

GUEST USE OF SCHOOL DISTRICT FACILITIES: WHAT SCHOOL DISTRICTS NEED TO KNOW

School district administrations frequently receive requests from external groups to use district facilities. Although the use of district facilities may seem straight forward, managing the associated risks is a detailed process. This article provides key points to consider when developing or revising your school district's procedures for guest usage of district facilities.

Does your district have a formal policy in place that addresses the use of district facilities? Does the policy clearly define the types of organizations that may apply to use the district facility? Is there a formal application process in place? Are written contracts and agreements used? Consider the following areas to help mitigate the risk and liability associated with outside organizations using district facilities.

Risk Identification & Assessment

What are the risks posed by an outside organization using district facilities? Are these risks acceptable according to the district's policy on facility use?

To better understand your district's exposure, it's important to conduct a thorough analysis of each request and its associated risks before approving or denying use of district facilities. Applications should include information about the organization making the request, their intended use of the facilities, duration of their event/activity and other logistical information. Examples of organizations and guest use may include: sporting competitions, charity events, municipal emergency shelters and senior citizen groups. The policy should outline parameters for acceptable use, including a clear definition of the types of organizations that may apply to use the facility. Examine all requests against the district's policy.

District Board Policy & Procedure Considerations

Prepare, implement and disseminate a comprehensive board policy, and contract/written agreement, which clearly defines the protocol for the use of district facilities. Too often policies that do exist have not been reviewed or revised for many years and it is recommended that the district policy is reviewed at least annually. Items to address in a district policy and written contract/agreement may include:

- Verification of the requesting party's information
- A clear definition of the facilities and equipment requested and agreed upon for use, such as buildings, rooms and outside areas
- Activity/event details and description, including rental and clean up fees
- Signatures from district and organization representatives along with the agreement date

- Applicant acknowledgement that the facilities are being used “as is” and that the district is making no representation or warranty as to the condition
- Applicant formally accepting responsibility for any property damage, bodily injury and all other resulting damages, as well as responsibility for the actions of all people, as a result of their usage of the facilities
- District and applicant inspection of the area prior to use to make sure it is suitable for the intended use
- Detailed procedures and forms to document and investigate alleged guest incidents
- Formal process to assess the usage risk associated with organizations such as: groups directly related to the school; organizations indirectly related to the school; municipal entities; other governmental agencies; and community organizations formed for charitable, civic or educational purposes.
- Documentation of the prohibition of alcohol use on district property
- Requirement that any equipment must not be brought to the school facility without specific authorization

Insurance Risk Management Best Practices

It is important to know and understand who is covered under the district’s insurance policy. The typical district insurance policy will provide coverage to Parent Teacher Organizations, Parent Teacher Associations and Student Body Associations provided that they are acting under the authority and supervision of the district’s board of education. When using contracts and written agreements for facility use, consider the following:

- Define insurance requirements. Contractual liability at specific minimum limits must be included in the applicant’s liability insurance coverage. Review this topic with the district’s insurance agent and the district’s attorney.
- The applicant shall provide the appropriate certificates of insurance and the district shall be named as an additional insured.
- The contract should include a broad indemnification agreement in favor of the district that indemnifies, holds harmless, and defends the district and its affiliates.
- Include a statement that users must comply with all applicable district policies.
- Signed and dated acknowledgment from applicant and district representative.

SUMMARY

The use of school facilities should not be viewed as automatic. The risk of outside use of facilities must be assessed and proper risk control and transfer techniques used to limit the district’s liability to a level as low as possible. While we understand that district facilities may be financed and supported by the local community, the use of the facilities must be managed appropriately. Without a specific, detailed and measurable risk management process, districts can be exposed to unwanted attention and liability.