



# Community Use Of Facilities

## Regulations and Schedules of Charges

### **Department of District Operational Services**

Permits Office  
3215 Cuming St.  
Omaha, NE 68131  
531-299-3909

## **Community Use of Facilities**

Facilities owned by Douglas County School District 0001 (Omaha Public Schools) (“District”) are primarily intended to be used for its educational and extracurricular activity programs. However, District facilities are made available for use by outside groups to further the interests of the District and the community based on the requirements and conditions outlined in Board of Education Policies 1100 and 1101 (these policies can be found in Appendix B). In accordance with these policies, the following regulations have been developed to regulate, in conjunction with the Board of Education policies, use of District facilities and property by organizations whose purposes and activities are related to or compatible with the objectives of the District. Applicants wishing to use District facilities should carefully read these Regulations and the Board of Education policies in Appendix B prior to submitting an application so that the applicant is fully aware of the requirements of the District for the use of its facilities by outside individuals and groups.

## **Application Procedures**

Any organization wishing to use any District facilities must apply in writing through an authorized representative using the form provided online at <https://www.ops.org/Domain/168>, from the office of the building principal, or the office of District Operational Services. Requests must be made at least ten (10) business days prior to the date requested to allow sufficient time for the District to consider the request. Submission of an intentionally inaccurate application will result in forfeiture of future scheduled use.

The application should indicate the entire facility use schedule being requested. Only the designated days and specific times indicated on the application will be considered for approval of use. Applications for the use of District facilities are good for the school year only (Aug 1 through July 31) and **MUST BE RENEWED EACH SCHOOL YEAR**. All requests must be recommended for approval by the principal or authorized building representative before final approval will be granted.

## **Permitted Uses**

The acceptance or rejection of applications shall be the responsibility of the Department of Operational Services as delegated by the Superintendent.

Applications shall not be rejected for any unlawful reason or reason that violates Board policies, including discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status and including the applicant’s legally protected exercise of constitutional or statutory rights.

Approval of use of District facilities may be granted to those groups whose activities are educational, political, cultural, religious, or recreational, and considered to be beneficial to the communities served by the District. Certain non-school and commercial uses may be allowed if the requested activities fall within the allowable guidelines of these procedures. Please note that the District's facilities are designated as nonpublic forums. Accordingly, applications will not be accepted for:

- Uses that may conflict with or disrupt the District's educational or extracurricular activity programs.
- Uses inconsistent with the mission of the District.
- Uses that present an unacceptable risk that the conditions of use set forth in Board of Education Policy 1100 will not be adhered to or present an unacceptable risk of damage or excessive wear and tear to facilities or equipment.
- Uses for outside commercial activities except for camps and other activities for high school students subject to and consistent with Bylaws of the Nebraska School Activities Association.
- Uses that involve gambling or games of chance.
- Uses that involve a group or activity which advocates or condones the violent overthrow of the Constitution or of the government.
- Uses that involve meetings of secret clubs that are not open to members of the public.
- Non-community type uses such as receptions, celebrations, slumber parties, private parties, personal use, etc.
- Fundraising events except those intended to be of a benefit or service to students or staff of the District as noted in Policies and Regulations.
- Activities which violate election guidelines as noted in the Policies and Regulations.

The District will enter into certain reciprocal agreements for use of facilities with organizations such as the University of Nebraska, American Red Cross, City of Omaha, and formal school partner organizations. Such agreements will serve as addendums to these regulations and procedures and the uses under those agreements will remain subject to these regulations and procedures unless specifically modified by the reciprocal use agreement.

**Time Limits** - Request for morning, afternoon, and/or evening use all on the same day will be approved at a rate quoted as if each were a separate session. In computing custodial time, thirty minutes before and after the time shown on the application is added to allow for the time for the opening and closing duties by staff related to the activity, for example, the building will be available at 7:30 p.m. for a program scheduled for 8:00 p.m.

Permission for afternoon use of District facilities during the school year and prior to school dismissal times or extended beyond 6:00 p.m. on regular school days shall not be granted. Evening uses may not begin prior to 6:30 p.m. nor extend beyond 10:00 p.m.

As a general rule, District facilities will not be available for use by outside organizations on District or national holidays. Should one or more facility uses that were approved as a series of facility uses fall on such a holiday, such facility use shall be automatically canceled for that holiday only and the meeting may be rescheduled, if possible, for a mutually acceptable date.

Any applications for use of District facilities may be denied based on unsuitability of the date or time of requested use. Facilities will generally not be available for community use at times when school staff are not available to monitor use, such as legal holidays; before 7:00 am; after 10:00 pm; and Sundays prior to 12:00 pm.

**Conflicting Applications** – When multiple applications from different applicants are submitted that have a time conflict, applications that comply with District regulations and procedures will be accepted in the following order of priority:

1. Events or activities that are designed to serve students of the District or which are relevant to any function of the District, including approved school-community associations and school-affiliated non-profit groups.
2. Tax-supported agencies such as educational entities or units of city, county or state government.
3. Nonprofit community agencies such as private educational agencies.
4. Groups where the majority of the members reside within the District.

For conflicting applications that are within one of the foregoing groups, the first to file the application will have priority of use. The Superintendent of Schools or the Superintendent's designee may approve an application that is not first-filed if the earlier filed applicant's use could be feasibly changed to a non-conflicting date.

**District Cancellation** - The District reserves the right to cancel the permit previously granted or postpone the use allowed under that permit, upon the occurrence of one of the following events: (1) an emergency requiring the use of the facility for a school event or other school use, (2) an emergency requiring use of the facility under a reciprocal agreement, (3) the facility unavailable for use due to damage or the existence of a hazardous condition, or (4) the facility needs emergency maintenance or repairs that require facility closure. Whenever District schools are closed as a result of inclement weather, all permits for that period will be automatically postponed. Every effort under such conditions will be made to reschedule the use for a mutually satisfactory time.

**Applicant Cancellations** - Request by applicant for cancellation of the use of District facilities must be received at least 24 hours in advance of the time scheduled to the start of the use. Failure to do so shall obligate the applicant and

the organization to pay for all custodial and other such expenses as are incurred in specifically opening the building to meet the application request. Cancellations due to inclement weather will not be penalized.

**Assignment or Transfer** – The use permit is not transferable by the applicant. No organization or individual having been issued a permit for use of a District facility can sublet, assign or transfer in any manner the use of all or any part of the facility to another individual, group or organization.

**Smoking/Alcoholic Beverages** - The possession or use of alcohol shall not be permitted on District property. Smoking, use of tobacco products or vaping devices are NOT permitted on District property at any time. Applicant shall take reasonable measures to enforce these restrictions.

**Illegal Drugs** - The possession or use of illegal drugs shall not be permitted on District property. Applicant shall take reasonable measures to enforce these restrictions.

**Firearms** - The possession or use of firearms and other weapons shall not be permitted on District property. Applicant shall take reasonable measures to enforce these restrictions.

**Decorations** - All decorations must be provided by the organization and be fully removed by the organization by the end of their scheduled time each day. Decorations must be fireproof and assembled in a manner not destructive to District property. The District is unable to store items for organizations.

As a precaution against fire, no request will be granted in connection with facility usage for the use of lighted candles or other material or equipment producing an actual flame or spark.

Liquid (for example, gasoline), propane and natural gas fueled vehicles are not allowed in school buildings.

**Use of School Equipment** - Office equipment, classroom equipment, such as industrial technology, science, physical education, family consumer science, music, business education, computers and other electronics are not available for use by non-school groups and shall not be used.

## **General Conditions**

**Responsibility of Applicant** – Specific conditions of use are outlined in Board of Education Policy 1100 and are applicable to all District facility usage by outside groups and individuals. Additionally, 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 limits of the Permit.

All activities must be under the sponsorship and supervision of a competent adult who is directly responsible to the organization requesting the Permit.

Should damage or theft of any District property occur, the applicant shall make prompt payment for any assessments levied by the District for the damage or loss.

Designated representatives of the District Operational Services Department shall make the initial determination whether any loss, theft or damage actually occurred to the facility or other school property during the applicant's use and whether applicant is responsible for the cost of repair or replacement. Should circumstances indicate possible abuse or other damage of school property during applicants use, a deposit in advance may be required.

**Personal Protective Equipment (PPE)** – The organization will be responsible for providing appropriate PPE for their event, including hand sanitizer, face coverings, and other recommended items specific to type of event. Hand sanitizer should be made available in all spaces used by the organization. Please note that hand sanitizer cannot be placed or stored in hallways or entryways.

Any District required Health and Safety measures in effect (i.e. required use of face coverings) apply to organizations and their guests during facility usage under a building permit. Applicant shall take reasonable measures to enforce these restrictions.

**Payment Procedures** - All payments for the use of District facilities must be received in the Department of District Operational Services at least 5 WORKING DAYS PRIOR TO THE EVENT. **Checks shall be made payable to Douglas County School District 0001.** Failure to comply with this regulation, or providing to District any altered, no account or NSF check for payment will result in the cancellation of the Permit and the potential denying of future use of District facilities. Two party checks will not be accepted.

**Insurance** - The Board of Education reserves the right to require prescribed limits of public liability for groups using any school facility and to require that evidence of such insurance be presented at the time of application. A certificate showing liability insurance with a minimum per occurrence limit of \$1,000,000 for both bodily injury and property damage caused by the negligent act or omission of Applicant or Applicant's employees, volunteers, contractors and invitees must be provided to the Department of District Operational Services before use of the pool/facilities. The District must be named as an additional insured on such policy. If required insurance is not provided, or if the policy lapses or is not renewed and is not replaced prior to the occurrence of the use, the permit will be canceled.

**Indemnity** – By applying for a permit, the Applicant agrees to indemnify and hold the District, the Board of Education and District employees and agents harmless

from any and all claims, demands, causes of action, or lawsuits for any death or personal injury or damage to property sustained during, caused by or arising out of the Applicant's use of the District facilities and not caused by the gross negligence or intentional misconduct of the parties so indemnified.

**Risk of Loss or Damage** - All personal property brought into the District Facility shall be at the sole risk of the owner thereof. The District shall have no responsibility or liability for any loss or damage to any personal property of any type or nature which is owned, rented or possessed by Applicant, or Applicant's employees, contractors, volunteers, invitees or by any other persons or groups using the District Facilities during the time period of use allowed by Applicant's permit..

**Security Personnel** - Uniformed security personnel approved and secured by the District must be on duty when so directed by the principal or Office of the Chief Operations Officer and the cost will be computed in the fee for use of the facility.

**Auditorium and Related Equipment** - A request to use stage equipment such as public address systems, projection equipment and screens, spotlights, stage sceneries, and pianos may be included in the application for auditorium use. All such equipment and properties shall be operated, moved and controlled only by the Stage Director and/or authorized assistants. In schools without a stage manager, all equipment and properties shall be operated only by persons specifically designated by the Department of District Operational Services or by the principal or authorized building representative of the building.

**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 athletic equipment belonging to the school. Practice sessions shall be allowed for non-school groups, provided such sessions do not involve the presence of spectators.

**Swimming Pools** - Swimming pools are available to organized groups provided such use does not interfere with the regular program of the District, and that a sufficient number of lifeguards with current Red Cross Senior Life Saving Certificates (1 per 25 participants) are provided by the organization and active duty at all times. The name of such person or persons must be provided in advance of the use of facility. A certificate of liability insurance complying with these Regulations must be provided in writing at time of application.

The maximum water temperature in swimming pools during competition season will be 80° F with maximum air temperature being 84° F. The Head Custodian, Shift Engineer, and/or Maintenance Staff are the only persons authorized to make adjustments to maintain the operating temperatures.

**Food Service** - The use of cafeteria dining rooms may be granted with or without use of kitchen facilities. No organization may have access to the cafeteria kitchen

area unless a District designated representative is present. This person will be in charge of the kitchen and supported with such additional paid help from the District's building staff as may be required in planning an event that will use the cafeteria kitchen equipment. The Director of Food Service or designee and the Cafeteria Manager must be involved in the planning, operation, and supervision of such a project. Due to the onsite food supplies, equipment, and the legally required health and sanitation protocols, the use of cafeteria facilities must be under the direct control of the District's Nutrition Services Division. The cost for any use of any District staff members for food service will be paid by Applicant.

**Parking Lots** - Parking lots are provided with the use of most District Facilities. Parking areas are not reserved exclusively for groups using the facilities. Only designated areas may be used for parking. Parking is not allowed on any unpaved area.

If use of a parking lot only is desired, application shall be made for use of this space specifically.

**Use of School Grounds** - School grounds may be made available for use at times when they are not being used for school or other District purposes. The applicant has a responsibility not to cause damage to the District's property, become a nuisance to adjoining property owners or others in the neighborhood or to damage their property. In effecting the above policy, it is realized that each case be considered separately. However, the following administrative regulations will serve as a guide to appropriate use.

1. School playgrounds may be used with a permit by organized athletic leagues when not in conflict with school programs, upon approval of the permit application. Should other groups require scheduling at this same location the District reserves the right to re-adjust schedules. 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 use. All litter must be picked-up and properly disposed of after each uses.
2. Approval of such application does not include the use of any building. Application for use of restrooms in a District facility may be made subject to advance payment of the minimum standard charge.
3. Animals/Livestock (e.g. Horses), motorized vehicles, and power-driven recreational equipment shall not be permitted on school grounds unless present under one of the exceptions specifically enumerated in these regulations. Subject only to regulations in paragraphs 4 and 5 below, 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, emergency vehicles, and vehicles present at the request of the District shall be permitted to drive or park on any portion of the District property, whether paved or unpaved, as necessary to accomplish their function.
5. The Chief Operations Officer may grant special permits for the use of horses, motor-driven vehicles, and motor-powered recreational equipment for those activities which are conducted as a part of a school-related function, or which accomplish a civic purpose.
6. Motor-driven vehicles shall be permitted in parking areas and on roadway areas located on District property for the purpose of transportation to and from school facilities so long as such vehicles are operated in a safe and lawful manner.
7. Persons violating these regulations will be considered trespassers. Whenever feasible, school officials or employees will request violators to leave before requesting assistance from local law enforcement agencies.

**Church Services** - Church services by established religious groups may be scheduled in school facilities on a temporary basis due to emergency conditions or for organizational efforts of a group to build a church or while expanding an existing church facility. In no instance will such temporary use be extended over one calendar year unless clear evidence exists that a permanent structure is being constructed.

**Custodial Services** - School custodian(s) in sufficient number are assigned for continuous duty during the time the group is using the District facility. This is in accordance with the District policies and local and state building and fire regulations. The custodian will open the building prior to the time set for the beginning of the applicant's use, make any necessary arrangements for the applicants requested use, 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 the District's equipment in the building. In certain schools, the presence of a stage manager to operate stage and auditorium equipment is mandatory and will be included in any charges made for the use of the facility.

For situations in which the Applicant's use does not occur and the use has not been previously canceled in the manner permitted by the District, the custodian will remain on duty for one hour after the requested starting time of the use, and if no word is received by the custodian within that period indicating a later starting time, will lock the building and leave. The minimum fee will be charged to the renting organization and 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. BSA, Girl Scouts, Campfire Girls and Boys) 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 area is limited so that it does not interfere with the custodian's regular routine. The custodian will be asked to work around this area and group.

### **Building Use Subject to Charges**

Charges made for the use of District facilities (found in Appendix A) are not rentals, as that term is generally considered, but are based upon the operating expense costs for that applicant's use 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 District may deem necessary. If changed prior to applicant's use, the new charges will apply to applicant's use.

### **Building Use Without Charge**

School organizations such as school-sponsored student organizations, school employee groups, and educational organizations such as the Omaha Education Association are granted building use without charge as long as the use does not conflict with regular school activities. Non-profit school and youth related organizations that draw their membership from within the school district may also qualify certain activities for facility use without charge. In these cases, required personnel charges will still apply.

No rental fee shall be charged for the following school affiliated and community-youth serving organizations for their regularly scheduled meetings.

- Parent-Teacher Association- Monthly meetings (afternoon or evening).
- School or school activity booster clubs' regular meetings (afternoon or evening).
- Cub Scouts/Boy Scouts - Weekly and/or monthly pack meetings (afternoon or evening).
- Girl Scouts - Weekly and/or monthly pack meetings (afternoon or evening) and one annual awards day.
- Campfire Girls and Boys - Weekly and/or monthly pack meetings (afternoon or evening).

- YMCA, YWCA, 4-H - Weekly and/or monthly meetings (afternoon or evening).
- Omaha Public School employee organizations for regular meetings that are non-fundraising activities.
- Governmental agencies as polling places for regular and/or special elections.
- Other endorsed organizations that are similar in nature as identified by the Chief Operations Officer.

If there should be additional meetings of the above-mentioned school affiliated and community youth serving organizations, they will be charged at the Individual or For-Profit Rate as required according to the schedule of charges attached to these Regulations.

Organizations that qualify for the use of District facilities without charge on weekdays may be charged regular rates for uses held on Saturdays and Sundays, for use of recreational facilities, service of food, and pool areas (see schedule of charges for full details).

*Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-0310). The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director of Equity and Diversity, 3215 Cuming St, Omaha NE 68131 (531-299-0307).*

# APPENDIX A

## Schedule of Charges

<b>FACILITY</b> Based on four (4) hour increments	<b>FOR PROFIT RATE</b>	<b>NON-PROFIT RATE</b>
Classrooms/ Hallways	\$50.00	\$25.00
Elementary Auditorium, Gym, or Multipurpose Room	\$ 100.00	\$50.00
Locker Rooms and/or Dressing Rooms	\$50.00	\$25.00
Middle or High School Auditoriums	Performance: \$450 Rehearsal: \$225	Performance: \$225 Rehearsal: \$112.50
Middle or High School Gyms	\$300.00	\$150.00
League Sports (Adult)	\$50 per 2 hours	\$25 per 2 hours
Cafe /Dining Rooms:	\$ 100.00	\$ 50.00
Stadiums:	Day Use - \$350.00 Day Use - \$900.00	Day Use - \$ 175 .00 Night Use - \$450.00
Central High Courtyard, North High Viking Center, other specialty location	\$100.00	\$50.00
Swimming Pool	Not Available	\$150.00
<b>PERSONNEL CHARGES (PER HOUR, PER PERSON)</b>		
Custodian (weekends): \$40.00 Stage Manager (if necessary): \$30.00 Kitchen Manager (if necessary): \$40.00 Kitchen Assistants (if necessary): \$30.00 Security Guard (if necessary): \$35.00, four (4) hour minimum		

# Appendix B

## Board of Education Policy #1100

### Community Relations

#### Community Use of School Facilities

School facilities are primarily intended for the District's educational and extracurricular activity programs. School facilities are, however, made available for use by outside groups to further the interests of the District and the community. Use by non-school groups is allowed pursuant to an application process and is subject to the terms and conditions set forth in this policy.

#### A. **Application for Use**

Outside groups that wish to use school facilities must submit a completed Application for Use form signed by a representative of the outside group who has authority to commit the outside group to the terms and conditions of the Application. The outside group, as Applicant, shall specify the nature of the intended use, the dates and times of the requested use, and the facilities for which use is requested.

The form shall be developed by the administration. The form shall include the statement that:

Applicant will comply with all applicable federal, state, and local laws, ordinances and regulations affecting the facility or affecting any use of the facility. Applicant shall also comply with all Omaha Public Schools' policies, rules, regulations, practices and procedures that govern the use of this facility and which are in effect at the time of such use. Applicant acknowledges receipt of the Omaha Public Schools pamphlet "Community Use of Facilities." The terms of such pamphlet that are in effect at the time of use of the facility are incorporated in this application, and Applicant agrees to comply with its terms.

#### B. **Acceptance of Application for Use**

Acceptance or rejection of applications shall be the responsibility of the Superintendent or the Superintendent's designee.

Applications shall not be rejected for any unlawful reason, including unlawful discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status and including the applicant's legally protected exercise of constitutional or statutory rights.

The District's facilities are designated as nonpublic forums. Accordingly, applications shall not be accepted for:

1. Uses that may conflict with or that disrupt the District's educational or extracurricular activity programs.
2. Uses inconsistent with the mission of the District.
3. Uses that present an unacceptable risk that the conditions of use set forth in this policy will not be adhered to; either due to the nature of the requested use or the character of the group

- or individuals within the group.
4. Uses that present an unacceptable risk of damage or unacceptable wear and tear to facilities or equipment.
  5. Uses for outside commercial activities except with approval of the Board; and except for camps and other activities for high school students subject to and consistent with Bylaws of the Nebraska School Activities Association.
  6. Uses that involves gambling or games of chance.
  7. Uses that involves a group or activity which advocates or condones the violent overthrow of the Constitution or of the government.
  8. Uses that involve the meetings of secret clubs not open to members of the public.
  9. Non-community type uses such as wedding receptions, slumber parties, personal use and similar activities.

Applications for use of facilities may be denied based on unsuitability of the date or time of the requested use. Facilities will generally not be available for community use at times when school staff are not available to monitor the Applicant's use, such as on legal holidays; before 7:00 a.m.; after 10:00 p.m. and Sunday mornings prior to Noon.

Leases of school facilities require approval of the Board. As such, Applications that request long-term use of facilities in the nature of a lease will be denied.

Applications may be denied based on the determination of the Superintendent or the Superintendent's designee that the Applicant does not have the financial ability or financial responsibility to pay fees or expenses or to reimburse the District for any damages that may be sustained to facilities or equipment or any liability that may be created by the use.

When an Application conflicts with another Application, the Applications will be accepted according to the following priority order:

1. Events or activities that are designed to service students of the District or which are related to any function of the District, including approved school-community associations and school-affiliated non-profit groups.
2. Tax-supported agencies such as educational entities or units of city, county or state government.
3. Nonprofit community agencies such as private educational agencies.
4. Groups where the majority of the members reside within the District.

For use conflicts within each group, priority will be given to the first to submit their Application; provided that the Superintendent or the Superintendent's designee may approve an Application that is not first-filed if the other Applicant's use could be feasibly changed to a non-conflicting time or area.

Applications that are accepted may not be assigned or transferred to another outside group.

Applications that are accepted are subject to cancellation by the Superintendent or the Superintendent's designee. Cancellation will occur in the event the administration reasonably determines:

1. Any of the reasons for non-acceptance of an application exist.
2. The Applicant fails to meet any term or condition required prior to the use. This includes but is not limited to failure of the Applicant to pay required fees or deposits or failure to show evidence that any required insurance is in place.
3. Circumstances make the use unsuitable. This includes but is not limited to:

- a. The condition of the facilities being unsafe. For example, the presence of snow, ice, fallen limbs or other potential hazards that the school would not otherwise clear prior to the activity or event. The Applicant may request that the District clear the hazards such that it may proceed with its activity or event. If the District agrees to do so, the Applicant shall be responsible for all costs incurred by the District in clearing the hazard.
  - b. School staff being unavailable to monitor the use or to provide set-up or clean-up services where the District has accepted responsibility for such.
  - c. The need to use the facilities for a school activity or purpose.
4. Generally, if school is closed on the date of the Applicant's intended use due to inclement weather or hazardous conditions, the Applicant's use will be cancelled.

The Applicant shall remain responsible for fees or expenses, and any deposit that has been received by the District shall be forfeited and be kept by the District, if cancellation occurs because of the fault of the Applicant. Otherwise, the District will return any deposit that has been received by the District. The District will in no event be responsible for any damages, expenses, or losses incurred by the Applicant or any person arising from the cancellation.

An Applicant may withdraw its Application at any time prior to acceptance. An accepted application may be withdrawn by the Applicant, subject to approval of the Superintendent or the Superintendent's designee. Approval is subject to the conditions that the Applicant has given reasonable advance notice (ordinarily, at least 48 hours) and that the Applicant reimburse the District for any expense the District has incurred.

### C. **Conditions of Use**

The conditions for use are as follows:

1. Compliance - Applicant agrees to:
  - a. Comply with all local, state and federal laws, including health and fire codes.
  - b. Comply with Board policies concerning non-discrimination and the use of school facilities.
  - c. Comply with reasonable administrative rules related to use of facilities and the requests of school officials related to the Applicant's use of the facility.
2. Disclaim School Sponsorship - The District does not sponsor or endorse the Applicant or the activity or event conducted by the Applicant. To ensure that the public understands this fact, the Applicant agrees to not make any statements suggesting such sponsorship and to publish statements of non-school sponsorship in such form and manner as the administration may request.
3. Supervision - Applicant agrees to provide appropriate supervision of the activity or event in all respects, including supervision reasonably necessary to ensure that no person participating in or attending the activity or event:
  - a. Is presented with conditions that pose an unreasonable risk of personal injury or damage to personal property.
  - b. Enters any area of the school facilities that the Applicant has not been given permission to use, or accesses any school records.

- c. Engages in the use of tobacco, alcohol, or illegal drugs, or is under the influence of alcohol or illegal drugs.
- d. Possesses a firearm or a weapon.
- e. Engages in disorderly, lewd, or lascivious conduct.
- f. Engages in any criminal behavior.

Applicant shall remove any person from the activity or event who engages in any of the above listed conduct. Applicant agrees to report to the school administration by the close of the next business day the identity of any person who engaged in any of the above listed conduct and the details of the conduct. If the offending person is a student, the report shall be made immediately.

Security Personnel - Uniformed security personnel approved and secured by Omaha Public Schools must be on duty when so directed by the principal or Office of the Chief Operations Officer and will be computed in the fee.

Applicant agrees to ensure that all persons attending its activity or event are off school grounds at the end of its time of permitted use, except for students or school staff who are authorized to remain for a school-related purpose.

4. Condition of Premises - Applicant agrees to:

- a. Conduct a reasonable inspection of the premises prior to the activity or event to ensure that the premises are safe for the intended use. In the event of any unsafe condition, Applicant shall notify an administrator. In the event the unsafe condition is not corrected prior to the activity or event, the Applicant shall postpone or cancel the activity or event.
- b. Not use or allow any school equipment to be used without express approval of school administration.
- c. Not bring or allow others to bring food or beverages on to school grounds without express approval of school administration.
- d. Not bring or allow others to bring or use any flammable items (including candles or incense) or any volatile chemical or any explosive.
- e. Not use any electrical equipment that has been brought onto the premises without express approval of school administration.
- f. Not allow the wearing of street shoes on gym floors or other protected surfaces.
- g. Not park or allow others to park in fire lanes or reserved spaces or in any manner inconsistent with the school's parking rules.
- h. Not cause or allow others to cause damage to school facilities or equipment.
  - i. In the event damages are sustained, Applicant accepts responsibility for reimbursing the District for the cost of repair or replacement.
  - ii. Applicant agrees that the school administration's determination that damage was sustained in connection with the Applicant's use, and of the cost of repair or replacement, is controlling.
  - iii. Applicant shall immediately report to the school administration any damage to school facilities or equipment that occurs during the Applicant's use of school facilities that may present a risk of injury to students or any subsequent users. Any other damage shall be reported by the close of the next business day.

- i. Return the facilities in as good a condition as it was prior to use. This includes, without limitation, cleaning, removal of trash, and returning tables and chairs and other school property to their proper location. The clean-up shall be promptly completed. In the event the District provides the clean-up service, Applicant agrees to reimburse the District for the cost of such clean-up.
- j. Remove any property brought in by the Applicant and by any person attending the activity or event. The District is not responsible for any personal property that is left on the premises.

5. Financial Responsibility - Applicant agrees to:

- a. Procure, at its own expense, a Comprehensive General Liability insurance policy naming the District as an additional insured. This policy shall be written with a minimum of \$1,000,000 Combined Single Limit per occurrence. A Certificate of Insurance evidencing coverage must be submitted prior to the Applicant's use.
- b. The insurance requirement is subject to waiver by the Superintendent or the Superintendent's designee only in circumstances where the intended use presents very little potential for injury or damage and the activity or event is designed to serve the District's students or staff.
- c. Indemnify and hold the District, the Board, school employees and agents of the District harmless from any and all claims, demands, causes of action, or lawsuits for any death or personal injury or damage to property sustained during, caused by or arising out of the Applicant's use of school facilities.

**D. Fees for Use**

The Superintendent or Superintendent's designee shall establish a daily use fee schedule that establishes rates for specific parts of the school facilities (that is, kitchen, auditorium, gymnasium, athletic field, classrooms, meeting rooms). The rates shall be reviewed on a periodic basis; with the review to occur no less than every two years.

The fee rates shall be in an amount sufficient to cover estimated staff time and direct costs associated with:

1. Access - Cost of providing access; such as unlocking doors before use and locking after use, turning lights on and off, and disarming/re-arming security systems.
2. Custodial - Cost of providing custodial or maintenance services to prepare the facility for the use and for clean-up after the use.
3. Kitchen - Cost of providing access to the kitchen facilities; as ordinarily any permitted use of the kitchen will require the presence of a member of the school's food service staff.
4. Special Equipment - Cost of making special equipment available such as sound and lighting set-up; as ordinarily any permitted use of special equipment will require the presence of a member of the school's staff who is familiar with proper use of the equipment.
5. Monitoring - Cost of administrative or other professional staff to monitor the Applicant's use to ensure compliance with the terms and conditions of the permitted use.
6. Security - Cost of providing security services when determined to be needed for the activity or event.

The fee schedule shall be applied evenly to all Applicants, with two exceptions:

1. A different fee may be assessed where the Superintendent or Superintendent's designee reasonably determines that the Applicant's use will require staff time or cause direct costs different than those used in establishing the fee schedule.
2. A fee waiver or reduced fee rate shall be given for use where the activity or event is designed to serve students of the District or children; such as approved school-community associations and school-affiliated non-profit groups and summertime sports leagues, sports camps, etc., that are subject to NSAA regulations.

**E. Use Consistent with NSAA Bylaws**

Use of school facilities for activities that are subject to the Bylaws of the Nebraska School Activities Association (NSAA) shall be permitted subject to and in accordance with the NSAA Bylaws. Such use shall be consistent with this policy for non-school groups. Examples of acceptable use of school facilities for activities are:

1. Summer Leagues - There must be evidence that the organization or individual conducting the league has rented or leased the facility (for example, via an Application for Use) to prove the school is not involved in its sponsorship or funding.
2. Commercial Sport Camps/Clinics - School facilities for use by individuals, including the District's own coaches or other organizations for commercial camps/clinics or schools. Camps conducted by high school coaches shall be publicized as open to all area individuals wishing to attend and not limited to students from the coach's high school.
3. All-Star competition that involves graduated seniors.
4. Competitive meets and contests sponsored by non-school groups.
5. Facilities approved under the above stipulations include: gymnasiums, tracks, swimming pools, tennis courts, athletic playing fields, and baseball and softball diamonds.

Reviewed: December 2, 2019  
Date of Adoption: May 2, 2016

## Board of Education Policy #1101

### Community Relations

#### Use of School Facilities: Student Groups and Boy Scouts

- A. Equal Access to Student Groups: In the event any of the secondary schools have a limited open forum as defined in the Equal Access Act, such school(s) shall not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. A limited open forum for this purpose exists if the secondary school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

All such student meetings at school are subject to the following requirements:

1. the meeting must be voluntary and student-initiated;
2. there must be no sponsorship of the meeting by the school or its agents or employees;
3. employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
4. the meeting must not materially and substantially interfere with the orderly conduct of educational activities within the school; and
5. non-school persons may not direct, conduct, control, or regularly attend activities of the student group.

The administration shall in all respects maintain the District in compliance with the Equal Access Act.

- B. Equal Access to Boy Scouts: If the District provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours, the District shall not deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America. The same principles apply to any other youth group listed in Title 36 of the United States Code as a “patriotic society.” The administration shall in all respects maintain the District in compliance with the Boy Scouts of America Equal Access Act.

The use of school facilities for student meetings and Boy Scouts as provided above shall be subject to the same provisions as other community, non-school groups and may be required to complete a community use application as and to the same extent as other noncurriculum related student groups (in the case of student meetings) and other outside youth or community groups (in the case of the Boy Scouts).

Legal Reference: 20 U.S.C. 4071-4074 (Equal Access Act)  
20 U.S.C. 7905 (Boy Scouts of America Equal Access Act) & 34 CFR Part 108  
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