

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

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SCHOOL BOARD COMMUNICATION

Title:	Board Policy Worksession		
Date:	July 29, 2013	Item Number:	Worksession
Administrator:	Dave Jones, Assistant Superintendent <i>Dave Jones</i> Sean Dusek, Assistant Superintendent <i>Sean Dusek</i>		
Attachments:	AR 1330 Use of School Facilities and Properties 2 BP 5138 Student Possession and Use of Personal Electronic Devices 10 BP 6172 Special Education 13		

Action Needed
 For Discussion
 Information
 Other: _____

BACKGROUND INFORMATION

The following were reviewed at the June 3, 2013 Policy Committee meeting.

- *AR 1330 Use of School Facilities*
 - The Conditions of Use section of this AR is repeated in *E 1330 Room Building Use Application*. We are assuring that these sections are identical. The Exhibit will be in the Information Packet at the August meeting when this AR will be up for approval.
 - Also discussed at the April 1 Policy Committee and May 6 Worksession.
- *BP 5138 Student Possession and Use of Personal Electronic Devices, Including Cellular Phones (NEW)*
 - This is a new policy for KPBSD, based on the AASB policy
 - Also discussed at the May 6, 2013 Policy Committee
- *BP 6172 Special Education*
 - This policy has been updated by AASB to change timing per 4 AAC 52.115

ADMINISTRATIVE RECOMMENDATION

USE OF SCHOOL FACILITIES AND PROPERTIES

Conditions of Use

1. Sponsoring organizations shall provide competent adult supervision agreed upon at the time the request for facility use is submitted. Principals are program supervisors and shall not be called upon to supervise activities of other groups.
2. Applicants shall supply any special supervision, determined necessary by the principal.
3. Smoking is prohibited.
- ~~4.~~ Alcoholic beverages/illegal or illicit drugs are not permitted in school facilities or on school property at any time.
- ~~4.5.~~ Obscenity is prohibited.
- ~~5.6.~~ Firearms or other deadly or defensive weapons, as defined in AS 11.81.900(b) (16) and (19), are not permitted in school facilities or on school property without the advance approval of written permission of the Superintendent on E 1330c Application for Community Possession of Firearms
- ~~6.7.~~ Installation of equipment, alteration of existing building facilities, use of materials that affect the condition of floors, walls or other building parts may not be undertaken without specific approval of the principal.
- ~~7.8.~~ Groups or organizations using the facilities shall assume all responsibility for the collection of admission fees, taxes, or other fees in connection with their programs unless prior arrangements have been made with the principal.
- ~~8.9.~~ Advertising or sales of merchandise and printed matter, except that incidental to the program, is forbidden on school grounds.
- ~~9.10.~~ _____ Evening activities and programs shall be concluded thirty (30) minutes prior to the close of the second shift custodian work day and buildings shall be vacated by the close of the second shift custodian's work day unless prior approval has been granted by the principal.
- ~~10.11.~~ _____ Rental agreements are not transferable.

USE OF SCHOOL FACILITIES AND PROPERTIES (continued)

- ~~11.12.~~ Rental fees shall be determined in advance. Custodian, or other service charges, may be assessed at the conclusion of the activity according to the level of service provided.
- ~~12.13.~~ Seating, other special equipment, or facilities arrangements shall be made at the time the rental agreement is issued. Extra compensation shall be paid to cover costs for supervision, transferring equipment, setting up equipment in the building, or other services.
- ~~13.14.~~ Fire and safety regulations shall be observed.
- ~~14.15.~~ Lunchroom facilities may be used by students, parents, and teachers organizations for the purpose of preparing and/or serving meals prepared by the cafeteria staff. Groups not desiring to use the kitchen facilities for food preparation may opt to rent commons, cafeteria, or gymnasium facilities, and have meals catered with permission of the building principal. Cafeteria staff must be present to supervise use of food preparation equipment in kitchen facilities.
- ~~15.16.~~ The District reserves the right to cancel an *E 1330a Room/Building Use Application* if such action is deemed necessary and in the best interest of the District. In the event of such revocation or cancellation, the District will refund any advance payment made and there shall be no claim or right to damages or expenses on the part of the permittee.
- ~~16.17.~~ The District is not responsible for loss or damage to personal property by individuals or groups.
- ~~17.18.~~ The District may require a hold harmless agreement (when appropriate) and a certificate of insurance.
- ~~18.19.~~ Violation of these rules or regulations shall restrict subsequent facility use agreement.

Application Procedure

1. ~~School facilities use applications~~ *E 1330(a) Room/Building Use Application* shall be filed with the principal at least ten (10) days prior to the date when facilities are to be used.

USE OF SCHOOL FACILITIES AND PROPERTIES (continued)

2. School completes application, including all applicable fees and administrator signs.
3. School sends application to Risk Management Office along with Certificates of Insurance.
4. Risk Management reviews and forwards to the Assistant Superintendent of Instructional Services.
5. Assistant Superintendent approves, signs and sends back to school.
6. School notifies applicant, collects fees and schedules event.
- ~~2. One (1) copy of the approved *E 1330a Room/Building Use Application* will be retained at the school, one (1) copy will be returned to the requesting party, if appropriate.~~
- ~~3. Rental, labor, or other charges assessed shall be itemized on the report of building use form and one (1) copy submitted to the school, one (1) copy to the party making the request. The principal will be responsible for collecting all charges for rental, labor, supplies, damages, or other fees.~~

Priority Use of Facilities

The following groups have priority for use of school facilities in the following order:

1. BOARD APPROVED PROGRAMS such as Parent Advisory Committees (PACs), site councils, PTAs, band and orchestra parents, ~~Community School classes/activities~~, drama and other school clubs shall be allowed rent-free use of school facilities for meetings or activities. Fees may be charged for technical or special services. Requests shall be submitted to the principal.
2. YOUTH PROGRAMS such as Campfire, Boy/Girl Scouts, to include private educational organizations shall be allowed rent-free use of school facilities for meetings or activities. Fees shall include a scheduling charge per request and may include custodial, technical, and special service charges whenever use occurs outside of regular custodial hours. Requests shall be submitted to the principal on *E 1330a Room/Building Use Application*.
3. NONPROFIT GROUPS, civic/charitable organizations whose purpose is to improve community welfare and whose receipts are expended for community welfare shall be allowed use of school facilities at no cost to the District.

USE OF SCHOOL FACILITIES AND PROPERTIES (continued)

Scheduling and custodial fees must be paid by the group. Requests shall be submitted to the principal.

4. GOVERNMENTAL GROUPS (i.e. city, borough, state agencies) conducting civic business shall be allowed use of school facilities at no cost to the District. Custodial fees must be paid by the group whenever use occurs outside of regular custodial hours. Requests shall be submitted to the principal.
5. BASIC GROUPS – All groups that do not meet the criteria of 1, 2, 3, 4 or 6.
6. PRIVATE, FOR PROFIT COMMERCIAL GROUPS.

Fees

Scheduling fee (used when other fees not applied) \$15 for priority Use Categories 2 and 3.

<u>Facility Use</u> ¹	<u>Standard Rental</u> ²	<u>Commercial Rental</u> ³
Classrooms–regular	\$15.00/hour	\$25.00/hour
Classrooms–specialized ⁴	20.00/hour	35.00/hour
Gymnasium	30.00/hour	55.00/hour
Kitchens ⁵	20.00/hour	35.00/hour
Dining Areas	20.00/hour	35.00/hour
Swimming Pools (includes life guard)	*20.00/hour	45.00/hour

*Private party rental of the swimming pool is \$35.00/hour and includes a life guard.

1. Additional fees may be charged for technical services and special equipment such as projectors, projector operators, special custodial services, building supervision, set up and removal of chairs or bleachers.
2. Standard Rental rate shall apply to churches, clubs, restricted membership organizations, political, and business groups. Scheduling and custodial fees must be paid by the group. Requests shall be submitted to the principal.

USE OF SCHOOL FACILITIES AND PROPERTIES (continued)

3. Commercial Rental rates shall apply to (1) any activity that profits an individual or organization (2) any activity where the gate receipts or donations are to be used for partisan political activities including political education (3) any activity whenever admission is charged. Scheduling and custodial fees must be paid by the group. Requests shall be submitted to the principal.
4. Specialized Rooms include: home ec., music, art, rehearsal, Little Theater, multipurpose rooms, and small gyms.
5. Kitchen use must include additional payment for food service personnel.

Theater/Auditorium

The District welcomes use of the school theater/auditorium facilities for presentation of performances for community enjoyment with the understanding that school functions have first call upon facilities. Theater/auditorium use inquiries must be made to the theater manager.

An *E 1330(a) Room/Building Use Application* must be approved by the principal and the theater manager prior to use.

An annual schedule of theater events will be made in September for the following school year. A minimum of thirty (30) days is necessary to schedule an event and permits are issued on a first come, first served basis.

No person may use theater equipment without authorization, and only trained personnel may operate theater equipment. Special lighting or sound equipment requests should be identified on the application when submitted. Unforeseen needs may be accommodated with theater manager approval.

It is forbidden to change, cut, knock out, remove, or in any way alter or modify the basic building structure including the stage floor, proscenium, apron, ramp, doors and walls without theater manager permission. This includes curtains and valance, teasers, stage microphone pickup, doorbell, piping for mounting stage lights, fire extinguishers, work lights, curtain rods, pulley and rope, intercom system, or breezeway stair railing. No special wiring may be added or existing wiring removed, relocated, or modified for any special effects. This applies to any and all wiring on stage, in the light booth, or other location within the building complex.

Use of school facilities permits will be limited to the theater/auditorium dressing room on the dates and times requested. All user groups are subject to the rules as outlined by the *E 1330 Room/Building Use Application*.

USE OF SCHOOL FACILITIES AND PROPERTIES (continued)

Theater rules prohibit:

1. food, drinks, gum, smoking, obscenity, feet on the furniture;
2. tampering with switches, equipment, or property;
3. issue of keys to non-school personnel;
4. loan of school property critical to the operation of the theater/auditorium;
5. animals in the theater, unless they are essential to a performance and approved by the theater manager.
6. activity in violation of School Board policy, local, state, or federal law where applicable.

cf. 3515 Access and Keys

cf. 5131.62 Tobacco

Three theater use categories determine fee charges.

Category I – School Use. Priority is given to School District programs including Kenai Peninsula College courses. In order to qualify for this use category, Kenai Peninsula College must charge tuition and give credits to all participants in the course.

FEES: No rental charges. Custodial, technical and utility charges as required or necessary.

Category II – Non-profit organizations. Includes groups or organizations operated to benefit school-age youth (e.g. Teen Center, Boy Scouts, Campfire) or non-profit organizations whose net proceeds are used for cultural, charitable, educational, non-partisan political activities and have received a letter of exemption from the IRS; any city, borough, state, federal activities; adult organizations not conducting Category III commercial ventures. All commercial concerts, whether they are sponsored by a non-profit organization or not, do not qualify under this category. Non-profit groups are subject to the rules and regulations as outlined in the Basic Provisions Agreement.

FEES: \$300 per performance, \$75 per rehearsal, plus custodial and technical charges as required or necessary. A rehearsal period is four hours in length, an additional charge will be assessed to all groups that exceed the allotted rehearsal period.

USE OF SCHOOL FACILITIES AND PROPERTIES (continued)

Category III – Commercial Use. (1) any activity that profits an individual or organization, agent or promoter eligible for fees or reimbursement, or (2) any activity where the gate receipts or donations are to be used for partisan political activities including political education. All commercial concerts fall into this category. The District reserves the right to deny a permit to a sponsor if the sponsor has previously failed to comply with District policies, rules or regulations or cannot demonstrate adequate experience or ability to successfully promote and produce a public performance in District facilities.

FEES: Theater managers determine the rate within the following range. \$1000-\$1500 per performance in theater/auditoriums with 600 or more seats; \$500-\$750 per performance in theater/auditoriums with less than 600 seats; and custodial and additional technical personnel charges as may be required or necessary. Rehearsal fee will be \$100. A rehearsal period is four hours in length. An additional charge of \$30/hour will be assessed to groups that exceed the allotted rehearsal period. A custodial charge of \$30/hour will be charged to all groups.

Deposits in Advance

Category II users shall pay a damage deposit of \$300 not later than two (2) weeks prior to opening night. This deposit will be refunded when it is determined that no damage occurred in all areas used by the applicant. In the event of damage, applicant liability is not limited. If the user cancels after contracts are signed the user shall forfeit the deposit fee.

Category III use of school facilities requests must be submitted four (4) weeks in advance and accompanied by a non-refundable \$300 deposit per performance that shall be considered a portion of the total use fee. Category III users shall pay a damage deposit of \$300 not later than two (2) weeks prior to opening night. This deposit will be refunded when it is determined that no damage occurred in all areas used by the applicant. In the event of damage, applicant liability is not limited. If the user cancels after contracts are signed the user shall forfeit the deposit fee.

USE OF SCHOOL FACILITIES AND PROPERTIES (continued)

The applicant/lessee agrees to assume the risk of liability for damages because of bodily injury or property damage to any person or entity arising out of the use of the premises, and it agrees to indemnify, defend, and hold the School District harmless from any claims, demands, or suits by any person or entity arising out of that use, unless the liability is on account of the District's sole negligence. The applicant further agrees to provide the District with a certificate of insurance naming the District as an additional insured, unless the Superintendent waives this requirement in writing. All parties to this agreement shall be subject to all provisions of the administrative rules and regulations governing community use of school facilities.

Legal Reference:

*ALASKA STATUTES
18.35.300 - 18.35.330 Health nuisances (smoking)*

NEW POLICY FOR KPBSD

Students

BP 5138(a)

STUDENT POSSESSION & USE OF PERSONAL ELECTRONIC DEVICES, INCLUDING CELLULAR PHONES

The School Board recognizes that many students possess and use cell phones and other personal electronic devices. These devices serve an important purpose in facilitating communication between the student and his or her family, as well as serving as tools to access electronic information. In the school setting, personal electronic devices are permitted so long as their use is consistent with this policy and does not interfere with the educational process or with safety and security.

(cf. 5030 – School Discipline and Safety)

Educational Uses

In certain instances, there is educational value in utilizing personal electronic devices in classrooms when such devices aid in extending, enhancing, and/or reinforcing the students' learning process related to the instructional objectives of the class. Approval for student use of such devices will be at the discretion of the classroom teacher, upon approval of the instructional use by the building administrator.

Use of personal electronic devices will be permitted if provided for in a student's Individualized Education Program (IEP) or Section 504 plan.

(cf. 6159 – Individualized Education Program)

If use of a personal electronic device is required in individual instances (not provided for in an IEP or 504 plan) to assist a student with the student's education, or in emergencies, permission must be obtained in writing from a building administrator prior to use of the personal electronic device at any time when such use would otherwise be prohibited by this policy.

Conditions of Use

Students may possess and use personal electronic devices including, but not limited to, cell phones, laptops, tablets, music players, etc., subject to limitations of this and other policies of the District and under the following conditions.

Personal electronic devices shall not be turned on or used in any way:

- during instructional time, unless under the direct supervision of the classroom teacher and with the teacher's approval.
- during other school sponsored and supervised group activities during the school day (for example, student assemblies, awards, or other public ceremonies, etc.)
- when their use is otherwise prohibited by school personnel

STUDENT POSSESSION & USE OF PERSONAL ELECTRONIC DEVICES, INCLUDING CELLULAR PHONES (continued)

Instructional time includes the entire period of a scheduled class and other time when students are directed to report to and participate in any instructional activity. The principal may establish, and school personnel may enforce, additional guidelines limiting or prohibiting the possession and use of personal electronic devices as appropriate to campus needs.

Note: The following optional paragraph reflects the guidelines used by the Anchorage School District to specify permitted uses based on grade level. It may be revised or deleted as appropriate.

High school students may use cellular phones and other personal electronic devices before and after school and during the student's lunch period. Elementary and middle school students (grades K-8) may use such devices only before and after school. Additionally, no student may use a cellular phone or personal electronic device in a manner, or at a time, that interferes with or is disruptive of other students' instructional time.

During school and school sponsored activities, students will comply with this policy and with administrative and staff member directives regarding use. Students are required to turn cell phones and other personal electronic devices over to school personnel when requested. Students who refuse to do so are subject to disciplinary action.

A cellular phone or personal electronic device that has been confiscated by the District and not turned over to law enforcement will be released/returned to the parent/guardian when no longer necessary for investigation or disciplinary proceedings. As appropriate, the cellular phone or personal electronic device may be returned directly to the student.

The District assumes no responsibility for loss or damage to personal property of students, including cell phones and other personal electronic devices, whether in the possession of students or if confiscated by school personnel pursuant to this policy.

Prohibited Conduct

Possession of a cellular telephone, or other personal electronic device, by students is a privilege. This privilege will be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of the device so as to violate the law or any other school or District rule. In addition to those conduct rules set forth elsewhere, the following actions are strictly prohibited and may result in disciplinary action:

- Accessing and/or viewing an Internet site that is otherwise blocked to students at school.
- Sending an e-mail, text message or other communication that harasses, intimidates, threatens, bullies, or discriminates against another individual.

STUDENT POSSESSION & USE OF PERSONAL ELECTRONIC DEVICES, INCLUDING CELLULAR PHONES (continued)

- Taking, sending, downloading or uploading a harassing, threatening, or inappropriate photograph of anyone.
- Using a camera in a restroom, dressing room, or locker room, or taking a photo of any person without permission.
- Using a camera or other recording device to record or capture the content of tests, assessments, homework, or class work without express prior permission from the instructor.
- Hacking or intentionally obtaining, accessing, or modifying files, passwords, or data belonging to others.

(cf. 5131 – Conduct)
(cf. 5131.4 – Campus Disturbances)
(cf. 5131.41 – Violent and Aggressive Conduct)
(cf. 5131.43 – Harassment, Intimidation and Bullying)
(cf. 5131.9 – Academic Honesty)
(cf. 5137 – Positive School Climate)
(cf. 5144 Discipline)
(cf. 6161.4 – Acceptable Use Policy/Internet Safety Policy)

Searches

The contents of a cellular phone, camera, or other personal electronic device may be searched to determine ownership, to identify emergency contacts, or upon reasonable suspicion that a school or District rule or the law has been violated.

(cf. 5145.12 – Search and Seizure)

SPECIAL EDUCATION

~~Whenever possible, the~~ The School Board desires ~~both non-handicapped and handicapped~~ children with and without disabilities to share an interactive educational environment which nurtures understanding, cooperation and mutual respect.

~~Upon the identification of a student's exceptional need(s), the Superintendent shall appoint an individualized educational program team to consider those needs,~~ A student's IEP team shall determine the content of the student's individualized educational program (IEP) and make placement decisions for the least restrictive ~~appropriate~~ environment that is educationally appropriate.

~~Note:~~ 4 AAC 52.590 requires the District to establish written procedures for the identification of children in need of a surrogate parent and for the appointment and removal of surrogate parents. AS 14.30.272 requires the District to inform parents/guardians of ~~exceptional~~ children with disabilities of the procedural safeguards provided by law. 4 AAC 52.190 requires written notice before initiating or changing a child's identification, evaluation or placement and when refusing a parent's request to initiate or change a child's identification, evaluation or placement.

The Superintendent shall establish written procedures required by law and shall ensure District compliance with procedural safeguards, including appropriate notices to parents/guardians established by state and federal laws and regulations.

~~Note:~~ 4 AAC 52.115 requires evaluation and placement within 45-90 calendar days of obtaining parental consent ~~unless a time extension is agreed upon by all parties.~~ ~~4 AAC 52.140 requires~~ for evaluation. However, completion of an individualized education plan must occur within 30 days after determining a child's eligibility.

Services will be provided in accordance with a student's IEP once parental consent or administrative or judicial proceedings authorize the provision of special education and related services.

(cf. 3541.2 - Transportation for Exceptional Students)

(cf. 5144.2 - Suspension and Expulsion (Individuals with Exceptional Needs))

(cf. 6146.4 - Differential Graduation and Competency Standard Requirements for Individuals with Exceptional Needs)

(cf. 6164.4 - Child Find)

(cf. Special Services Program Handbook)

~~Legal Reference: (See next page)~~

Instruction

BP 6172(b)

SPECIAL EDUCATION (continued)

Legal Reference:

ALASKA STATUTES

14.30.180-14.30.350 *Education for children with disabilities*

ALASKA ADMINISTRATIVE CODE

4 AAC 52.010-4 AAC 52.990 *Education for children with disabilities*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400 *et seq. Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 *Inspection, review and procedures for amending education records*

300.340-349 *Individualized education programs*

300.500-300.514 *Due process procedures for parents and children*

300.550-300.553 *Least restrictive environment; alternative placements; placement; nonacademic settings*

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Adoption Date: 6/2/2008