

BRANDON VALLEY SCHOOL DISTRICT #49-2
FACILITY USE POLICY

I. INTRODUCTION

The public schools belong to the people of the school district and since plant facilities are established, maintained and operated by funds largely provided by local taxes, the Board of Education accepts the responsibility for making the public school facilities of Brandon Valley School District #49-2, available to the community for appropriate activities, which do not infringe upon or interfere with the conduct and best interest of the school system. The school board may rent or grant the use of school facilities or any land belonging to the school district for any purpose as a community service, provided that such use shall not interfere with school activities.

II. PROCEDURES**A. APPLICATIONS:**

1. The Superintendent of Schools is authorized to approve and arrange for scheduling the use of school facilities by qualified applicants.
2. The Board of Education, the Superintendent or designee is authorized to revoke any such permit, without liability to the school district, should such action be necessary or desirable.
3. Persons or organizations requesting to use a school facility must complete a Facility Use Application and a Facility User Agreement. These documents will be available in the Administration Office during normal business hours. No facility shall be reserved until a completed application, user agreement and proof of insurance has been submitted to the Facilities Scheduling Office and approved by the school district administration.
4. The user shall furnish to the Facilities Scheduling Office a Certificate of Insurance showing proof of general liability in the minimum amount of \$1 Million each occurrence, with a \$2 Million aggregate, damage to rented premises of \$100,000, and medical expense of \$5,000. The school district shall be named as an additional insured. See attached sample Certificate of Insurance.

B. PERMITTED USES:

Permission for use of facilities may be granted those groups whose activities are related to education or are of a political, cultural, religious or recreational nature, and are considered to be beneficial to the communities served by the Brandon Valley Schools. In the event that an emergency requires the use of a facility for a school event or the cancellation of an event due to adverse weather, the Superintendent or designee is authorized to cancel or postpone the use granted without penalty to the school district. Under such conditions every effort will be made to reschedule the use for a mutually satisfactory time.

C. LIMITATIONS AND RESTRICTIONS ON USE OF FACILITIES:

Permission will not be granted to any individual or group for:

1. Promulgating any theory or doctrine subversive to the laws of the United States or any political subdivision thereof advocating governmental change by violence.
2. Any activity that may violate good morals, manners, or taste or be injurious to the buildings, grounds or equipment.

3. Any Purpose in conflict with school activities.
4. Activities which are discriminatory in the legal sense.
5. Public school buildings and classroom equipment may not be used for private teaching for which tuition charge is made either by staff members employed by the school district or by any other outside agencies or persons, unless specifically authorized by the Board of Education.
6. Activities which may result in damage to a facility or its equipment.

D. REASSIGNMENT:

No organization or individual having been issued a permit for use of a school facility can sublet or assign any part of the facility to another individual or group.

E. ALCOHOLIC BEVERAGES:

The use of alcoholic beverages shall not be permitted on school property.

F. TOBACCO / NICOTINE

The Brandon Valley Board of Education recognizing that the Surgeon General of the United States has stated that nicotine tobacco, tobacco products, and tobacco smoke pose a serious threat to the health and well-being of the district's students, employees and patrons, and knowing that these products are detrimental to a healthful and effective operation of the schools, hereby adopts the following policy:

1. The use of all tobacco / nicotine products is forbidden in all school buildings, all school grounds, and in all school vehicles.
2. This policy applies to all persons regardless of age and regardless of whether they may legally use the products.

G. USE OF SCHOOL EQUIPMENT

1. Related equipment:

A request to use public address systems, projection equipment and screens, spotlights, stage sceneries, pianos, tables and chairs, volleyball poles and nets, etc., shall be requested in the application for the use of school property. All such equipment and properties are controlled by the principal of the building. A fee shall be charged for the following equipment:

Video Enhancer	\$ 50.00
Microphone	\$ 25.00
Overhead Projector	\$ 25.00
Portable Sound System	\$100.00
Miscellaneous Concession Items	\$ 25.00 each
Theater Equipment	**

** (see Building Use Subject to Charges section; Subsection Q: Performing Arts Center)

2. Transfer of School Equipment:

School equipment is not available for use off school premises by non-school groups.

H. CANCELLATIONS

Request for cancellation of the use of school facilities must be received at least 24

hours in advance of the meeting time. Failure to do so shall obligate the applicant(s) and their organization to pay all custodial and such other expenses as are incurred in opening the building for their use. Cancellations due to inclement weather will not be penalized.

I. HOLIDAYS

As a general rule, school property will not be available for use by outside organizations on school or national holidays.

III. GENERAL CONDITIONS

A. Responsibility of Applicant

The applicant shall be held fully responsible for the proper use of the building facilities, the conduct of the persons in attendance, and the scheduling of the activities within the time limit of the permit. All activities must be under the sponsorship and supervision of a competent adult(s) WHO IS DIRECTLY RESPONSIBLE TO THE ORGANIZATION.

Organizations may not use, or allow the use of, their scheduled time to anyone outside of that organization. Should damage or theft occur as a result of failure to comply with this responsibility, the individual or organization shall make prompt payment for any assessments levied by the school district.

B. Supervision

1. No spectators or non-participating children will be allowed at non-school group practice sessions.
2. For events where participants are under age 18, the user shall provide supervision at a minimum of one (1) adult per 25 participants.

C. Advance Deposit

Should circumstances indicate that a particular use may cause damage or excessive depreciation to school property, an indemnity bond or deposit in advance may be required. The superintendent shall determine the amount of any indemnity bond or advance deposit.

D. Payment Procedures:

1. All payments for the use of school facilities, with the exception of the Performing Arts Center, shall be made to the Business Manager no later than 30 days following the conclusion of the use of the facility. In the case of regular and recurring use of a facility by an organization, payment shall be made on a monthly basis as determined by the Business Manager. Failure to make timely payment shall be considered justification for canceling or withholding subsequent use of school facilities, and may result in legal action to collect delinquent debts, at the discretion of the Board of Education.
2. A user of the Performing Arts Center shall pay a 10% non-refundable deposit of the total estimated rental fee a minimum of five (5) days prior to the first date of the contracted event. The balance of the estimated rental fee is due no later than 48 hours in advance of the contracted event. Failure to make such payment will result in automatic cancellation of the event, and the rental deposit will be retained by the school district. If the event is canceled due to unforeseen circumstances, (i.e.,

inclement weather, illness, etc.) all fees will be refunded to the organization, with the exception of the deposit.

E. Priorities for Use

The use of a school facility by a non-school organization shall not restrict or limit the normal instructional program or extracurricular activities of the school district.

Priorities for use of school facilities shall be as follows:

1. School sponsored and sanctioned activities, events and practice sessions, and meetings established by the school district administration.
2. Activities and programs sponsored by school district staff and non-profit organizations for Brandon Valley students. This includes the activities of the Brandon Valley Community Education Program, the athletic and music department summer camp programs.
3. Joint-use agreements with the city recreation departments of Brandon, and Valley Springs, and Sioux Falls.
4. Activities and programs sponsored by non-profit organizations for the general public.
5. Non-commercial activities sponsored by local businesses.

Conflicts between school and non-school activities shall be resolved in favor of the school activity. The use of a school facility by non-school organizations shall be on a "first come, first serve" basis.

F. Insurance

1. Any person(s) or organization using any such school facilities or land will be responsible for any and all damages that may be incurred from use. The school district will not be held liable for any suit for damages that might arise as a result of such use of occupancy.
2. The Brandon Valley School District shall be indemnified for any claims, demands, losses, injuries or damages to persons or property which may be sustained by reason of the use of the approved facilities, along with reimbursement for any legal fees or costs incurred as a result of any such claim or demand, except liability arising from the District's own negligence.
3. The user shall furnish to the Facilities Scheduling Office a Certificate of Insurance showing proof of general liability in the minimum amount of \$1 Million each occurrence, with a \$2 Million aggregate, damage to rented premises of \$100,000, and medical expense of \$5,000. The school district shall be named as an additional insured. See attached sample Certificate of Insurance.
4. Facility users may also be asked to provide additional insurance consisting of such coverage and amounts as the district may reasonably require.

G. Security Personnel

If so directed, the Board may require uniformed security personnel to be on duty during an event. The expense will be the responsibility of the user.

H. Kitchen Facilities/Child Nutrition Service

In planning an event which will use the kitchen equipment the Director of Child Nutrition Services shall be involved in the planning, operation, and supervision of such a

project. The use of kitchen facilities must shall be under the direct control of the Director of Child Nutrition Services.

A kitchen supervisor must be present while the kitchen is in use. The supervisor shall operate all kitchen equipment. Compensation shall be paid by the school district at the prevailing hourly rate of time and a half which shall be reimbursed by the facility user. Personnel shall be scheduled by the Director of Child Nutrition Services.

I. School Commons

1. The use of the commons may be granted with or without use of kitchen facilities. No organization may have access to the kitchen area unless the Director of Child Nutrition Services or designee is present.
2. Smoking is not permitted in school facilities.
3. The group granted the use of the commons will see that tables, floors, and equipment are cleaned to the satisfaction of the building supervisor. All decorations are to be removed, and garbage and waste disposed in the outside dumpster.
4. Tables and other equipment in the commons are not to be moved without the permission of the principal and/or custodial supervisor.
5. Children under twelve (12) years old are not allowed in school kitchens by organizations using its facilities.

J. Parking Lots

Parking lots are provided with the use of most school buildings. If use of a parking lot only is desired, application shall be made as for use of any school facility. Parking areas are not reserved exclusively for groups using school buildings. Playgrounds may not be used for parking.

K. Athletic Activities

Permission for athletic activities involving the use of school facilities by non-school groups may be granted. Such use does not include permission to use the apparatus and other special athletic equipment belonging to the school. Practice sessions shall be allowed non-school groups provided such sessions do not involve spectators or children of the participants. School events and practice sessions have priority over the use of school facilities by non-school groups. Conflicts will be resolved in favor of school activities.

L. Use of School Grounds

School grounds may be made available to the general public at times when they are not being used for school purposes. The general public has a responsibility not to cause damage to the property or become a nuisance to adjoining property owners or others in the neighborhood. In effecting the above policy, it is realized that each case be dealt with separately. However, the following administrative regulations will serve as a guide:

1.
 - a. School playgrounds may be used by organized athletic leagues when not in conflict with school programs, upon approval of applications to use such a facility.
 - b. Should other groups require scheduling at this same location, the Superintendent or Facilities Scheduling Office is authorized to re-adjust schedules.

- c. There must be cooperation between groups using the fields at the same time. Groups will be held responsible for any property damage occurring at the time of their tenure.
 - d. Teams or groups are responsible for care of grounds. All litter must be cleared after each use, which includes the emptying of all trash barrels.
- 2. Approval of such application does not include use of any building facilities. Application for use of restrooms may be made subject to advance payment of the minimum standard charge.
- 3. Horses, motorized vehicles and power-driven recreational equipment shall not be permitted on school premises unless present under one of the exceptions specifically enumerated in these regulations. Subject only to regulations four and five which follow, motor-powered vehicles and motor-driven recreational equipment shall not be permitted on school grounds not specifically set aside for parking or driving.
- 4. School service and emergency vehicles and vehicles present at the request of the school district, shall be permitted to drive or park on any portion of the school premises necessary to accomplish their function.
- 5. The Board of Education may grant special permits for the use of horses, motor-driven vehicles and motor-powered recreational equipment for those activities that are conducted as a part of a school-related function or which accomplishes a civic purpose.
- 6. Motor-driven vehicles shall be permitted in parking and roadway areas on school premises for the purpose of transportation to and from school facilities so long as such vehicles are operated in a safe and lawful manner.
- 7. The Cities of Brandon, Valley Springs, and Sioux Falls have a mutual interest in controlling traffic on school premises. Therefore, the Board of Education has conferred jurisdiction to the City of Brandon, Valley Springs, and Sioux Falls for the purpose of enforcing city traffic regulations.

M. Church Services

Church services by established religious groups may be scheduled in school facilities in the event of an emergency. Upon the organization of a new body, church services may be scheduled for a period of up to one (1) year with the purpose of providing the body time to build or acquire its own facility. If at the end of one year the organization is actively engaged in providing its own facility, but has not yet completed the facility, the rental of school property may continue for so long as efforts continue, except that in no case shall the rental of school property by a religious group exceed three (3) years.

N. Wednesday Nights

Organizations, individuals, or groups sponsored by the school will not be scheduled to use school facilities beyond 6:30 p.m. on Wednesday nights. The only exceptions are district, region, or SDHSAA sanctioned events.

O. Custodial Services

A school custodian may be assigned for continuous duty during the time the group is using the school facility. This is in accordance with the Board of Education, local and state building and fire regulations. The custodian will open the building prior to the time set for the meeting, make any necessary arrangements for the requested facility and be

on call should the need arise during the time of the meeting. No one except qualified custodians shall be allowed to operate or adjust equipment in the building.

For situations in which the meeting does not occur and has not been previously cancelled, the custodian will remain on duty for one half hour after the requested starting time of the meetings and if no word is received within that period indicating a later starting time, he will lock the building and leave. A two-hour minimum custodial fee will be charged to the renting organization and the custodial services will be paid for the time spent at the building. Custodians are instructed not to open any areas other than those requested in the application. Additional space may be arranged by filing an additional application. For certain approved groups, (i.e. Boy Scouts, Girl Scouts) using school facilities between 3:30 p.m. and 5:30 p.m. on days when school is in session, no charge will be made for custodial services, provided the amount of building use is limited so that it does not interfere with custodian's regular clean-up work. The custodian will be asked to work around this area and group.

P. Facility Use Fee Structure

Tier 1 - No Fee

- In-District Events
- BOE Sanctioned Club Sports
- BOE Approved Activities
- BV Youth Enrichment Services

Tier 2 - Reduced rate and/or custodial charge

- City of Brandon, Valley Springs, Sioux Falls, or other government agencies
- BVSD Parent/Teacher Organizations, Booster Clubs (Band, Fine Arts, Athletic)
- BVSD employee-led activities/camps/clinics
- Boy Scouts, Cub Scouts, Girls Scouts, Brownies, 4-H
- Non-BVSD Special Olympics Programming
- YMCA, Big Sioux Youth Basketball/Volleyball, BV Youth Basketball, BV Youth Baseball, BV Youth Softball, BV Youth Volleyball, BV Youth Wrestling, Brandon Area Soccer Association, SD Junior Football
- Adult League Volleyball / Basketball

Tier 3 - Custodial and Facility Use fees charged

- Business or other entities not identified above
- Non-BVSD Activities/Organizations

No facility use fee shall be charged to the Brandon Community Library for the occasional use of meeting space and the adjacent computer lab for programs and training sponsored by the Library. Use of these facilities shall be scheduled through the school district. (Ref. Brandon Community Library Operating Agreement, sec. 3.3, dated December 16, 2002).

If there should be facility use by the above mentioned community youth serving organizations that requires school employees (custodial or Child Nutrition Services) to be present for additional time other than regular employed hours, the organization will be charged according to school district policy.

No facility use fee shall be charged to the Brandon Community Library for the occasional use of meeting space and the adjacent computer lab for programs and training sponsored by the Library. Use of these facilities shall be scheduled through the school district. (Ref. Brandon Community Library Operating Agreement, sec. 3.3, dated December 16, 2002).

If there should be facility use by the above mentioned community youth serving organizations that requires school employees (custodial or Child Nutrition Services) to be present for additional time other than regular employed hours, the organization will be charged according to school district policy.

Q. Facility Use

1. All facility use requests will be submitted to the Facilities Scheduling Office or Operations Manager for approval.
2. Facilities are available to school groups as scheduled by the operations office. Hours available for non-school groups will be from 4:00 p.m. to 10:00 p.m. on weekdays and 7:00 a.m. to 12:00 midnight on Saturdays and Sundays.
3. The custodian will not permit a group to enter the building unless an adult leader is present. After the custodian has opened the door, it will be the full responsibility of the adult leader to permit entrance only to those authorized by the leader to attend.
4. Groups are permitted to use the shower room facilities. However, in such cases, the leader is to discontinue the gymnasium activities not later than one half hour prior to the rental period.
5. Groups wishing to use the school equipment: see Section 6-Use of School Equipment.
6. Open gyms run by non-school personnel must be individual in nature. No team practices, in any form, will be allowed.
7. Only two-hour blocks of time will be allowed for individuals requesting gym time for practice.

R. Building Use Subject to Charges

Charges made for the use of school facilities are not rentals as that term is generally considered, but are based upon costs of operating expenses that would not otherwise have been incurred. This includes items such as utilities, supplies, maintenance of facilities, custodial and cafeteria services, as well as clerical services necessary to process each application. Such charges are subject to change, as the Board of Education may deem necessary. Any usage that will be used as a "fundraiser" will be subject to the standard facility use fee.

Rental Periods will be billed in one (1) hour increments as follows:

GYMS/COMMONS/CLASSROOMS:

1. Classrooms (per hour).....\$20.00
2. Kitchens/all buildings (per hour).....\$40.00
3. Brandon Elementary/Valley Springs Gyms (per hour).....\$40.00
(\$80/per hour when admission is charged)
4. High School Auxiliary, Wrestling, Robert Bennis Elementary, Fred Assam Elementary, Inspiration Elementary, Intermediate and Middle School Gyms (per hour).....\$50.00
(\$100/per hour when admission is charged)
5. Commons - all except High School (per hour).....\$50.00
Middle School, Intermediate School, Brandon Elementary, Robert Bennis Elementary Inspiration Elementary, and Fred Assam Elementary
(\$100/per hour when admission is charged)
6. High School Commons only (per hour).....\$70.00
(\$140/per hour when admission is charged)
**** NOTE: There is no fee charged for the Commons when used as an entrance for Gym or PAC use.**
7. High School Activities Center (per hour)\$100.00
(\$160/per hour when admission is charged)
8. High School Community Room (per hour)\$40.00
9. Custodial Fee (per hour)Time and a half of current rate
(The fee will be charged in addition to per hour user fees on weekends or after 10 pm on weekdays)

PERFORMING ARTS CENTER:

10. Basic Rental (per hour).....	\$150.00
11. Lighting Systems-other than house/work lights (per hour).....	\$40.00
12. Audio System (per hour).....	\$30.00
13. Student Technician per hour.....	<i>Current Rate</i>
14. Box Office Fees (Reservations, Printing, Sales).....	\$350.00
15. Usher Fee (per usher/per event).....	\$35.00
16. Custodial Fee (per hour)	Time and a half of current rate <i>(The fee will be charged in addition to per hour user fees on weekends or after 10 pm on weekdays)</i>
17. Equipment Fees (per event)	
Grand Piano	\$100.00
Video Enhancer	\$100.00
Choral Risers	\$150.00
Portable Staging	\$150.00

A ten percent (10%) nonrefundable deposit is due at contract signing. Balance of fee is due on or before contracted event.

Concession rights belong to and are retained by the Board of Education.

When required by the Board of Education, the user will furnish ticket sellers and takers, P.A. announcer, scoreboard operator and parking attendants.

ADOPTION DATE: December 2, 1989 (Smoking Policy)

REVISION DATE: June 26, 1995 (Smoking Policy)

REVISION DATE: November 13, 1995 (Smoking Policy)

(ADOPTION DATE: May 14, 1979)

(REVISION DATE: September 9, 1991)

(REVISION DATE: September 17, 1992)

(REVISION DATE: September 9, 1996)

(REVISION DATE: September 25, 2000)

(REVISION DATE: September 9, 2002)

(REVISION DATE: February 24, 2003)

(REVISION DATE: August 11, 2003)

(REVISION DATE: April 13, 2004)

(REVISION DATE: July 12, 2004)

(REVISION DATE: January 11, 2010)

(REVISION DATE: May 24, 2010)

(REVISION DATE: September 14, 2015)

(REVISION DATE: July 15, 2024)