

<p>TUCSON UNIFIED SCHOOL DISTRICT</p> <p>POLICY REGULATION</p>	REGULATION TITLE: Community Use of School Facilities
	CODE: KF - R

Arizona Revised Statute §15-1105 allows the Governing Board to lease school buildings and charge a reasonable fee or in-kind payment for their use. Policy KF establishes the TUSD Rentals Office as the office to coordinate these leases and to charge appropriate fees. This regulation outlines the rules and procedures to implement Policy KF.

Definitions

“District-sponsored activities” are those activities sponsored by the Governing Board, central administration or by individual schools.

The “building-in-use” period is from 6:00 am to 9:00 pm only on days when school is in session or during District-sponsored activities or when the activity is ancillary to District-sponsored activities (e.g. Booster Club concessions during football games). All other times and days, including holidays, weekends, and during the summer, are considered “building-not-in-use” periods.

Priority of Uses

District sites will be used in the following order of priority:
(See Group/Activity Descriptions for information on each category)

1. Regular K-12 Instructional Programs;
2. Interscholastic Activities (including athletics, music, drama, and speech);
3. District-sponsored Activities;
4. Special Programs such as elections, uses provided by intergovernmental agreements, and college testing;
5. Direct Service Groups;
6. Community and Youth Service Programs such as publicly-sponsored neighborhood groups and non-profit child care or youth groups;
7. Other non-profit groups and programs; and,
8. For-profit and other individuals, groups, and private organizations.

Insurance

To protect the school and the District, all activities held in TUSD facilities must be insured for liability (in the amount of \$1,000,000.00) naming the District as an additional insured. Only activities sponsored by the TUSD Governing Board (District-sponsored) will be covered by District liability. District personnel wishing to host or sponsor an activity that involves bringing in outside persons/groups must receive authorization from the TUSD Director of Risk Management.

District employees who step outside of the normal scope of their employment or open facilities to activities that are not District-sponsored may be assuming personal liability for the activity. Workers’ compensation claims may be denied and liability may be transferred to the person who organized the unauthorized event.

Reserving Spaces

Unless exempted specifically in this regulation, individuals or persons reserving space for non-District-sponsored activities must secure a rental agreement through the Rentals Office to provide insurance and make arrangements for security, personnel and equipment. This applies even if no fees are charged.

The lessee shall not possess or use marijuana on any TUSD site or school campus as per A.R.S. 36-2802, Arizona Medical Marijuana Act.

The District reserves the right to review and deny use of facilities for events that may not be in accordance with restrictions listed in Governing Board Policy KFA, Public Conduct on School Property, and KI, Visitors to Schools; or when facilities may not be in full compliance for public use or when the renter has special requirements the District cannot reasonably accommodate.

The Rentals Office will coordinate the reservation of facilities with the principals of the schools and, considering the principal's recommendation and rationale, will decide if a use may be denied.

Interpretations

The Chief Operations Officer or designee will resolve all interpretations related to the application of this regulation. This will include special circumstances where rental rates may be increased or reduced.

Appeal

When a request to use facilities is denied or restricted the individual or organization that made the request may appeal the denial as follows:

1. Submit a written complaint delineating the specific reasons for the appeal.
2. The Chief Operations Officer shall investigate the complaint and issue a written response within 15 days of receipt of the complaint.
3. If the complaint remains unresolved the individual or organization requesting to use the facilities may appeal to the Superintendent.
4. The Superintendent or designee shall review the complaint and written response and issue a final decision regarding the use of the facilities within 25 days of receipt of the appeal.

Group/Activity Descriptions

As listed in the Rental Rate Schedule Exhibit KF-E, TUSD has extended special rates to certain groups that directly serve TUSD students and their community. The following is a list of groups with varying rental rates or submittal requirements.

District-sponsored Activities:

These do not require a rental agreement and they are not charged any fees. Programs listed in other categories may be classified in this category if they are sponsored by the District.

Special Programs:

Some uses of TUSD facilities are detailed in Governing Board authorized Intergovernmental Agreements (IGA). Logistics for these agreements, including all fees, are handled by Planning Services. Other Special Programs fees such as those for City and County elections are included in the rental rate schedule KF-E. Some Special Programs, such as professional development for TUSD personnel or Emergency/Crisis Services, may be negotiated individually using the criteria established by this regulation and Policy KF. Signature of the Chief Operations Officer is required for approval of rentals in the latter category.

Direct Service Groups:

These groups provide direct services to the schools and students and are not charged for use of the facilities except as needed to recover District costs and reimburse individual schools. They fall into two categories:

Category 1

Those that are composed of and serve the immediate school community, such as:

- Booster Clubs
- Parent/Teacher Organizations
- School Sponsored Clubs (Chess, Bicycling, Spanish) when their activities involve only TUSD students. Activities involving outside sponsors or serving more than the TUSD community are classified as Community and Youth Service Programs
- District's Labor Bargaining Groups for the conduct of bargaining unit business with 25 or fewer persons

Category 2

Those that serve the District overall:

- District's Labor Bargaining Groups for the conduct of bargaining unit business with more than 25 persons
- Educational Enrichment Foundation
- Organizations that provide professional development exclusively to TUSD employees
- Other, non-fee programs exclusively for TUSD students or staff

Rental agreements are not required for uses in Category 1 during the building-in-use period. Rental agreements are required for Category 2 uses; any event not directly and exclusively serving TUSD students or staff or parents; and any event outside of the building-in-use periods.

Community and Youth Service Programs:

These are programs provided by organizations solely committed to serving youth or by publicly-sponsored, community-service organizations. These programs support the educational function of the District by providing supplemental education and support to students and their parents and by stabilizing the neighborhoods around the schools. They are charged non-profit rates for any special meetings such as banquets, derbies, potluck dinners, special fund raising events, etc.

Rental agreements are required for all Community and Youth Service activities.

Examples of youth programs are:

- Scouts
- 4H Club
- Campfire
- Tucson Youth Development – SER – Jobs for Progress
- Pima County Community Resources/Summer Youth Employment
- Child Evangelism Fellowship

Examples of Neighborhood Services are:

- Neighborhood Resources:
 - Neighborhood Associations
 - Town Hall meetings
 - Ward meetings
 - Department of Transportation meetings
- Law Enforcements Agencies:
 - Crime prevention
 - Neighborhood meetings

Examples of other Community-Service Organizations are:

- Pima County Adult Education Program
- City and County Elections (due to the support involved to host these, the fees include custodial labor charges of 3 hours per day)

Examples of child care programs are:

- Child and Family Resources
- YMCA Child Care Programs
- COT Kidco

Examples of youth leagues are:

- Football Leagues
- Soccer Leagues
- Tennis Leagues
- Little League
- Softball League
- YMCA Youth Programs

Non-profit Rates:

These are groups that are recognized as non-profit by a 501-C3 tax designation or any similar designation. Rental agreements are required for all non-profit activities.

Examples of groups that qualify for non-profit rates are:

- Churches
- Charity groups for fund raisers
- Civil clubs
- Social groups
- Individuals in community for wedding receptions, funerals, anniversary celebrations, etc.
- Non-profit Community

- Homeowners Associations (does not include meetings arranged through commercial companies)
- Community Colleges and Universities

For-profit Rates:

These are individuals or organizations that operate for financial gain. Rental agreements are required for all for-profit activities.

Examples of for-profit groups are:

- Private entertainment booking organizations
- Film Production Companies
- Credit Unions
- Utilities
- Contractor, property and land development businesses

Cost Recovery

All uses are expected to reimburse the District/site for utility, supply and employee costs with the following exceptions:

- District Sponsored Activities are not charged any fees.
- Direct Service Groups, Category 1, during building-in-use periods for regular meetings, are not charged any fees.
- Direct Service Groups, Category 2, and Community and Youth Service Programs are not required to reimburse the District for utilities during building-in-use periods.
- Activities are not required to reimburse the District for employee costs that are part of the normal course and scope of employment.
- Activities are not charged supply fees when they replace supplies based on an agreement with the school.

In-kind Contributions

Sites may enter into agreements with parties for the reduction of up to fifty percent (50%) of the rental fees (not utility, employee, or supply fees) through the contribution of goods or services. The activity must submit documentation to the site administrator and the Rentals Specialist that shows the value of the goods or services meets or exceeds the fees which may be waived. All in-kind contributions accepted by a site will be reported to Finance and deducted from the monies due to the site from the Civic Center School Fund.

Special Requirements

Use of kitchen facilities in schools requires the employment of a District Food Service employee. Those arrangements are made on a separate basis with the Director of Food Services.

Distribution of Income from Rentals and Leases

In accordance with A.R.S. §15-1105, a "Civic Center School Fund" account shall be established with the County Treasurer. Monies collected or derived from use of school facilities shall be deposited in this fund and may be expended from Civic Center School purposes as defined in Arizona Revised Statutes. The Chief Financial Officer of the District shall monitor this account.

Revenue from rentals and leases will be distributed as follows: After the funds collected for utilities (energy) are deposited in that account and after allocating funds for the operations of the Clothing Bank and Rentals Office, the remaining revenues will be divided with forty percent (40%) retained for central services, and sixty percent (60%) distributed to the site that generated the rental revenue. The site shall cover expenses directly supporting the rental revenues, for example custodial overtime, out of the site's Civic Fund monies.

According to Arizona Revised Statute §15-1105.D, the Governing Board annually approves a fee schedule for the lease of school property.

Adopted: August 16, 1960
Revised: December 17, 1963
Revised: February 16, 1971
Reviewed: February 21, 1995
Revised: May 13, 2003
Revised: October 2, 2003 (pursuant to Sept. 9, 2003 Board Meeting)
Revised: May 11, 2004 (Lead Dept. corrected 10-6-04)
Reviewed: April 12, 2005
Reviewed: June 27, 2006
Revised: September 11, 2007 (Lead Dept. Correct 7-3-2006)
Revised: June 10, 2008
Reviewed: December 9, 2008 (Corrected review date only 3-27-12)
Revised: January 11, 2013 (Friday Report)
Revised: May 17, 2013 (Friday Report)
Revised: March 21, 2014 (Friday Report)
Revised: July 25, 2014 (Friday Report)
Revised: August 4, 2017 (Friday Report)
Revised: January 26, 2023

Legal Ref: A.R.S. §15-1105
A.R.S. §36-2802 et seq., Arizona Medical Marijuana Act

Cross Ref: Policy JJE - Fund Raising
Policy EDC - Authorized Use of School – Owned Materials and Equipment
Policy KFA - Public Conduct on School Property
Policy KI - Visitors to Schools
Policy A - District Mission, Vision, Strategic Priorities and Values
Policy AC - Nondiscrimination