premises until all participants and attendees have left the facility.
- ~~10.12.~~ The use of school facilities may not be permitted when schools are closed due to inclement weather or the closing of school due to early dismissal. The school district is not responsible for any costs incurred by the user which may result from such closure. Users are responsible to consult the district website, local TV and/or radio stations for information on mid-week school closings. Users are also responsible for contacting School Police at 570-424-7833 (24 hours) for information on weekend closures due to inclement weather.

<p>SC 511</p> <p>35 P.S. 1223.5 20 U.S.C. Sec. 7182, 7183</p>	<p><del>11.13.</del> A custodian and/or other school district personnel shall be on duty at all times when an indoor facility is in use.</p> <p><del>12.14.</del> After the application has been approved, the applicant may <b>not</b> assign, sublet, or transfer its rights or privileges to any other individual, group, or organization.</p> <p><del>13.15.</del> Individuals/Groups are responsible to remove all equipment/supplies at the conclusion of the event unless prior permission is granted by school officials.</p> <p><b><u>Conduct of Patrons/Prohibited Activities</u></b></p> <p>The following activities are strictly prohibited in school facilities <u>and on school grounds</u> when groups are granted written permission to use said school facilities:</p> <ol style="list-style-type: none"> <li>1. Conduct that would alter, damage or be injurious to any school district property, equipment or furnishings.</li> <li>2. Conduct that would constitute a violation of the Pennsylvania Crimes Code and/or state and federal laws and regulations.</li> <li>3. The possession, use or distribution of <u>illegal drugs controlled substances prohibited by state or federal law</u> and/or alcoholic beverages in any form.</li> <li>4. Use of tobacco/<del>nicotine and nicotine delivery</del> <u>and vaping products, including the product marketed as Juul and other e-cigarettes, as defined in the law</u> by any person in school buildings or on any property that is owned, leased or controlled by the school district. <del>This policy does not prohibit the use of a nicotine patch, gum or lozenge as a smoking cessation product by adults using the school facilities. Products approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, are permitted, as long as the product is not inhaled.</del></li> </ol> <p><del>5.</del>—The possession or use of weapons on or near the premises of the school property.</p>
<p>SC 511</p>	<p><b><u>Violations</u></b></p> <p>The school district reserves the right to remove from school district premises any individual or community group who fails to comply with the terms and conditions of this policy and established procedures.</p>

The district reserves the right to bill any group regardless of classification for cleanup costs at a rate of 150% of the actual cost, if facilities are not returned in the same condition as they were received by the group.

An evaluation form shall be completed by the building administrator and/or designee to document any individual or community group's non-compliance with this policy and/or terms under which permission was granted to use the school facilities. Evaluation forms are to be submitted to the Superintendent's office for review.

Upon review/investigation, In the event an individual or community group violates this policy or the terms under which permission was granted, the Superintendent will determine whether that individual or community group forfeits the right to submit future written requests to use school district property.

### **Classifications**

#### **Class I --ESASD School-Sponsored Organizations**

- Events directly sponsored by the district, including but not limited to its student organizations, student clubs, athletics and/or extra-curricular activities.

#### **Class II – ESASD School-Related Organizations**

- Events directly sponsored by organizations that are officially attached to the district and whose existence is contingent upon that of the school district, including but not limited to alumni organizations, parent-teacher organizations, and formally-recognized booster groups. To be considered a school-related organization, groups must receive formal designation from the Chief Financial Officer by submitting an annual list of officers with authority to sign the permit application.

**Class III – Local Non-Profit Organizations**

- Local non-profit organization that has an office(s) located in Monroe and/or Pike County performing a service which benefits the district students and/or its residents; a local chapter of a state or nationally-recognized organization performing a service which benefits the district students and/or its residents.
- Class III Organizations include but are not limited to: Boy & Girl Scouts, Boys & Girls Clubs, Community Recreation Organizations, YMCA, and Fraternal Service Groups (e.g. Rotary, Kiwanis, etc.)

**Class IV—All Other Organizations**

- Any organization, whether for-profit or non-profit, that is not otherwise defined in Classes I, II, or III.

**Fee Structure**

**Class I School-Sponsored Organizations:**

Facility and personnel fees are waived for all Class I organizations.

**Class II School-Related Organizations and Class III Local Non-Profit Organizations:**

Facility fees and mid-week personnel fees are waived for all Class II and III organizations.

Saturday personnel fees are waived for the first two (2) events per school year, for Class II and III organizations. Any additional use/events, will be assessed personnel fees according to the established Saturday labor rates. (See definition of “event” on page one.)

Sunday personnel fees will be assessed for all Class II and III organizations according to the established Sunday labor rates.

**Class IV Organizations:**

Facility rental fees shall be applied to all Class IV organizations in accordance with the attached schedule of fees (Attachment A). All fees due to the school district for

the use of a facility are due within thirty (30) days after the activity. Any groups owing fees from a previous use/event, or which did not promptly remit payment for a previous use/event, may be denied future use of facilities.

Personnel fees will also be assessed for all school personnel required to adequately staff the event and shall be at the sole discretion of the school district.

**District Employees**

District employees requesting the use of district facilities in a capacity other than their official capacity must conform to the same requirements as any of the classification groups as identified in this policy.

**References:**

School Code – 24 P.S. Sec. 511, 775, 779

State Board of Education Regulations – 22 PA Code Sec. 403.1

Department of Revenue Regulations – 61 PA Code Sec. 901.1, 901.701

Local Option Small Games of Chance Act – 10 P.S. Sec. 328.101 et seq.

School Tobacco Control – 35 P.S. Sec. 1223.5

Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.

Boy Scouts of America Equal Access Act – 20 U.S.C. Sec. 7905

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