

COMMUNITY USE OF DISTRICT FACILITIES (Equal Access)

The use of buildings and grounds for non-District activities shall be governed by the following principles:

1. The use of facilities for non-District activities shall be by permit only;
2. The use of facilities for non-District activities may take place:
 - a. outside of regular school/instructional hours or
 - b. during the school day if approved by the building principal.
3. The use of facilities for large functions where large attendance is anticipated shall require prior approval by the CEO/designee.
4. The facilities and parking shall be suitable for the purpose;
5. The use of facilities shall not disrupt regular operations or District activities;
6. Schedules of activities shall be established and maintained to avoid any conflict in scheduling;
7. Any group using District school facilities must provide evidence of liability and/or property damage insurance;
8. All District school buildings are smoke-free. Citizens entering school buildings must adhere to the District's smoke-free policy;
9. Policies and rules applicable to any persons entering upon school grounds or premise shall be posted at or near all entrances to the school grounds, premises, and/or buildings.
10. The use of facilities shall be subject to assessment of a reasonable fee according to a fee schedule which reflects actual costs to the District for janitorial, light, and heat expenses, as well as other costs and expenses ("Permit Fee");
11. Priority of use of school facilities will be based on the following categories:
 - a. **Category 1:** Governmental/Non-Profit Groups – Defined as governmental agencies or non-profit groups. Issuance of permits for space and facilities for Governmental/Non-Profit Groups will be prioritized behind District activities, but ahead of Commercial Users. Community Non-Profit Groups will be assessed a Permit Fee for their use of facilities.
 - b. **Category 2:** Commercial Users – Defined as private, for-profit businesses, vendors, or entrepreneurs. Issuance of permits for space and facilities for Commercial Users will be prioritized behind District activities and Governmental/Non-profit Groups. Commercial Users will be assessed a Permit Fee for their use of facilities.

12. Form of payment of Permit Fees shall be by cash or check in the full amount of the Permit Fee assessed, except that the District will accept other financial contribution to the District, or the provision of tangible goods to the District, as in-kind payment of Permit Fees, under the following circumstances:
 - a. As part of the application and approval process, a group must provide to the CEO /designee, a written proposal for the payment of the Permit Fees through the provision of tangible goods or some other financial contribution to the District (“Alternative Payment Proposal”), which does all of the following:
 - i. Identifies and describes the specific tangible goods or financial contribution to the District that would be provided as payment of the Permit Fees;
 - ii. States the specific amount of the financial contribution, or otherwise identifies the fair market value of the tangible goods and provides an explanation of the basis for how fair market value was determined; and
 - iii. Identifies the date by when such tangible goods or other financial contributions will be provided.
 - b. The CEO /designee shall approve the Alternative Payment Proposal if the following criteria are satisfied:
 - i. The proposed tangible goods or financial contribution to the District is/are of equal or greater value or amount than the amount of Permit Fees assessed in the invoice; and
 - ii. In the case of a proposal for the provision of tangible goods to the District, the tangible goods are of the type that the District could put to lawful use for the improvement of its facilities or for the benefit of its curriculum or students.
 - c. In determining whether to approve the Alternative Payment Proposal, no consideration shall be given to the purpose for the group’s intended use of the District’s facilities, or the nature or content of the group’s activities, speech, mission, goals, purpose, or viewpoint.
 - d. Upon pre-approval of the Alternative Payment Proposal, the CEO/designee will provide the group with written notice of whether the Alternative Payment Proposal has been approved. If the Alternative Payment Proposal is not approved, the written notice shall briefly state the reason why it was not approved.

- e. A group may appeal the failure by the CEO/designees to approve an Alternative Payment Proposal, to the Chief Executive Officer, in writing, within 14 days of receipt of the written notice of disapproval. The group must provide a written explanation of why it believes the disapproval was in error.
- f. The Chief Executive Officer, or his/her designee, will issue written notice of his/her decision regarding approval of the Alternative Payment Proposal within 14 days of receipt of the appeal. The Chief Executive Officer's or his/her designee's decision shall be based solely on the criteria set forth in Paragraph 13(b), shall not be based on any of the considerations described in Paragraph 13(c), and shall be final.
- g. No District teacher, staff member, or administrator, other than those specified in this Paragraph 13, shall have authority to approve or disapprove of any Alternative Payment Proposal.

[Adoption date: October 4, 2001; amended April 28, 2015]

LEGAL REFERENCES

U.S. Constitution, Amendment I

Ohio Constitution, § 1.07

The Elementary and Secondary Education Act; 20 USC 1221 et seq.

Title VIII, Section 801

ORC 3313.75, 3313.76; 3313.77; 3313.78; 3313.79

ORC 4303.26