

Community Use of School Property in Missouri



A Checklist





A Checklist

Community Use of School Property in Missouri is available at kchealthykids.org

- A Guide to Implementation
- Success Stories
- A Checklist
- Best Practices for Scheduling
- Paying for Community Use of School Property

This guide was created through a partnership between KC Healthy Kids, Missouri Association of Councils of Government, Missouri Consultants for Education, Missouri School Boards' Association, Missouri State Alliance of YMCAs and Public Health Law Center.

The organizations were convened to promote and sustain community changes that enable healthy lifestyles. Their goal is to accelerate and advance policy and environmental changes in Missouri that encourage healthy eating and active living.

About KC Healthy Kids

KC Healthy Kids rallies the people in our communities to improve access to affordable fresh food and safe places to walk and play. When our neighborhoods support healthy habits, we are less likely to suffer from obesity, which is linked to Type 2 diabetes, heart disease, and poor mental health. To make a lasting impact, we shape policies that improve our food system and physical surroundings, and, ultimately, the places where we live, work, learn and play.

About the Public Health Law Center

The Public Health Law Center helps create communities where everyone can be healthy. We empower our partners to transform their environments by eliminating commercial tobacco, promoting healthy food, and encouraging active lifestyles. We believe that our legal knowledge can help bring justice to public health as we support our partners in reducing health disparities. Founded in 2000, the Center is located at Mitchell Hamline School of Law in St. Paul, Minnesota.

kchealthykids



**PUBLIC HEALTH
LAW CENTER**
at Mitchell Hamline School of Law



A Checklist ¹

The foundation of a successful community use program is the school district's written documents on the use of school facilities and equipment.

School districts in Missouri commonly use a version of the model policies published by the Missouri School Board Association and Missouri Consultants for Education to draft their community use policies and procedures.

Using written policies creates a systematized process for using school facilities and ensures the program's consistency and continuity over time.

This guide is a comprehensive checklist for important concepts to include in writing. It is also meant to identify ways to improve existing school board policies and procedures relating to community use of school

district facilities, as well as to update community use forms, contracts and agreements to incorporate liability protection and best practices.

The key concepts include:

- Statements of purpose
- Policy consistency
- Authority
- Scheduling
- Security
- Staffing
- Supervision
- Facilities/Equipment to be used
- Communication
- Costs
- Liability
- Other

¹ This document is adapted from the Public Health Law Center's "Minnesota School District Facility Use Checklist," available at <http://www.publichealthlawcenter.org/resources/minnesota-school-district-facility-use-checklist>

Community Use Best Practices Checklist

| Specific Issue | Details | Policy/Rule/Regulation | | Community Use Agreement | |
|--------------------------------------|--|------------------------|------------------|-------------------------|------------------|
| | | Include Here | Check if Present | Include Here | Check if Present |
| A. STATEMENTS OF PURPOSE | | | | | |
| Facilities open to community use | A general statement identifying school district support for community use of school property. | ✓ | | | |
| Community use is expressly permitted | Community use is identified as allowed in policy; district-sponsored and school related programs, events and activities have first priority. | ✓ | | | |
| B. POLICY CONSISTENCY | | | | | |
| Cross-reference of policies | List policies, rules, regulations and forms that intersect for easy updating and cross-referencing. | ✓ | | ✓ | |
| C. AUTHORITY | | | | | |
| Approval by school district | Identified person(s) with authority to approve use permits and to sign any community use agreements/forms on behalf of the district; include a signature line for district representative on each such agreement/form. | ✓ | | ✓ | |
| Approval by user | Include a signature line for the representative of the user on each relevant agreement/form. | | | ✓ | |

| Specific Issue | Details | Policy/Rule/Regulation | | Community Use Agreement | |
|----------------|---------|------------------------|------------------|-------------------------|------------------|
| | | Include Here | Check if Present | Include Here | Check if Present |

D. SCHEDULING

| | | | | | |
|--|---|---|--|---|--|
| Who does scheduling | Specific person(s) identified to complete scheduling. | ✓ | | | |
| Changes in schedule | Process identified when changes/cancelations occur. | ✓ | | | |
| Priority of users/uses | List of who has priority of use (after all school-related functions). Considerations include (1) non-commercial status/ purpose (e.g., non-profit); (2) user groups located in the district; (3) residents of the district are primary participants; or (4) school-age children within the district are primary participants. | ✓ | | | |
| Time and place of each approved activity | Specific information on the time, site and specific area of the school/grounds that will be used for each approved activity. | ✓ | | ✓ | |

E. SECURITY

| | | | | | |
|---------------------------|--|---|--|---|--|
| Requirements for security | Any requirements for security for events; may be based on type of activity and number of participants/attendees. | ✓ | | | |
| Security needs and plan | Specific plan for specific activity, including who will provide security. | | | ✓ | |

| Specific Issue | Details | Policy/Rule/Regulation | | Community Use Agreement | |
|----------------|---------|------------------------|------------------|-------------------------|------------------|
| | | Include Here | Check if Present | Include Here | Check if Present |

F. STAFFING

| | | | | | |
|------------------------------------|---|---|--|---|--|
| School district staff | Requirements for school district staffing for events, including those required onsite during activity, including custodial and food service staff. | ✓ | | | |
| Requirements of custodial staff | Specifics on when custodial staff is needed and what roles and responsibilities of custodial staff are during event. | ✓ | | | |
| Custodial services plan | Specific plan for specific activity, including roles and responsibilities for custodial staff and user of school facilities. | | | ✓ | |
| Requirements of food service staff | Specifics on when food service staff is needed and what roles and responsibilities of food service staff are during event, including why food service staff need to be present to comply with state and federal law and limits on use of kitchen equipment. | ✓ | | ✓ | |
| Food service staff plan | Specific plan for specific activity, including roles and responsibilities for food service staff and user of school facilities, including limits on use of kitchen equipment. | | | ✓ | |

G. SUPERVISION

| | | | | | |
|------------------------------|--|---|--|---|--|
| Requirements for supervision | Define expectations for supervision of events; consider specifying a minimum ratio of supervision, possibly citing to other school policies (i.e. school field trip ratio requirements). | ✓ | | | |
| Supervision plan for minors | Specific plan for supervision of minors for specific activity. | | | ✓ | |

| Specific Issue | Details | Policy/Rule/Regulation | | Community Use Agreement | |
|----------------|---------|------------------------|------------------|-------------------------|------------------|
| | | Include Here | Check if Present | Include Here | Check if Present |

H. FACILITIES

| | | | | | |
|---|--|---|--|---|--|
| What equipment/facilities are open to use | List of specific parts of the school, both inside and outside, that are available for general use without scheduling (such as playgrounds and open green space) and what are open for scheduled use. Best practice is to include hallways, classrooms and all outdoor facilities for scheduling. | ✓ | | | |
| List of facilities | If particular facilities are commonly requested, consider listing these in a “checklist” on an application/ permit/ agreement; leave an option for “other” if the list is not exhaustive. | | | ✓ | |
| Description of community use activity | Specific description of the type of activity planned for the facility. | | | ✓ | |
| Time of community use | List either generally or specifically the dates and times that community use is either normally available, or normally restricted. | ✓ | | | |
| Upkeep of facilities and inspection | List of roles and responsibilities for the school district and for users for upkeep and inspection, as well as a process for users to report problems to the school/ school district. | ✓ | | ✓ | |
| Which ancillary facilities are included in access (toilet, parking)? | List of which ancillary facilities are (or may be) available with use, such as locker rooms, toilets and parking; identify any restrictions for that use (e.g., use of such ancillary facilities is non-exclusive). | ✓ | | ✓ | |
| School district responsibility for materials and equipment | Outline of school district roles and responsibility for materials and equipment. | ✓ | | | |

| Specific Issue | Details | Policy/Rule/Regulation | | Community Use Agreement | |
|--|---|------------------------|------------------|-------------------------|------------------|
| | | Include Here | Check if Present | Include Here | Check if Present |
| User repair responsible and payment | Outline of user roles and responsibility notifying of repairs, and responsibility/payment for damage caused during use. | | | ✓ | |
| Provisions addressing termination of agreements and/or cancellation of specific events | On occasion, it may be necessary to terminate agreements/forms or to cancel events. Address conditions and procedures for termination/cancellation by the district and by the user. | ✓ | | ✓ | |

I. COMMUNICATION

| | | | | | |
|--|---|---|--|--|--|
| Post community use agreements/forms on website | Process for posting the most recent versions of relevant documents on the district website, and where it will be posted. | ✓ | | | |
| Website section about community use | Requirement for school district and individual schools to have a portion of websites to be dedicated to information about community use. | ✓ | | | |
| Community engagement plan | Plan for community engagement to involve community members in underserved populations and organizations serving those community members to facilitate community use of school property during non-school hours. | ✓ | | | |
| Community education advisory council | Create and maintain a community advisory council or other working group to identify opportunities, overcome barriers and identify sources to support community use. | ✓ | | | |

| Specific Issue | Details | Policy/Rule/Regulation | | Community Use Agreement | |
|----------------|---------|------------------------|------------------|-------------------------|------------------|
| | | Include Here | Check if Present | Include Here | Check if Present |

J. COSTS

| | | | | | |
|---|---|---|--|---|--|
| Cost of food service staff | Specifics on what the hourly rate is for food service staff (if food service is an available use); consider allowance for sharing cost with other groups when multiple groups have overlapping use. | ✓ | | ✓ | |
| Cost of custodian | Specifics on what the hourly rate is for custodial staff; consider allowance for sharing cost with other groups when multiple groups have overlapping use. | ✓ | | ✓ | |
| Fee schedule by type of facility and class of organization | Fee schedule listing what different users would pay. For example, many districts establish low fees or free use for non-profits providing recreational opportunities for school district community members, and higher fees for for-profit users. Ensure that classifications are lawful and nondiscriminatory. | ✓ | | ✓ | |
| Fees for equipment | Fees for use of district equipment. Again, these fees may vary by the type/class of user. | ✓ | | ✓ | |
| Fee waiver/reduction request process | Process for granting a fee waiver or reduction in fees where appropriate, who is in charge of granting request, and process for requesting fee waiver. Ensure that fee waiver criteria are lawful and non-discriminatory. Highlight when users can request waiver of fees. | ✓ | | ✓ | |
| Security costs | Specifics on the hourly rate for security staff (if provided by the school district) and other security costs. | ✓ | | ✓ | |

| Specific Issue | Details | Policy/Rule/Regulation | | Community Use Agreement | |
|--|--|------------------------|------------------|-------------------------|------------------|
| | | Include Here | Check if Present | Include Here | Check if Present |
| K. LIABILITY | | | | | |
| Risk management strategies | Outline risk management strategies that the school district requires to limit damages and injuries. Consult with district legal counsel and district insurers. | ✓ | | | |
| Insurance requirements | Outline the requirements for users to hold and provide proof of liability and/or property insurance, including dollar amount of insurance and situations where insurance requirements can be waived. Ensure that any insurance waiver criteria are lawful, nondiscriminatory and consistent with the district's risk management goals. | ✓ | | ✓ | |
| Waiver process for insurance requirements | Outline process for requesting a waiver for insurance requirements. | ✓ | | ✓ | |
| Requirement for participants to receive or sign and return any notices, waivers, etc. | If the district or state law (e.g., head injuries and concussions) requires participants to receive or sign and return specific notices, waivers, etc., then outline the requirement for the user and reporting requirements, as well as whether a template waiver will be provided. | ✓ | | ✓ | |
| L. OTHER | | | | | |
| A list of all general rules and conditions relating to use of facilities | This list would address, e.g., prohibitions against alcohol, drugs and weapons; limitations on signs; etc. | ✓ | | ✓ | |
| Statement prohibiting advertising | Specific statement regarding limits on advertising during community use of school property. | ✓ | | ✓ | |
| Statement about commercial gain | Outline limits for commercial gain during community use of school property. | ✓ | | ✓ | |