

Subject: Community Use of Schools

Effective: July 1, 1986

Revised: April 2000, October 10, 2001; June 1, 2006; October 18, 2018

1.0 PURPOSE

The intent of this policy is to set standards for, and facilitate the use of school facilities by the community during times when these facilities are not required for educational purposes.

[Appendix A](#) of this policy replaces Policy 408 – *Liability Waiver/Rental of Schools/Outside Groups*.

2.0 APPLICATION

This policy applies to agreements, of one year or less, regarding the use of public school facilities by the public.

This policy does not apply to long-term agreements for the ongoing use of designated school space by persons or bodies outside the public education system. The terms of such agreements are generally expressed within leases or memoranda of understanding.

3.0 DEFINITIONS

Youth refers to persons aged up to and including 24 years of age.

4.0 LEGAL AUTHORITY

[Education Act](#) – School Property

45(1) All school property is vested in the Minister.

[Education Act](#) – Operation of Schools

As of July 1, 2001, responsibility for the operation of schools (through superintendents) is transferred from the Minister to the District Education Councils (s.3).

[Education Act](#) – Community Use of School Property

46(1) For such purposes and subject to such terms and conditions as may be prescribed by regulation and to the extent practicable, a District Education Council, through the superintendent of the school district, shall make school property available for use by community groups or other persons or organizations.

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46(2) Where a fee is charged for the use of school property under subsection (1), the District Education Council may retain and expend that fee in accordance with the regulations.

46(4) Where the Minister leases property for school purposes and the owner retains the right to make the property available for the use of third parties when the property is not required for school purposes, all fees paid to the owner for such use may be retained by the owner unless otherwise provided for in the lease.

Education Act – Agreements

50(2) the Minister may enter into agreements

(e) with a municipality or any other corporate body respecting the construction or operation of school property for the educational, cultural and recreational use by the community.

Education Act – Regulation 97-150 – Community Use of School Property

9(1) For the purpose of section 46 of the Act, a District Education Council may authorize the use of school property for educational, cultural, recreational, commercial or personal purposes, as considered appropriate by the District Education Council.

9(2) Subject to subsection (3), a fee may be charged for the use of school property under section 46 of the Act, if

(a) the fee does not have the effect of discouraging appropriate community use of school property and

(b) the fee is not higher than the market commercial rate that would be charged for a similar facility unless such is required to offset incremental costs as required under subsection (3).

9(3) Where incremental costs are incurred as a result of making school property available for use by the community, the District Education Council shall ensure that a fee is collected and expended to offset those costs.

9(4) Any amount of the fee earned and retained by a District Education Council in excess of the amount required to offset incremental costs under subsection (3) shall be expended by the District Education Council for an educational purpose.

5.0 GOALS / PRINCIPLES

The Department of Education believes that:

- 5.1 the primary use of school facilities is for the delivery of public education programs. A secondary use, recognized and promoted by the Department, is to meet community needs;
- 5.2 school facilities will be made available to the general community with priority to non-profit community activities for youth;
- 5.3 fees charged for community use of facilities should offset costs rather than being viewed as a means of revenue generation; and
- 5.4 the use of Education facilities must not place the school system in competition with private sector interests.

6.0 REQUIREMENTS / STANDARDS

6.1 Parameters for Community Use of Schools

- 6.1.1 The use of school premises/facilities shall not interfere with the normal operations of the school and pupil safety shall be the primary consideration when entering into a school use agreement.
- 6.1.2 Use of school premises/facilities shall be within the bounds of accepted community values.
- 6.1.3 The language of the learning environment will be considered when planning, promoting and conducting activities in schools.
- 6.1.4 All aspects of the use of school facilities by the community shall meet the requirements of the Office of the Fire Marshall.
- 6.1.5 Tobacco use is prohibited in school buildings and vehicles under [Policy 702 - Tobacco-Free Schools](#). Smoking is prohibited on all school grounds at all times, as per the [Smoke-free Places Act](#).
- 6.1.6 The consumption of cannabis and possession of cannabis accessories is prohibited in school buildings and vehicles as well as in vehicles on school premises. It is prohibited on all school grounds at all times as per the *Cannabis Control Act*.
- 6.1.7 Requests to permit alcoholic beverages or games of chance (e.g. bingos, lotteries) on school property may be approved by the Superintendent, subject to DEC policies, and only on condition that a copy of any applicable license is submitted to the Superintendent prior to the event.

6.2 Fees and Agreements

- 6.2.1** The requirement to offset incremental costs of community use of school facilities may be met through the charging of rental fees or the exchange of resources. For example, the use of gyms, meeting rooms, classrooms, fields and courts, cafeterias, auditoriums, library equipment, etc., could be exchanged for community facilities/services such as: use of arenas, pools, playgrounds, sports fields, snow plowing, maintenance of sports fields and courts, and human resources. Such exchanges must directly or indirectly benefit pupils.
- 6.2.2** Every use of school facilities by the community shall be defined by written agreement. The community use of schools agreement shall name the individual(s) responsible for supervision at the school facility during the event. When appropriate, a school use agreement shall contain the statement of indemnity included in [Appendix A](#).
- 6.2.3** The school system official who signs the school use agreement shall ensure that users are provided with a copy of this policy. It shall be the responsibility of the user to be familiar with this policy and to adhere to its contents.
- 6.2.4** The user shall be held financially responsible for property damage or loss caused by the user including the user's members, guests and participants.
- 6.2.5** School districts are required to manage fees collected and keep appropriate records, in accordance with [Policy 101 – Financial Responsibilities of School Districts](#), for audit purposes. Such records will document the name of the school and the facility user, the nature of the event, fees charged and/or resources/services exchanged.
- 6.2.6** To avoid competition with the private sector, school use agreements authorizing the use of school facilities for personal or commercial gain shall only be considered if
- there is no suitable commercial facility available in the community or the person or organization is charged a rental fee comparable to the commercial rate for a similar facility; and
 - the intended use does not violate the government's Conflict of Interest Policy [AD-2915](#)
- 6.2.7** In some cases it may be advantageous to permit a municipality, incorporated recreation council or other local government authority to act in place of a school district to coordinate the use of school facilities. The director of the Educational Facilities Branch of the Department shall be notified when such agreements are under consideration. The director will determine whether the signature of the Minister will be required in addition to those of the DEC and the local government authority.

6.2.8 Joint school-community capital projects (permanent modification to school buildings) require approval of the Minister and may be considered when:

- there is a commitment by a municipality or other organization or individual to fund the capital construction (the Department of Education shall not assume any costs associated with the capital construction); and
- agreement can be reached confirming commitments of each party regarding capital and operating costs. The Department of Education will not contribute to operating costs for swimming pools but may pay a user fee in conjunction with school requirements.

7.0 GUIDELINES / RECOMMENDATIONS

School districts may wish to use the following clauses in their standard Community Use of School Agreements.

Financial Conditions

- All payments, including fees for any supplementary services will be made, as per invoice rendered, not later than 30 days from the invoice date.
- Fees of less than \$100 must be paid in advance.
- Applicants may be required to deposit a certified cheque or post a bond prior to being granted approval for the use of school premises/facilities.
- The bond or certified cheque may be returned in full or in part, subject to assessment of any costs or damages related to the particular use of the school premises/facilities. In accordance with the Financial Administration Act, NSF cheques will incur a service fee of \$25.
- Individuals, groups or organizations that are in financial arrears of previous school use agreements shall not be eligible for rental of school facilities.

General Conditions

- Approval of the use of facilities may be cancelled immediately if the terms of the policy have been breached.
- The user will ensure that adequate adult supervision is provided at all times and that all activities are conducted in a safe manner.
- The district reserves the right to cancel an activity under exceptional circumstances and shall not be held responsible for any claims arising out of such cancellations.
- The user shall respect the approved room or facility capacity.

- When keys to the school facility have been provided to the user, the supervisor of the event will be responsible for maintaining the keys in his/her possession at all times, ensuring the facility is securely locked after use and the keys are returned as agreed.
- In cases where the Minister of Education is not the owner of the facility to be used, use by community groups must conform to the terms and conditions of the Department's lease.
- The Superintendent or principal may set additional conditions as the situation warrants.

8.0 DISTRICT EDUCATION COUNCIL POLICYMAKING

District Education Councils may establish policy, within the parameters of this policy and the Education Act, concerning community use of schools, including areas such as rental fee rates and expenditure of rental fees retained by the school district.

9.0 REFERENCES

[Policy 702](#) – *Tobacco-Free Schools*

[Policy AD-2915](#) – *Conflict of Interest*

[Policy 101](#) – *Financial Responsibilities of School Districts*

[Smoke-free Places Act](#)

[Cannabis Control Act](#)

10.0 CONTACTS FOR MORE INFORMATION

Department of Education and Early Childhood Development – Educational Facilities Branch
(506) 453-2242

Department of Education and Early Childhood Development – Policy and Planning Division
(506) 453-3090

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