

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROPERTY
TITLE: Use of School Facilities
ADOPTED: April 27, 1981
REVISED: March 24, 1994

707 USE OF SCHOOL FACILITIES

Purpose

The School District of Philadelphia shall make full use of its facilities for the education of its students and, where legally and economically possible, for community advancement.

Guidelines

Persons, Groups or Organizations Who May Use School Facilities

1. Any non-profit group or organization may use available school facilities, provided that the group or organization does not illegally restrict its membership, attendance, or leadership by reason of race, color, religion, creed, ancestry, age, sex, sexual orientation, physical handicap or national origin.
 - a. Non-profit organization shall mean any community, civic, cultural, charitable, athletic, educational, parent, youth, service or school organization, or any governing authority, corporate or politic, or any governmental body or any alumni association, which desires to use school facilities for social, recreational or other purposes.
 - b. Non-profit shall be defined as 1) the sponsor is not charging for participation in the activity or 2) any profit is donated to the School District of Philadelphia.
 - c. Persons and non-profit groups or organizations are permitted to use school facilities for fund raising activities. Fund raising activities shall mean sales of goods or services, campaigns, events or performances conducted to request money, property or other thing of any kind or value which will benefit in whole or in part a particular group of persons, group or organization. Persons and non-profit groups or organizations may retain any profits resulting from the use of school facilities for fund raising activities.

- d. No use of school facilities for fund raising activities shall be permitted which would adversely affect the exclusion from gross income for federal income tax purposes of the interest on any School District obligations under Section 103 of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder.
 - e. Persons, groups or organizations which donate some or all of their profits resulting from fund raising activities to the School District or an individual school will be given first preference for approval for use of a particular school facility.
 - f. Engaging in activities for profit-making purposes shall not include fund raising activities approved by the School District.
2. Non-school related applicants shall be required to make payment in advance of all charges.
 3. Charges (set forth in section 3.61) shall be waived for the following:
 - a. Home and School Council or its affiliated associations - two evenings per month per school during a school year. If additional meetings are desired, space will be made available in those nearby schools scheduled to be in use at the time of the requested meeting. This provision shall not include Open House or Report Card Conferences.
 - i. In the event the Home and School Association does not use the second evening, the unused time may be given without charge to any community group subject to the conditions of this policy.
 4. A meeting by the officially recognized alumni or alumnae organization.
 5. Fund raising activities approved by the School District if the profits are assigned to the School District or an individual school.
 6. Non-public school sponsored activities charging admission if the profits are returned to public schools.
 7. Scouting organizations provided that an evening meeting is held when the school is open for the public school parent organization or an evening donated by that organization to the Scouts in lieu of the parent organization regular meeting. If any other arrangement is made with the principal, the scouts will be charged for personnel costs plus utilities.
 8. In the event of an extreme emergency in the community as declared by the Mayor or Governor, schools shall be made available as emergency shelters.

9. Non-public school sponsored activities charging admission and/or operating concessions may use facilities only if all the profits are returned to the School District or to an individual school. Profits shall mean any monies from the admission or concessions proceeds after expenses are paid. Verification of the profits earned shall be submitted to the School District on forms, and in content, satisfactory to the School District.

10. Persons, Groups or Organizations Who May Not Use School Facilities

- a. No person, group or organization shall be permitted to use a school facility (including school buildings, offices, athletic fields, schoolyard, etc.) if participation or attendance at the program or event, or membership or leadership in the group or organization is restricted on the basis of race, color, religion, creed, ancestry, age, sex, sexual orientation, physical handicap or natural origin. (Note, distinctions in participation based upon sex, age and physical handicap are permissible, if lawful and based upon legitimate health, safety or welfare concerns so long as separate but equivalent programs or events are available for all who wish to participate.)
 - i. Each group or organization shall submit with its application, a copy of its charter or by-laws, if any, or any other document evidencing the non-discriminatory nature of the group or organization. Each person, group or organization shall sign a statement of non-discrimination in regard to membership or leadership in the group or organization and/or participation or attendance at the program or event.
- b. No person, group or organization not officially recognized by the Superintendent as having a direct connection with a school(s) be permitted to use school facilities for profit-making purposes.
 - i. Profit-making purposes shall mean engaging in activities for the purpose of raising funds for the benefit of a specific group or organization, rather than for the benefit of the public schools or a particular public school, regardless of whether public school children are otherwise part of the general membership of the specific group or organization.
- c. Use of school facilities for any illegal activity, including but not limited to gambling, and for any activity at which alcoholic beverages will be served is prohibited as is the use of tobacco or illicit drugs.
- d. Activities involving the use of equipment or materials which may be unsafe or may pose a danger to the user or the premises shall not be permitted in school buildings or school grounds.
- e. Use of school facilities or activities for any purpose and at any time not specifically permitted by this policy.

- f. Commission of, or failure to control or prevent, acts of vandalism, disorderly conduct, violations of local ordinances, or violations of fire, liquor or criminal laws of the United States or the Commonwealth of Pennsylvania shall disqualify a person, group or organization from future use of a school facility.
- g. Parking will be permitted on school property only in conjunction with a program for which approval has been granted.
- h. Activities without appropriate supervision or security as determined by the School District shall not be permitted in school buildings or on school grounds.
- i. Applicants who do not adhere to the pre-approved time schedules.

Permission and Notice

No school facility (including school buildings, offices, athletic fields, schoolyard, etc.) shall be used for any activity which is not part of the regular public school program without prior approval of the Division of School Facilities. Prior approval, in writing, must be obtained whether the activity is to take place either during the school hours or before or after school hours, or non-school days.

Procedures

1. Any organization applying for the use of a school facility shall submit a School District form (Request to Use School Facilities) to the principal explaining the purpose for which the use of the facility is being requested.
2. The Principal will:
 - a. Review each request with the applicant before submittal of the request for final approval for the use of the building.
 - b. Not sign request if not approving, but forward it to District Superintendent with the reasons for not approving.
 - c. Consult the Office of Informational Services if individual or group is unknown to the principal.
3. The District Superintendent will:
 - a. Approve or disapprove request.
 - b. Not sign request if not approving, but forward the request to the Office of School Facilities with all comments attached. (See 3.5, Enforcement)
4. School Facilities will:

- a. Either approve or disapprove application. In the event that a request for a school facility is refused, notify the organization of the reason(s) for the disapproval.
 - b. Collect in advance of use in all cases except for school sponsored activities and immediately deposit with the School District Treasurer.
 - c. Inform the principal via telephone that the request has been approved or rejected. The principal shall notify applicant of approval or rejection.
5. The District Engineer will:
- a. Insure that the building is opened and closed on time.
 - b. Assign additional staff when and if he is informed in advance of the need for same by School Facilities.
 - c. Notify School Facilities Division if applicant exceeds time.
6. The Accounting Department will:
- a. Immediately prepare invoices for any amounts owed to the School District.
 - b. Submit a list of all outstanding, uncollectable invoices monthly to School Facilities, Legal and the Internal Controller Divisions.

Enforcement

Enforcement of the charges, policy, regulations, and procedures shall begin with the Office of School Facilities, who must ultimately authorize or reject an applicant's request for use of a school facility. However, the responsibility for compliance is not limited to School Facilities, as each principal must enforce the policy at the school level and promote community understanding.

Charges

There will be no charge for the use of rooms in schools that are open for Standard Evening High Schools. There will be charges in all cases where groups or organizations insist on using a facility that is not already open for activities or where the use is beyond the limits of the policy.

1. All charges shall consist of the personnel cost plus utilities.
2. In instances where more than one community group is using a facility at the same time (if scheduled activity is not combined), each group must share the established costs.

3. There will be no charge for school conducted programs except in case of shows or productions that are held for two (2) or more evenings and where admission is charged. The applicant must pay personnel cost only.
4. The Superintendent has the right to waive charges or other requirements where circumstances warrant such action.

Use of Athletic Facilities

Public Schools

1. Overtime use of facilities for practice sessions with activities not in season is not permitted.
2. Overtime use of facilities for games or contests for activities not in season is not permitted. (Exceptions: playoffs, interleague, etc., approved by supervisory committee.)
3. No charge shall be made for school use of facilities on Saturdays or holidays for regularly scheduled games or contests.
4. No charge shall be made for school use of facilities on school days to 6:00 p.m. (Extensions of this time limit may be granted by the Division of Physical and Health Education.)
5. No charge shall be made for practices conducted during extended holiday period (Christmas - Easter). Schools are limited to three (3) days, three(3) hours each day.
6. No charge shall be made for practices conducted during certain other holidays as designated by the Division of Physical and Health Education.
7. Schools shall be charged for use of facilities for practice sessions on Saturdays or holidays which require overtime services. (Exception: extended holiday periods.)
8. Schools using athletic fields for night contests are to be charged for personnel, utilities and materials used for lining a field. If a school desires to use its own facility before and/or after any away night contest, it is to be charged.

Use for Voting Purposes

The City of Philadelphia acting through the City Commissioners shall be permitted to use School District facilities for voting, but the School District shall be reimbursed for the cost of custodial and maintenance services as permitted by law. The School District shall endeavor to reach an agreement with the City Commissioners with regard to the placement of the voting booths to minimize disruption to the instructional programs and to ensure that the safety of the children is not jeopardized by the presence of the voting public at the school on election day.

The School District shall also endeavor to reach an agreement with the City Commissioners for indemnification against damage to premises or the theft of School District property which occurs as a result of the use of school facilities for voting.

Responsibilities of User of School Facilities

1. The user must inspect the School District facilities prior to the commencement of the period of their use and must inform the School District in writing of any defects which a visual inspection would reveal. If any defects are found, the School District has the right to withdraw its prior authorization to the user to use the school facilities.
2. The user assumes the care, custody and control of the school facilities during the period of use. The user is responsible for the monitoring and supervision of all its events at the school facilities during the period of use. Upon expiration of the period of use, the user must return the school facilities in as good order, condition and state of repair as they were prior to their use by the user.
3. The School District has the right to terminate the use of school facilities by the user due to the user's non-compliance with the requirements of the policy. Abuse, misuse or vandalism of the school facilities by the user will result in the suspension of the user's future privileges to use available school facilities.
4. The user is responsible for any personal injuries or property damages occurring at the school facilities during the period of use. The user must defend, indemnify and hold the School District harmless from and against any losses or damages due to the user's non-compliance with the requirements of this policy and any losses, damages, claims and expenses arising out of any personal injuries or property damages caused by the user or which occur during the period of use.
5. The School District is not responsible for any losses or damages occurring to the user's property at the school facilities during the period of use. The user must defend, indemnify and hold the School District harmless from and against any losses, damages, claims and expenses arising out of any personal injuries or property damages caused by the use of the property belonging to the user or the installation, erection or use of any structures, machinery or equipment belonging to the user which occur during the period of use.

Insurance and Indemnification Requirements

1. An occurrence policy of Comprehensive Public Liability Insurance in the amount of not less than One Million Dollars (\$1,000,000) combined single limit per occurrence, or in such amount as the School District may from time to time require, shall be required for all activities. The policy shall specifically cover any damage to the School District's premises and property as well as contractual liability, independent contractor liability, personal injury perils, broad form property damage, completed operations and products liability exposure.

2. Such policy shall (i) be evidenced by a Certificate of Insurance identifying "The School District of Philadelphia" as a NAMED insured, and (ii) bear a restrictive endorsement which provides that the policy applies only to the particular premises to be used by applicant and for claims arising out of injuries or damage occurring on the specific dates of the intended use.
3. Such policy shall be endorsed to state that coverage shall not be suspended, voided, canceled or reduced unless ten (10) day's prior written notice by certified mail has been given to the School District of Philadelphia.
4. The user shall furnish the School District with a satisfactory Certificate of Insurance reflecting the required insurance and cancellation notice endorsement prior to the use of the school facility.
5. The insurance shall be placed with insurers lawfully authorized to do business in Pennsylvania. The user is responsible for informing the School District of any exception. Approval must be obtained from the School District for the use of foreign insurers.
6. The company or agency which issues the Certificate of Insurance must provide a complete street address where it can be served with notice (no Post Office box addresses will be accepted) and a telephone number. The company or agency must certify that it is an agent of the insurance company issuing the policy and that its statement is subject to the penalties of 18 PA C.S. SS4904 relating to unsworn falsification to authorities.
7. The School District shall not accept any policy (1) written on a claims made basis or (2) which only names the School District as an additional insured or (3) which is written only on an "excess or umbrella" basis or which carries any deductible or self-insured retention over \$500.00. However, deductibles or self-insured retentions may be declared to and approved by the School District. If the deductibles or self-insured retentions are not approved, the user shall procure a bond guaranteeing payment of losses, investigation, claims administration and defense expenses up to the amount of the deductibles or self-insured retentions.
8. The user shall execute an Indemnification Agreement in form and content satisfactory to the Office of General Counsel. The School District shall provide the required Indemnification Agreement to the user. The user shall submit the Indemnification Agreement to the School District prior to the use of the school facility.

Delegation of Responsibility

Within the guidelines of this policy, the Superintendent shall have the authority to grant permission for use of school facilities and to develop regulations and assign responsibilities for such use.

In the event of a situation considered by the Superintendent to be a serious involvement of school and/or community welfare, the Superintendent shall have the authority to provide use of school facilities without cost to the participants.

Where large tracts of School District property are available, the Superintendent may recommend to the Board of Education shared or leased use by the community of designated portions of such property.

Legal References:

- 1.24 P.S. SS7-775 PA Election Code
- 2.25 P.S. SS2727(a) and 2731(c)
- 3.35 PCSA 77-O1d
4. Section 3.112 is **suspended** from 4/1/94 until 10/1/94
5. Section 3.113 is **effective** 4/1/94 until 10/1/94
6. Section 3.114 is **effective** 4/1/94 until 10/1/94
7. Section 3.115 is **effective** 4/1/94 until 10/1/94
8. Section 3.116 is **effective** 4/1/94 until 10/1/94
9. Section 3.133 is **suspended** from 4/1/94 until 10/1/94
10. Section 3.134 is **suspended** from 4/1/94 until 10/1/94
11. Section 3.14 is **suspended** from 4/1/94 until 10/1/94
12. Board of Education Resolution 3/24/95