

Community Use of School Facilities School Facilities User Categories and Fees

Per Governing Board Policy KF, in accordance with Arizona Revised Statutes Section 15-1105, and subject to the terms of the applicable use agreement, the Kyrene School District authorizes use of school property and facilities by any person, group, or organization for any lawful purpose in the interest of the community.

Leasing (renting)

School facilities and property may be leased to extended day resource programs and any person, group or organization for any lawful purpose in the interest of the community. The purposes include but are not limited to the following:

- | | |
|-----------------|-----------------|
| A. Recreational | G. Scientific |
| B. Educational | H. Social |
| C. Political | I. Religious |
| D. Economic | J. Other civic |
| E. Artistic | K. Governmental |
| F. Moral | |

A reasonable use fee shall be charged for the lease of school facilities and property and this fee may be offset by goods contributed or services rendered by the lessee. "Reasonable use fee" means an amount that is at least equal to the cost for utilities, services, supplies or personnel provided to the lessee pursuant to the terms of the lease.

The fee schedule, documentation required from the organization, and benefits offered to an organization, are described in the applicable use agreement for that organization in its use of District property and facilities. To determine the fee associated with use of District property, the organization and its purpose are considered. In order to determine the User's Category, whichever is in a higher Category, the organization or the purpose, determines the Category. (For example, if the organization is Category IA and the purpose for the facility use falls under Category IV, then the Category is IV.)

Category IA

Organization

- Kyrene sponsored
- Community Schools programs (Community Ed)
- Student-initiated groups or clubs or councils
- District-sponsored staff groups or clubs or events
- District-sponsored school-teams, approved camps/clinics
- Teacher organizations
- Professional development programs for KSD employees provided by KSD
- School-sponsored activities

Purpose

- To meet the educational function of the district
- To provide in-services or job-related training classes

Examples

- Community schools programs (Youth Enrichment, Kids Club, Kyrene Preschool, etc.)
- KEBT
- Student clubs
- Staff development day offerings

Benefits Provided

- Open to advertise in all KSD marketing (email, brochures, surveys, etc.)
- Literature distribution (through classroom and/or kiosk)
- Printing (at cost)
- Website links

Custodial Fees

- Custodial fees apply as deemed necessary by facility staff (at site being used)

Documentation Required

- None

Category IB

Organization

- Organizations directly associated with KSD
- Volunteer* groups serving Kyrene (*receive no financial gain/benefit)
- People conducting the activity are not paid and do not derive a financial benefit from the activity and no fees are charged to the participants who are 90% KSD students
- Site councils or parent-teacher organizations

Purpose

- To meet the educational function of the district
- To serve KSD students

Examples

- PTO, PTSO, Site councils, NAPAC, boosters, PTA
- KEA
- KESPA, KAC
- K-Link (Kyrene Legislative Information Network)

Benefits Provided

- Website links
- Printing (at cost)
- Literature distribution (through classroom and/or kiosk)
- Open to advertise in all KSD marketing (email, brochures, surveys, etc.)

Custodial Fees

- Custodial fees apply as deemed necessary by facility staff (at site being used)

Documentation Required

- Insurance
- Use Agreement

Category IC

Organization

- Foundation
- A 501 (c) 3 organization whose mission is to benefit the KSD

Purpose

- To meet the educational function of the district
- To raise funds to benefit KSD programs or people

Examples

- KMFA
- Kyrene Community Schools Foundation

Benefits Provided

- Website links
- Printing (at cost)
- Literature distribution (through classroom and/or kiosk)
- Open to advertise in all KSD marketing (email, brochures, surveys, etc.)

Custodial Fees

- Custodial fees apply as deemed necessary by facility staff (at site being used)

Documentation Required

- Insurance
- Use Agreement
- IRS Tax-Exempt Determination Letter

Category ID

Organization

- Elections
- Maricopa County Elections Department

Purpose

- To hold elections

Examples

- Maricopa County Elections Department

Benefits Provided

- None

Custodial Fees

- Cost dictated by Maricopa County Elections Department

Documentation Required

- Insurance

Category IE

Organization

- Department of Developmental Disabilities- Related Services Providers

Purpose

- To provide DDD -provided student therapies outside of school hours and space-permitting

Examples

- Speech, skills training, behavioral health services, occupational therapy, and the like.

Benefits Provided

- None

Custodial Fees

- N/A

Documentation Required

- Insurance (from contracted Developmental Disabilities provider)

Category IIA

Organization

- Youth serving (directly and indirectly)
- Non-profit youth organization in which people conducting the activity are not paid and do not derive a financial benefit from the activity
- Groups providing educational services at the request of the district for a fee to the participants who are at least 90% KSD
- Non-profit, non-school sponsored youth service organizations
- Adult service organizations

Purpose

- To meet the educational function of KSD
- To serve current Kyrene students
- To provide service to the KSD community
- To provide extended day resource programs as defined by ARS Section 15-1105

Examples

- Scout troops
- ASU, NAU
- Ahwatukee Foothills Concert Band
- ASA
- First Things First
- AZ ORFF
- Maricopa County Superintendent's Office
- Arizona Business and Education Coalition
- CHIC (ASDB)

Benefits Provided

- Literature distribution at kiosk as approved
- Use of facility at a fee that is derived from District direct expenses.

Custodial Fees

- Custodial fees apply as deemed necessary by facility staff & on school closure days and hours

Documentation Required

- IRS Tax-Exempt Determination Letter
- Use Agreement
- Insurance

Category IIB

Organization

- Youth serving
- Non-profit childcare that meets the educational function of KSD (as determined by evaluation)

Purpose

- To provide childcare

Examples

- Ahwatukee and Tempe YMCA
- Kid Zone
- PAC

Benefits Provided

- Literature distribution at kiosk as approved
- Use of facility at a fee that is derived from District direct expenses.

Custodial Fees

- Reduced custodial fees apply for school closure days/hours & as deemed necessary by facility staff

Documentation Required

- Insurance
- Use Agreement
- IRS Tax-Exempt Determination Letter
- Childcare Program Evaluation

Category IIC

Organization

- Childcare that does not meet the educational function of KSD (as determined by evaluation)

Purpose

- To provide childcare
- Does not meet the educational function of KSD

Benefits Provided

- Literature distribution at kiosk as approved
- Use of facility at a fee that is derived from District direct expenses.

Custodial Fees

- Custodial fees apply for school closure days/hours & as deemed necessary by facility staff

Documentation Required

- Insurance
- Use Agreement
- IRS Tax-Exempt Determination Letter
- Childcare Program Evaluation

Category IID

Organization

- Youth serving
- Non-profit youth organizations not meeting the volunteer group criteria in IIA
- National or State Educational organizations providing services for instructional purposes (in collaboration with KSD)
- Youth-serving organizations
- Public agency, parks/recreation, governmental agency
- Sports groups

Purpose

- To provide youth programs
- Athletic practices
- Does not meet the educational function of KSD

Examples

- Little Leagues (ALL, AFPL/MPPL, SEV), AYSO, NYS
- Sport camps, clubs, instruction, theatre or music groups

Benefits Provided

- Literature distribution at kiosk as approved
- Use of facility at a fee that is derived from District direct expenses.

Custodial Fees

- Custodial fees apply for school closure days/hours & as deemed necessary by facility staff

Documentation Required

- Insurance
- Use Agreement
- IRS Tax-Exempt Determination Letter

Category III

Organization

- Adult serving
- City/Town or non-profit providing adult programs
- People conducting the activity are paid or derive a financial benefit from the activity
- National or State Educational organizations or institutions of higher learning (not requested by KSD)
- Political organizations, individuals, or groups
- Organizations that are normally housed in their own facilities

Purpose

- To provide adult programs
- Any group meeting for political activities or to influence the outcome of an election
- Conducting official or community business for political gain

Examples

- HOA, Rotary, Kiwanis
- Churches
- ASU, NAU
- NEA, AEA

Benefits Provided

- Literature distribution at kiosk as approved

Custodial Fees

- Custodial fees apply for every hour of use

Documentation Required

- Insurance
- Use Agreement
- IRS Tax-Exempt Determination Letter

Category IV

Organization

- Profit-making
- Any organization not falling into other categories
- Commercial organizations or individuals
- Charter schools
- Any profit-making entity

Purpose

- To make money
- To raise funds
- To host a for-profit tournament
- Any reason not outlined in other categories

Examples

- Chess Emporium, US Gymnastics, Marathon Coaching Consultants

Benefits Provided

- None

Custodial Fees

- Custodial fees apply for every hour of use

Documentation Required

- Use Agreement

- Insurance

Uncompensated Use

The Superintendent may permit the uncompensated use of facilities and property by any school related group, including student political organizations, or by any organization whose membership is open to the public and whose activities promote the educational function of the District. "Education function" means uses that are directly related to the educational mission of the District as adopted by the Board and includes the educational mission related uses of parent - teacher organizations, youth organizations and school employee organizations. Use of facilities or property by organizations indicated above that will require a substantial District cost for utilities, services, supplies and/or personnel may be permitted only if goods contributed, services rendered or payments are made to reimburse these costs to the District.

The mission of the District is found in section A of the policy manual (see cross referenced policies below). The mission statement and the group's or organization's promotion of the educational function through the activity, as interpreted by the Superintendent in good faith, will be the basis upon which uncompensated use of District facilities and property shall be approved or denied.

Generally

The Superintendent shall annually recommend a fee schedule to the Board for the lease of school property and such schedule shall include a procedure for determining the value of goods and services being provided as compensation for the use of school property. The schedule shall include a designation of those groups whose activities promote the educational function of the School District as determined in good faith by the Superintendent and presented for Board review.

Property not associated with the use of facilities is covered in section E of the policy manual (see cross referenced policies below). The District will use its best efforts to avoid conflicts with approved use of the facilities and property but no lease or use provision shall be effective if the administrator of the facility finds that it would cause delay, cancellation, or rescheduling of a school-sponsored activity.

Proof of liability insurance shall be required for the use or lease of school property pursuant to A.R.S. [15-1105](#). The School District and its Governing Board, employees, and agents shall be named an additional insured under the liability insurance policy during the use of the facilities and property.

The School District and its employees, including the Governing Board, Superintendent or Chief Administrative Officer, are immune from civil liability with respect to all decisions made and actions taken to allow the lease or use of school property, unless the School District or its employees are guilty of gross negligence or intentional misconduct. This does not limit any other immunity provisions that are prescribed by law.

The Superintendent shall establish such rules and regulations as are needed to implement this policy as well as to assure the preservation of District property.

The lessee of school facilities must affirm knowledge of and enforce the requirements and restrictions set out in Chapter 28.1 of A.R.S. Title 36 related to medical marijuana.

The lessee of school facilities to be used for athletic activities must confirm knowledge of and compliance with the requirements and restrictions for such use as set out in Board Policy JJIB.

Board Approved Criteria for Determining if a Childcare Provider Meets the Educational Function of the District

Criteria 1: The program complies with the regulations outlined by the Arizona Department of Health Services' Childcare Licensure.

Indicators:

- Participants in the program are engaged in age-appropriate activities.
- The staff to child ratio meets state mandated ratios (1:20 for school-age children).

- The program implements a staffing plan that covers staff absences and ensures that said ratios are consistently maintained.

- At any time, program participants' location is known and documented (i.e., rosters).
- Staff protect the safety of children (including activity choices presented, and interactions between staff and children).

Criteria 2: The program is familiar with and implements the emergency, safety, and operating procedures of the school and all of the policies/procedures set forth in the school's student handbook

Indicators:

- The program's staff follow the sign in/out procedures of the school.
- The program adapts the school's emergency plans and procedures to operate after school hours.

Criteria 3: The program engages in annual program evaluation with input from the school's administration.

Indicators:

- The program works with the school's administration to determine what data will be collected and/or what questions will be asked.
- The program will share the evaluation data with the school's administration to collaboratively determine the appropriate responses for areas for improvement identified in the evaluation.
- The program works with the school's administration to implement the administrator's input/direction in the program's activities.
 - The administrator's input may include providing activities that support the School Improvement Plan and academic enhancement programs/activities, and childcare staff participating in school meetings and trainings.
 - School Administrators will provide, in writing, to the childcare program specific indicators of improvement as well as a window of time within which the program should demonstrate those improvements (e.g., 30 days). If improvements are not made within the timeframe given, Kyrene reserves the right to terminate the rental contract with the childcare provider and/or to move the organization into Category IIC.

Criteria 4: The program enforces staff and student behavior expectations that are consistent with the school day.

Indicators:

- The program implements the school's identified character program(s).
- These consistent behavior expectations and consequences are communicated clearly and in writing to all program stakeholders and include all expectations set forth in the student handbook (e.g., dress code).
- The program collaborates with school personnel and parents to obtain, as appropriate, prior interventions and data collected over time and problem solve/implement new behavioral interventions, proactive strategies, accommodations, and/or environmental changes for students with disabilities. (The childcare provider is not required to provide FAPE (Fair Appropriate Public Education); however, the program is expected to provide as much consistency, continuity and support to students with special needs as is reasonably possible.)

Criteria 5: The program offers activities that aim to enhance the academic performance of its participants.

Indicators:

- The daily schedule includes time (every child participates for a minimum of 20 minutes per day) and space for homework and/or quiet reading time in each day's schedule.
- Homework and/or quiet reading are always an available activity choice for every student during the entire program.

Board approved procedures for monitoring and ensuring that each provider is accountable for meeting the criteria:

- The childcare provider is responsible for demonstrating to the school's Administration (on at least an annual basis) how the program meets the criteria.
- Based on evidence provided by the program, the school Administrator will determine whether or not the program satisfactorily meets the criteria.
- If the school Administrator determines that the childcare program does not meet the criteria, the Administrator makes a recommendation (in writing) of improvements to be made by the childcare provider and the timeframe within which those improvements will be demonstrable.
- Should the childcare provider not demonstrate compliance with the recommendations of the Administrator in the timeframe assigned, then the Administrator will recommend to the Use of Facilities designee that either (1) the rental contract be terminated, or (2) the childcare provider no longer be in Category IIB as related to fees.

Board approved benefits to be offered to those childcare providers who are determined to meet the educational function of the District:

- Receive priority choice of space to be used.
- Participate in appropriate District professional development offerings.