

FAYETTE COUNTY SCHOOLS

Property

USE OF COUNTY FACILITIES

po7510

October 19, 2026

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PROPERTY

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ADOPTED Jun 22, 2020 · REVISED Feb 8, 2022

7510 - USE OF COUNTY FACILITIES

The Board of Education believes that the grounds and facilities of this County should be made available for organized community activities and for nonorganized recreation, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools and is harmonious with the purposes of this Board.

The Board shall allow school facilities to be used for the funeral or memorial service, or both funeral and memorial services, of a community member of distinction who was a military service member or veteran who served under honorable conditions or who served as a first responder. The Board shall not be responsible for additional costs incurred as a result of holding the funeral or memorial service. Funeral or memorial services may not disrupt or interfere with classroom instruction, or other scheduled school events, or governmental use such as when a school facility serves as a polling place for an election.

The Board will not permit the use of its facilities for any group, organization, or individual if the person providing the supervision of said group, organization, or individual has been found guilty of sexual assault in the first degree or sexual abuse in the first degree. This includes, but not limited to, religious organizations, Boy Scouts, Girl Scouts, 4-H organizations, sporting and scholastic teams, music, and theatre groups and camps, and summer day camps pursuant to State law.

The Board will permit the use of Board grounds and facilities for organized community activities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved by the Superintendent and/or designee.

Board grounds ,athletic fields, parking lots and facilities shall be available for the below-listed uses. When there are competing interests, approval will be given according to the following priorities:

A. uses directly related to the schools and the operations of the schools

B. school-related organizations, such as Parent-Teacher Association units, shall be given priority over non-educationally related school organizations.

C. approved youth groups shall be given consideration over adult groups.

- D. Uses for voter registration and election. When school facilities are used as polling locations, no electioneering, as defined by West Virginia Code § 3-9-9, may occur inside the building or within 100 feet of the outside entrance to the building housing the polling place. In addition, as set forth in Policies 3231.01 and 4231.01, political and campaign materials and electioneering are prohibited from being displayed within schools or on school property. ~~uses for voter registration and election~~

Facilities shall ~~not not~~ be made available to commercial or profit-making organizations or individuals offering services for profit. The foregoing notwithstanding, for the purposes of this policy, any photographer properly engaged to take school-related photographs shall not be prohibited from using school facilities under this policy or otherwise. However, such private ventures that are curricular and/or recreational related activities for students enrolled in Fayette County Schools that require a nominal enrollment/participation fee, will be considered on an individual basis by the FCBOE as long as the general guidelines of this policy are followed.

The use of County grounds and facilities shall not be granted for:

- A. any purpose which is prohibited by law;
- B. groups, whether incorporated or not, which are organized primarily for the purposes of influencing legislation or advocating or opposing the nomination, election, or defeat of any candidate, or the passage or defeat of any issue, thing, or item to be voted upon.

Should all or any part of the County's community be struck by a disaster, the Board shall make County grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Superintendent and/or his designee should meet with the Emergency Operations Center and local law enforcement agencies to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program.

Board property may not be used for advertising of any tobacco or alcohol product. This shall apply at all times to any building, property, or vehicle leased, owned, or operated by the Board. Groups using Board property shall sign agreements with the Board agreeing to comply with this ban on advertising tobacco and alcohol products and to inform students, parents, and spectators by public address systems, if available, that this ban remains in force on evenings, weekends, and other times that school is not in session. A summary or copy of this ban on advertising tobacco and alcohol products shall be attached to all requests for use of school facilities.

Students, parents, and spectators will be informed by public address systems that West Virginia Board of Education policy 4373 remains in force on evenings, weekends, and any other time that school is not in session.

The Superintendent shall develop administrative guidelines for the granting of permission to use County facilities including a schedule of fees that, together with the costs used to determine such fees, must be approved by the Board. Such guidelines are to include the following:

- A. Each user shall present proof of the purchase of a contract of insurance which:
 - 1. provides general comprehensive liability coverage of any claim, demand, action suit, or judgment by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person arising out of the use of County grounds and/or facilities;
 - 2. is in an amount not less than \$1,000,000 for each occurrence, and an amount of excess coverage of at least \$5,000,000 for each occurrence.
- B. Use of school equipment in conjunction with the use of school facilities must be requested specifically in writing, and may be granted by the procedure by which permission to use facilities is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.
- C. Users shall be liable financially for damage to the facilities and for proper chaperonage.

Notwithstanding any of the foregoing, no liability shall attach to this County, or any of its employees and officers, specifically as a consequence of permitting access to County grounds or facilities. Those persons or groups granted permission to use County grounds or facilities pursuant to this policy shall agree to indemnify the County and hold it harmless for any liability arising out of their use of those grounds or facilities.

Vehicles displaying disabled veterans' special registration plates will be allowed to park in places where persons with limited mobility impairments may park.

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Legal

WV Code 18-5-13d(a)(b)(c)

WV Code 18-5-19

WV Code 18-5A-2(k)(5)

West Virginia Board of Education policy 4373

Evans v. Hutchinson, 158 WV 359, 364 (1975)(citing 50 Op. WV Att'y Gen. 205(1963))

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