

PUBLIC USE OF SCHOOL FACILITIES

Because public schools belong to the people of the School District, and because school facilities are established, maintained and operated by funds largely provided by local taxes, the Board accepts the responsibility for making the public school facilities available to the community for appropriate activities that do not infringe upon, nor interfere with, the conduct and best interest of the school system.

It is the Board's intention to grant the use of school facilities under the Superintendent of School's direction in accordance with this policy and its implementing procedures. Authorization for use of District facilities or grounds shall not be considered as an endorsement of or approval of the activity, group or organization, nor for the purpose it represents.

Permitted uses, availability and fees (where applicable) for all groups are outlined below and in the addendum to this policy.

The primary use of District facilities is for School District activities including curricular, extra-curricular and recreational activities. School facilities are generally not available for community use during regularly scheduled school hours or when otherwise in use for School District activities.

Nothing in this policy or any other District policy is intended to prohibit or affect the use of District facilities for the free discussion of public questions upon the written application of one-half of the District's electors pursuant to s. 120.12(9) of the Wisconsin Statutes.

The Board retains the right to deny use of District facilities and shall be the final authority in all cases. All individuals, groups or organizations granted use of school facilities shall be given a copy of this policy and its implementing procedures.

Procedures

A. Facility Use Applications

1. Individuals, groups or organizations requesting use of school facilities shall complete an "APPLICATION and AGREEMENT for the use of School Building" form. Applications are available in each school building office, the District Office and the High School Activity Department offices.
 - a. The completed application should be returned to the facility that is being requested. Fifteen days notice is required, but may be waived by a member of District administration.
 - b. A copy of the application may be returned stating terms of approval or denial.
 - c. A security deposit and proof of insurance will be required for Groups 4 and 5.
2. No organization shall be permitted to use District facilities or grounds when such use interferes with the use of the facility or grounds for school purposes. The determination of whether a requested use interferes with the use of the facility or grounds for school purposes shall be made by a member of District administration.
3. Requests for use of school facilities may be considered on a first-come, first-serve basis and must be renewed annually. The order of priority for use of facilities shall be as follows:

GROUP 1 – Curriculum-Related Student Groups

Curriculum-Related Student Groups are those student groups that: (1) are related to a subject taught in a regularly offered course, (2) are related to the District's course offerings as a whole, (3) are required for a particular course, or (4) result in academic credit. Student Groups must apply for recognition as a Curriculum-Related Student Group pursuant to Board Policy 5133.

Curriculum-Related Student Groups may be permitted to use District facilities for any purpose that is directly related to an educational program. Curriculum-Related Student Groups also will be permitted to advertise events within District facilities by posting flyers (as permitted by building rules), using the District's public address system, scrolling announcements and other media, and by other methods approved by District administration. Curriculum-Related Student Groups will have a District-appointed advisor. Curriculum-Related Student Groups will also have access to the Student Activities Fund.

Curriculum-Related Student Groups may be allowed to use District facilities during non-school hours with permission of a member of District administration and may be permitted use free of charge.

Curriculum-Related Student Groups may be allowed to use District facilities free of charge during normal custodial working hours. Activities after these hours may be assessed the actual custodial/kitchen costs. Use of kitchen staff at any time shall be assessed the actual cost of such use.

Students who maintain membership in these groups will not be required to pay the co-curricular fee identified by the district, but will be responsible for meeting the expectations of the co-curricular policy and may be required to pay an individual fee assigned through their group to cover reasonable expenses associated with their participation and activities of the group.

GROUP 2 – School-Related Activity Groups

School-Related Activity Groups are not student groups. These are groups not under direct sponsorship of the school or district but directly related to the schools, including, for example, parent-teacher groups, parent booster groups, and any such group that is organized for the sole purpose of District education improvement and is approved by the School Board for inclusion in this category.

School-Related Activity Groups may be permitted to use District facilities for any purpose that directly or indirectly promotes the education, health, welfare and personal growth of the District's students. School-Related Activity Groups will be permitted to post notices on a designated public bulletin board but will not be entitled to use the District's other public address systems or announcement media.

School-Related Activity Groups may be allowed to use the District facilities during non-school hours with permission of a member of District administration and when such use does not interfere with the use of the facilities for school purposes or by Curriculum-Related Student Groups.

School-Related Activity Groups may be allowed to use District facilities and grounds free of charge during normal custodial working hours. Activities after these hours may be assessed the actual custodial/kitchen costs. Use of kitchen staff at any time shall be assessed the actual cost of such use.

GROUP 3 – Noncurriculum-Related Student Groups

A student group is a Noncurriculum-Related Student Group if the following are true:

- The group is comprised solely of District students.
- The subject matter of the group is not actually taught, or will not soon be taught, as a regularly offered course of the school.
- The subject matter of the group does not concern the body of courses as a whole.
- Participation in the group is not required for a particular course.
- Participation in the group does not result in academic credit.
- The group is not directed, controlled, conducted, or regularly attended by nonschool persons.*
- The group completes the required application form for inclusion in this category.

Student Groups must apply for recognition as a Noncurriculum-Related Student Group pursuant to Board Policy 5133.

Noncurriculum-related Student Groups may not be sponsored by the school, the District or its agents or employees. Any District employees who supervise Noncurriculum-Related Student Groups do so voluntarily, on their own time, and not in their capacity as a District employee. Meetings of Noncurriculum-Related Student Groups must be voluntary, student-initiated, and student-led.

Noncurriculum-Related Student Groups may be permitted to use District facilities outside of the regular school day for any purpose that does not materially and substantially interfere with the orderly conduct of educational activities within the school. The District retains the right to deny access to District facilities to maintain order and discipline on school premises and to protect the wellbeing of District students and faculty, and to assure that attendance of students at meetings is voluntary.

Noncurriculum-Related Student Groups may be allowed to use District facilities during non-instructional time with permission of a member of District administration and when such use does not interfere with the use of the facilities for school purposes or by Curriculum-Related Student Groups or School-Related Activity Groups. Noncurriculum-Related Student Groups will be permitted to post notices on a designated public bulletin board but will not be entitled to use the District's other public address system, communication, and announcement media. Noncurriculum-Related Student Groups will not have access to the Student Activities Fund.

Noncurriculum-Related Student Groups may be allowed to use District facilities and grounds free of charge during normal custodial working hours. Activities after these hours may be assessed the actual custodial/kitchen costs. Use of kitchen staff at any time shall be assessed the actual cost of such use.

Students who maintain membership in these groups will not be required to pay the co-curricular fee identified by the district, but may be required to pay an individual fee assigned through their group to cover reasonable expenses associated with their participation and activities of the group.

* Community Groups that are regularly attended by nonschool persons may be granted rights equal to Noncurriculum-Related Student Groups as required by state and federal law.

GROUP 4 – Community Groups

Community Groups are non-profit groups that intend to use District facilities for a lawful nonschool purpose. Seventy-five percent of Community Group participants must be New

Berlin residents. Community Groups do not operate for pecuniary profit and are open to the community at large. Examples of Community Groups include private recreational groups, civic clubs, charitable organizations, churches and other organizations of like character not operating for pecuniary profit and devoted to community interest or child welfare. Community groups may use District facilities during non-school hours with permission from a member of District administration and when such use does not interfere with the use of the facilities for school purposes or by Curriculum-Related Student Groups, School-Related Activity Groups, or Noncurriculum-Related Student Groups. Activities outside of normal custodial hours shall be assessed the actual custodial costs. Use of kitchen facilities and/or staff at any time shall be assessed the actual cost of such use.

GROUP 5 – For-Profit and Other Groups

For-Profit and Other Groups include private companies and groups and other non-civic groups operating for profit or for the benefit of a restricted group.

For-Profit and Other Groups may use District facilities during non-school hours with permission from a member of District administration and when such use does not interfere with the use of the facilities for school purposes or by Curriculum-Related Student Groups, School-Related Activity Groups, Noncurriculum-Related Student Groups, or Community Groups. For-Profit and Other Groups shall be subject to a usage fee not to exceed actual cost. Activities shall be assessed the actual custodial/kitchen costs.

The Board retains the right to deny use of district facilities to for-profit and other groups and shall be the final authority in all cases. The order of priority for use of facilities is as listed in these procedures.

4. The District shall not discriminate in facility usage based on a person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.
5. Notice of cancellation by a rental group must be submitted to a member of District administration at least 24 hours before scheduled time of use or the full applicable fee shall be charged.
6. In the event a school-sponsored activity is scheduled after the approval of an application, the Board reserves its right of priority. If this requires canceling the use of a school facility, the Board will make every attempt to establish an alternate meeting place or date.
7. No subleasing of school facilities shall be permitted without the knowledge and consent of the School District. Intent to do so must be clearly indicated on the rental application.
8. Groups in this category, such as the City of New Berlin, may have master agreements as approved by the School District of New Berlin.

B. Facility Use Fees

1. Fees for use of school facilities, as set for the District on the approved fee schedule (see addendum), are designed to recover direct expenses incurred by the District and to encourage use of facilities according to the above listing of priority. In addition to the scheduled rental, users may be billed a minimum of one hour before and after the event (total 2 hours) per rental application for set-up/clean-up, depending on the necessary set-up/clean-up required by the use. The School District shall review the fee schedule prior to March 1st of each year to allow for adjustments to the rates displayed on this schedule.

2. The District shall issue an invoice for the payment of facility use fees. Any changes to the rental application must be communicated to the District office immediately upon conclusion of the scheduled event(s). Payment is required within 30 days of receipt of the invoice and should be sent directly to: School District of New Berlin Business Office.

C. General Facility Use Rules and Regulations

1. All activities occurring on the weekend or outside regular scheduled hours may require at least one building custodian to be present. The District administrator retains the right to schedule the appropriate amount of supervision based on the event. Employees volunteering to substitute for the building custodian shall be allowed only with the approval of a member of District administration and only provided they accept full responsibility for securing the building and ensuring the facility is left in the same condition as when entered. This shall not void any responsibility of the rental group to provide a certificate of insurance.
2. The rental group shall be responsible for the conduct and control of both patrons and participants and shall ensure that all state, municipal and district regulations governing safety are followed.
3. The rental group must confine their activities to the area(s) and purpose(s) specified in the rental application.
4. ALCOHOLIC BEVERAGES ARE PROHIBITED. THERE IS ABSOLUTELY NO SMOKING OR USE OF TOBACCO PRODUCTS ALLOWED IN DISTRICT BUILDINGS OR ON DISTRICT GROUNDS.
5. The rental group is not to use or operate any School District equipment other than that stipulated in the rental application.
6. Heating and air conditioning are pre-programmed according to District specifications for current conditions and should not be tampered with.
7. The facility rented must be left in the same condition as when entered. Users shall be held liable for damages and missing contents, and may forfeit future use. Rental groups utilizing athletic facilities agree to abide by the conditions and expectations specified in the facility use procedures attached to the rental application.
8. The District assumes no responsibility or liability for injury to persons or damage to or loss of property from any cause whatsoever during such times as the school premises are used by the applicant. The rental group agrees to indemnify and hold the District harmless from any and all claims and actions arising from its use of the school property described in the application, including the payment of attorneys' fees and costs that may be incurred by the District in defending any such claims or actions.
9. The rental group shall indemnify the District for any costs for which the District may become liable due to scheduling conflicts even though the conflict was caused by the negligence of the Board or its agents or employees.
10. Violation of any of these provisions shall constitute grounds for the revocation of the user's contract and/or refusal of permission to use school facilities at any future time.
11. Unless otherwise required by law, liability insurance coverage will be required of an applicant prior to use for Groups 4 and 5. When requested, a Certificate of Insurance, in a form acceptable to the District, must be attached to the application. The District must be named as an additional

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insured covered by the policy. On the certificate of Liability Insurance, the “certificate holder” must read:

School District of New Berlin
4333 S Sunnyslope Rd
New Berlin, WI 53151

Wisconsin Statutes: Sections 120.12(9), 120.13(17), (19) & (21) LEGAL REF.

CROSS REF: 1329 Candidate Forums/Debates

Adopted: 07/21/69

Revised: 5/24/10