

CODE: IG.AR

EFFECTIVE DATE: (29-01-2020)

TOPIC: Community Use of Division Buildings

ISSUE DATE: (29-01-2020)

REVIEW YEAR: (2003)

REGULATION

A. JOINT USE AGREEMENT

In accordance with the spirit and intent of the Joint Use Agreement, the following regulations provide the basis upon which community services and community organizations may use Edmonton Public Schools' facilities. A number of schools in strategic locations throughout the Division shall be identified for the public's use of the buildings and grounds on school non-operational days. Wherever possible, community use of buildings and grounds shall not be limited by the leasing or licensing of Division space.

1. General Regulations

- a. Edmonton Public Schools shall not be liable for injuries resulting from the use of facilities during activities sponsored by community services or other community groups. The sponsor of the activity shall hold the school Division blameless of all liability.
- b. Smoking and the use of alcoholic beverages on an Edmonton Public Schools' property is prohibited (see Board Policy EM.BP - Alcoholic Beverages and Smoking on Division Premises and at Division Sponsored Functions and Administrative Regulation IGD.AR - Consumption of Alcoholic Beverages).
- c. Responsibility for orderly behaviour of program participants and protection of the school property from damage which occurs as a result of community sponsored programs shall rest with the user.
- d. Any damages or losses incurred as a result of community services programs and programs sponsored by community organizations shall be assessed by Edmonton Public Schools and forwarded to the respective user for payment.
- e. Activities permitted under the Joint Use Agreement include:
 - i. recreational activities;
 - ii. activities sponsored by an organization registered under the *Societies Act* of Alberta; and
 - iii. language classes sponsored by cultural organizations, to a maximum of four classrooms per occasion per school.
- f. Priorities for school use are as follows:
 - i. school and school Division activities;
 - ii. community services one-time activities of public interest or concern;
 - iii. community activities in accordance with established priorities; and
 - iv. paid rentals.
- g. An hourly rental fee shall be established by the joint use partners from time to time.

2. Booking Arrangements

- a. Bookings shall be arranged through Property Management.
- b. School facilities shall be available for bookings at the discretion of the Principal.
- c. Booking during the summer recess may be arranged by a written request outlining the school required, the activity, the dates and times, equipment required, and the names of those supervising. Requests must be submitted to Property Management by June 1 of that year.

- d. Booking arrangements for the following school year shall be made as follows:
 - i. By March 31 of the current year principals shall provide Property Management with a list of spaces and times which will be available for community use under the Joint Use Agreement.
 - Subject to the procedures for cancellation of bookings (section A.3), incoming principals shall honour booking arrangements made by outgoing principals.
 - ii. By June 1 of the current year, community users shall make application to Property Management.
 - iii. Property Management shall confirm bookings in accordance with priorities under the Joint Use Agreement by August 31 of the current year.
 - iv. Requests received after June 1 shall be considered on an individual basis as time and space permit.

e. Gymnasiums

Under the Joint Use Agreement, the school gymnasium is that part of a school building normally made available for bookings. Other areas of schools may be specifically identified and approved by the principal.

- i. The minimum participation for any one group using a school gymnasium shall be ten participants excluding instructional or supervisory staff.
 - ii. To protect hardwood floors, footwear harmful to the floors shall not be worn.
 - iii. Soccer, lacrosse, baseball, softball, or football shall not be permitted in any school. Conditioning and limited ball drills for these sports are permitted when booked as "conditioning for ..."
 - iv. Handball shall be permitted only in those schools with regular handball courts.
 - v. "European", "team", or "continental" handball shall be permitted in gymnasiums using approved indoor equipment only.
 - vi. Ball hockey and floor hockey is permitted for children up to and including grade 6 only in designated gymnasiums. Groups must use regulation ball hockey sticks (plastic) or plastic blade and regulation hockey puck or regulation ball. Adult floor/ball hockey may be considered in designated gymnasiums.
- f. Outside Play Areas and Fields
- i. Outside play areas and play fields shall be reserved for use by schools until 6:00 p.m. on school days. Arrangements may be made with individual schools to use these areas prior to 6:00 p.m. upon application and under special circumstances.
 - ii. Bookings for outside play areas and play fields after 6:00 p.m. are coordinated by Community Services.
- g. Equipment
- i. Equipment and material shall be made available at the discretion of the Principal.
 - ii. Equipment required for an activity shall be identified on the booking permit and shall be issued to the group at the beginning of the activity by the Edmonton Public School staff member on duty.
 - iii. If any stage or playing equipment is brought into a school building, it must be delivered and removed with a minimum of interference to the regular school program. The Division assumes no responsibility for the safekeeping of such equipment while on school premises.

3. Cancellation of Bookings

- a. Edmonton Public Schools reserves the right to cancel a booking:

- i. if a subsequent application is made for use of the building which has prior claim for school or other public purposes over the booking previously issued; and
 - ii. if the conduct of those using the facility is unsatisfactory.
- b. A booking for a school gymnasium may be cancelled if there is less than the minimum required ten participants excluding instructional or supervisory staff.

4. Supervision During Activities

- a. All groups using school facilities shall provide adequate supervision of the participants in the activity by a competent adult(s).
- b. The supervisor appointed shall:
 - i. make him or herself known to the staff member on duty in the building;
 - ii. enforce all Edmonton Public Schools' regulations relevant to bookings;
 - iii. conduct a walk-through of the gymnasium with the staff member on duty before and after the booking to inspect all the premises.
 - iv. supervise the entrance and adjacent area to prevent unauthorized persons from entering the building. The staff member on duty may lock the school door after the commencement of each activity;
 - v. limit activities to the area assigned to the group and restrict participants to these areas;
 - vi. ensure that the specified time is adhered to, or, if a variation in closing time becomes necessary, advise the staff member on duty in the building;
 - vii. sign, if necessary, a damage and loss report acknowledging responsibility for damage or loss of equipment; and
 - viii. ensure that all participants vacate the building when the activity ceases.

B. COMMUNITY USE, RENTALS & LEASE AGREEMENTS

1. Specific Authorizations for After Hours Use

- a. A recognized school council, committee, or association shall be granted free use of Division space for its functions.
- b. The Alberta Safety Council shall be granted free use of school facilities other than gymnasiums to provide classes in safe driving.
- c. The Alberta Piano Class Teachers' Association shall be granted free use of school facilities other than gymnasiums for the purpose of teaching piano classes after school hours provided that the association administers the program.
- d. The Superintendent of Schools is authorized to provide space in Division buildings for the billeting of recognized youth groups participating in community functions.

2. Edmonton Public Schools Bookings

- a. No community-use budget allocation shall be made for an Edmonton Public Schools' booking.
- b. An Edmonton Public Schools' booking shall include:
 - an activity sponsored by the school, its staff, or students;
 - an activity sponsored by a parent advisory committee or kindergarten local advisory committee; or
 - an activity sponsored by another Division school or a central services department.

3. Community Use

A "community use" for which an allocation is made to the school commences after 4:00 p.m. on school days or at any time during weekends or school holidays and continues for a minimum of one hour.

"Community use" shall include:

- a. an activity controlled or operated by any non-profit society or association which is registered under the *Societies Act* of Alberta, has a membership residing within the boundaries of the City of Edmonton, and is exempt from paying tax under the federal *Income Tax Act*;
- b. an activity of a recreational nature. Registration under the *Societies Act* of Alberta is not a requirement if the activity is recreational with no fees or assessments being levied against the participants. And,
- c. a program sponsored by Alberta Piano Teachers' Association.

4. Paid Rentals

A "paid rental" shall include:

- a. a community activity by external agencies that is non-joint use, such as:
 - an activity controlled or operated by a religious organization (recreational activities excepted);
 - political or union meetings;
 - condominium owners' meetings when controlled by a management company;
 - An hourly rental fee shall be established by Property Management from time to time.
- b. an activity controlled or operated by a profit oriented organization or person, which is not registered under the *Societies Act* of Alberta or Section 200 of the *Companies Act* and for which a fee is levied against participants, or an activity which directly or indirectly results in financial gain for an individual or company, such as:
 - microwave cooking classes sponsored by a sales outlet; and
 - private instructional classes, e.g. piano, computer.

An hourly rental fee shall be established by Property Management from time to time.

5. Lease Agreements

- a. A lease agreement grants a user exclusive use of a portion of a Division building.
- b. A licence agreement limits the use of the premises to selected days or selected hours, but is of a more regular nature than a rental and, due to the legal structure of the document, provides greater protection to the Division and the tenant.
- c. A base Division rate shall be established from time to time for groups using Division space.
- d. Space shall not be leased for the purpose of offering instruction in kindergarten through grade 12.
- e. Whenever possible, Division staff shall be used for maintenance, custodial, and security duties.
- f. The right to occupy a Division building or portion thereof, through the means of a lease or license, shall be extended for uses other than Edmonton Public Schools' activities in the following order of priority:
 - i. other publicly supported educational institutions in the City of Edmonton or surrounding area provided exemption from fixed capacity is granted;
 - ii. the City of Edmonton, including its administrative departments and adjuncts such as community leagues and city sponsored day care centres;
 - iii. legally registered non-profit organizations which primarily sponsor service-oriented activities;
 - iv. the Government of Alberta;
 - v. the Government of Canada; and

- vi. commercial enterprises such as private day cares for which exemption from fixed capacity is not granted.
- g. When any portion of a Division building is used for a daycare or an after school care program, a lease or licence agreement shall be entered into, and should include facilities used for related exercise or recreational activities. The use of a gymnasium by a tenant for the recreational component of their program is not considered a community use.
- h. Evening or weekend use of leased premises by a tenant is not considered a community use or a rental.
- i. Approval
 - i. The Principal shall be responsible for approving leases in an operational school and shall act as resident manager for the board and as first contact on day to day concerns in accordance with any lease or license agreement.
 - ii. The Senior Planner responsible for Property Management shall be responsible for approving leases in other board-owned buildings.
 - iii. Subject to confirmation from Facilities Design that applicable bylaws and regulations are met, the Principal shall be responsible for approving renovations, signage and playgrounds installed by tenants in operational schools.
 - iv. The Senior Planner responsible for Property Management shall be responsible for approving renovations, signage, and playgrounds installed by tenants in other board-owned buildings.

REFERENCES

EA.BP - Infrastructure Planning Principles

EM.BP - Alcoholic Beverages and Smoking on Division Premises and at Division Sponsored Functions

IGD.AR - Consumption of Alcoholic Beverages

Alberta Companies Act

Income Tax Act

Societies Act of Alberta