

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Senate Committee on
Education(SC-Ed)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 97hr_SC-Ed_Misc_pt30

➤ Record of Comm. Proceedings ... RCP

➤ **

Vote Record

SB 102

Senate Committee on Education

Date: April 23
 Moved by: Buettner Seconded by: Darling
 AB: _____ Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Sen. Calvin Potter, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Buettner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Waunakee Community School District

Committed to Children

Committed to Excellence

March 20, 1997

MAR 21 1997

The Honorable Joseph Wineke
P.O. Box 7882
Madison, Wisconsin 53707-7882

RE: SB102

Dear Senator Wineke,

I am writing to you in support of recently introduced legislation which gives school boards greater discretion as to when, how, by whom and for what purpose school buildings are used for recreational purposes. The current 1913 law [120.12(10)] in question was passed prior to the onset of World War I, a simpler and gentler time by most standards. Today's world is more complex. In this regard, I urge the passage of legislation which will allow districts greater control of district facilities as to the "when," "where," "how," "by whom" and "at what cost" issues related to persons using school facilities. In effect, I ask that you take out of question the possibility that a district could be required to make school facilities available at no cost for some group desiring to use a school gym from midnight until 2:00 a.m. I am concerned that the current 1913 law might be interpreted in such a manner as to place school districts in precarious positions vis-a-vis who is allowed to use the school facilities, when and at no cost.

We currently have a group of young men who believe this 1913 law allows them to have access to our gyms at any time and at no cost to play in an organized basketball league. We cannot afford to pay custodians or supervisors without recovering costs and we are not going to open our facilities without proper supervisors or security. The liability risk for damage to facility or injury to visitors is too great.

As well, I would ask that current legislation concerning community programs and services [120.12(19)] and temporary use of school property [120.13(17)] allow school districts to establish reasonable fees as deemed by the board of education for any programs it chooses and eliminate the requirement that these fees be only equal to all or part of the actual cost of the program.

Thank you for giving me this opportunity to express my concerns to you and for your efforts in granting boards of education greater control over school district facilities.

As I am out of the state on March 26th when this bill comes before committee, I ask that this be shared with the committee.

Sincerely,



Gene Hamele
Superintendent

cc: Joe Severa

SB 102

Sec. 120.12 - The school board SHALL:

(10) CITIZEN ASSOCIATIONS. If the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the discussion of public questions or for the promotion of public health by instruction in physical culture and hygiene or by physical exercises, grant to such association the use, when not being used for its prime purpose, of a school building or other school district property which is capable of being used in the work of such association, provide free of charge any necessary light, heat and janitor service and make such other provisions as are necessary for the free and convenient use of such school buildings or property by the association at such times as the association designates. All such gatherings shall be free to the public.

Sec. 120.13 - The school board MAY:

(17) TEMPORARY USE OF SCHOOL PROPERTY. Grant the temporary use of school grounds, buildings, facilities or equipment, upon such conditions, including fees not to exceed actual costs, as determined by the school board, to any responsible person for any lawful nonschool purpose if such use does not interfere with use for school purposes or school-related functions. Fees received under this subsection shall be paid into the school district treasury and accounted for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the school board secondarily liable, for any damage to property and for any expense incurred in consequence of any use of school grounds, buildings, facilities or equipment under this subsection.

SB 102

Waunakee Community School District



Committed to Children
March 20, 1997

Committed to Excellence

The Honorable Joseph Wineke
P.O. Box 7882
Madison, Wisconsin 53707-7882

MAR 21 1997

Dear Senator Wineke,

I urge you to advance legislation which refines a current 1913 law which give boards of education little control, in some cases, as to when school district facilities are used and by whom. Currently, it may be possible for a group of citizens to demand use of a district facility at an usual time, e.g., 9:00 p.m. on a Saturday evening or at some other time when a district custodian or some other school employee is not on duty. Please understand that I strongly support and encourage the public's use of school facilities and advocate the public's use of those facilities as freely as board's allow. I am asking, however, that a board of education have the right to act in a manner which would protect those facilities from situations of potential misuse.

Additionally, I ask that boards be given the discretion to determine what they wish to charge users of school facilities. Currently, a district can charge no more than enough "to cover all or part of the costs of operating such programs and services." [120.13(19)] or "actual costs" [120.13(17)]. In my estimation, districts would benefit if they had a right to charge the value of the facility being used and not be in a position of determining what the actual costs were and, perhaps, being subject to criticism as to the figure which the board used. Each board could make a determination of what fees citizens should be charged and may choose not to charge any fee.

Thank you for considering these remarks. I would appreciate your keeping me apprised of the status of this bill.

Sincerely,

Joseph M. Severa

Director of Community Services

SCHOOL-COMMUNITY RELATIONS

Use of School District Facilities

The Whitewater Unified School District subscribes to the philosophy that public schools are owned and operated by and for its patrons and that the schools are an integral part of the community.

The Whitewater Unified School District recognizes that its buildings and facilities are a valuable asset to the community. Use of school facilities by community groups is encouraged for worthwhile purposes when such use does not interfere with regular school activities.

The School Board also believes that the policy of community use of school facilities should not place a significant burden on the taxpayers of the District.

The School District's philosophy perceives the schools as community facilities operating in partnership with other groups within the community. The Whitewater Unified School District encourages participation and involvement in the use of school facilities by the public and private agencies and institutions which share the health, welfare and educational interests of Whitewater Unified School District residents. Groups, agencies and institutions conducting authorized programs for the public, in the public school facilities, are considered to be legitimate extensions of the total community education program.

It shall be the policy of the School Board to

- 1) give full endorsement to the concept of community education for the Whitewater Unified School District, and
- 2) to cooperate in every possible way with the interested agencies, businesses and community groups in planning and operating a community education program.

The School Board shall be the final authority on all cases of public use of School District facilities and may waive or alter conditions of use as it sees fit. All groups and/or individuals using School District facilities will be required to follow established regulations for such use.

Adopted by School Board
July 27, 1976
Revision Adopted by School Board
January 22, 1996

School Board
Whitewater Unified School District
401 South Elizabeth Street
Whitewater, Wisconsin 53190

SCHOOL-COMMUNITY RELATIONS

Use of School Facilities

Use of school facilities by any public or private agencies and institutions shall be subject to the following procedures, general rules and regulations, priorities for facility usage, and fees/charges.

PROCEDURES

1. The Applicant shall obtain a Request for Facility Use Form from the Community Education Office. Forms are also available in the principal's office at each school in the District.
2. The Applicant shall complete the Request for Facility Use Form and return it to the Community Education Office either by mail or in person at least ten (10) working days in advance of the proposed date(s) of usage.
3. Community Education staff will review the form, complete the approval section and establish costs according to the following schedule of fees/charges.
4. Copies of the completed Form will be sent to the following: Applicant, Principal of the facility proposed to be used by Applicant, Supervisor of Buildings and Grounds, and the Custodian at the facility being used.
5. The Applicant will be informed by telephone or by receipt of the Facility Use Form after approval is completed by the Community Education Office.
6. Appeals or questions relating to facility use shall be made to the Community Education Coordinator.
7. On or about the first of each month, a list of activities for the month by building will be sent to each building Principal.
8. Community Education will maintain a facility use schedule of all facilities available, and their schedule of use.
9. Requests for use of school grounds or equipment shall be subject to the same procedures, and Applicants are required to complete the same request form.

GENERAL RULES AND REGULATIONS

1. All permits approved by the Community Education Office shall be revocable and shall not be considered as a lease. The School Board or its authorized agent may reject any applications or cancel any permit. Any use by a public or private agency or institution may be pre-empted for school requirements. Any rejection, revocation, cancellation, or pre-emption of any application/permit will require the approval of the Community Education Coordinator with notification to the Applicant no later than forty-eight (48) hours prior to planned use, or sooner, if possible.
2. A School District employee, or other designated supervisor, capable of providing for the security of the school facility and for service to the permit holder must be on duty whenever District facilities are used by a public or private agency or institution. Costs for such School District employee, and other charges, may be assessed when user fees are established for the requested use.

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3. Permits are non-transferable, and are restricted to the stated hours and intended use of the facility as stated on the facility use permit. All additions or cancellations must be made through the Community Education Office. Failure to do so may result in an assessment of a charge to the Applicant and/or cancellation of permission to use facilities. All facility and/or equipment use permits shall expire annually on June 15th.
4. Permit holders are responsible for providing competent and adequate supervision for all activities at all times. Failure to do so may result in a School District employee being assigned such supervision responsibilities at the Applicant's expense. The School District employee, as required for security purposes in Paragraph 2 above, is responsible only for supervision of the operation of the facilities and shall not be responsible for supervising a group or its activities. If children accompany the permit holder to a planned adult activity, the permit holder must provide (at their own expense) supervision for the children for the duration of the activity.
5. Furniture and equipment owned by the District shall not be moved unless supervised by the Custodian or authorized agent of the School District.
6. Any apparatus or other equipment moved into the facility requires prior approval of the building Principal or designee, and must be removed promptly, so as to not interfere with the normal school operation.
7. Permit holders shall agree to indemnify the School District for any and all damage by any person or persons attending the activity, and indemnify the School District against any and all liability and any and all damages to any person or persons.
8. The permit holder shall assume full responsibility for any unlawful act committed in the exercise of the permit. Use of tobacco products, intoxicating beverages and/or controlled substances of any kind anywhere in or on the premises of the facility is prohibited. Gambling of any kind is prohibited. Disorderly conduct is also prohibited.
9. All local and state ordinances and laws of the police and fire departments must be observed.
10. Gymnasiums will not be rented for public dances. The High School auxiliary gym, as well as the Middle School and elementary school gyms, may be used for dance lessons.
11. No decorations requiring the use of items such as nails, screws and/or bolts may be installed without the prior approval of the building Principal. No tape, wax or glue shall be used on any drywall, block construction, walls, doors, or wood floors. Note: Reasonable safety precautions shall always be followed in installation of decorations.
12. The building Principal and/or Community Education Coordinator, or his/her authorized representative, shall have the right to inspect any facility at any time and require compliance with any rules that may be necessary for the safety of such facilities and occupants.
13. Any use of recreational, audio-visual, stage lighting, music or other school equipment, including computers, must be specifically included on the Request for Facility Use and approved prior to use. Competent operators of any such equipment, who shall be approved by the building Principal, must operate District equipment, and any charges for these operators will be the responsibility of the permit holder.
14. The School Board, or its designee, reserves the right to refuse or approve the use of certain School District facilities when it determines it would be in the best interest of the community to do so.

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15. All permit holders must observe the rules for facility use that are provided in each building. A copy of these rules will be given to permit holders upon approval of the Request for Facility Use.
16. Guidelines and Regulations for the use of School District grounds, banquet serving facilities, and for use of sleeping facilities are as follows:

USE OF SCHOOL DISTRICT GROUNDS GUIDELINES

1. No motor vehicle of any type shall be allowed on athletic fields, playgrounds or other sodded areas under the control and supervision of the Whitewater Unified School District, except for maintenance purposes. All motor vehicles shall be parked only in designated parking areas.
2. Any group's use of School District grounds does not necessarily include the use of any particular building's rest rooms, wash rooms and/or locker rooms by that group.
3. Drum Corps and Marching Bands may practice on athletic fields and playgrounds under the control and supervision of the Whitewater Unified School District. All such groups shall at all times comply with the local municipal noise ordinance and identified allowable practice hours. The groups shall make every effort to direct their practice away from the surrounding residential areas.

BANQUET SERVING REGULATIONS

1. The menu for any banquet served and provided by a permit holder shall be chosen in consultation with the food service supervisor at least one month prior to the activity.
2. All costs will be paid by the permit holder, including the cook's wages as specified in any current collective bargaining agreement.
3. The permit holder will also be responsible for paying the wages of any necessary table serving personnel.
4. The permit holder will also be responsible for any necessary extra dishes or other equipment.
5. The permit holder shall notify the food service supervisor, or designee, of the number of plates to be served, and whether serving is to be made family-style or by the plate. A variance of no more than ten per cent (10%) in the estimates of such numbers will be allowed.

SLEEPING FACILITIES

If a school is to be used as a sleeping facility, the minimum charge shall be \$500.00 per night, plus any additional expenses for the availability of necessary custodial personnel to open and close the building (other than normal times). Such use will be limited to the gymnasium(s), hallways, restrooms and locker rooms selected at the discretion of the building Principal or the Supervisor of Buildings and Grounds. Extra charges for custodial personnel will be assessed in the event that abnormal amounts of clean-up are required after the permit holder has vacated the facility.

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CLASS	PRIORITIES FOR FACILITY USE	FEES/CHARGES
Class 1	<p>Directly Related School Activities:</p> <p>All directly-related school activities, such as musical events, parent-teacher organizations, Building Advisory Council functions, athletic events, school productions, staff meetings, etc.</p>	No charge
Class 2	Community Education-sponsored activities.	No charge
Class 3	<p>Public Agencies or Organizations (CDA, City or State Government, etc.), Civic (Rotary, Kiwanis, etc.), Charitable, Character-Building Organizations (YMCA, Boy Scouts, Girl Scouts, etc.) and Other Non-Profit Organizations:</p> <p>Activities sponsored by municipal parks and recreation departments and athletic associations located within the Whitewater Unified School District.</p> <p>Non-profit, tax-exempt public groups (such as public agencies or organizations or other tax-supported groups), composed largely of school district residents. Non-profit tax-exempt groups which are tax supported or devoted to child or community welfare may be permitted use of facilities and standard equipment at no cost other than personnel costs, if any. Proof of tax-exempt status must be furnished upon request.</p>	No charge if participants are School District residents and proceeds are contributed to the community.*
Class 4	<p>Special Interest Groups that are Non-Profit (Community Foundations, Young Republicans, Campus Democrats, etc.) and Religious Groups:</p> <p>Non-profit, tax-exempt special interest groups and religious groups (such as fraternal/service organizations), composed largely of School District residents).</p>	No charge if participants are School District residents and proceeds are contributed to the community.*
Class 5	<p>All other non-profit, tax-exempt groups (such as those not composed largely of School District residents). A rental fee will be charged to groups which operate for the benefit of restricted populations unless such organizations contribute their net proceeds to human or civic betterment. Personnel costs will be assessed, if incurred.</p> <p>Commercial groups. A rental fee will be charged to profit-oriented individuals or organizations. Recitals, camps and clinics will be classified as commercial groups. Personnel and other applicable expenses will be assessed, if incurred.</p>	Charges will be assessed if participants are not School District residents and/or proceeds are not contributed to the community.*

*In the event that conditions are such that fees will be assessed, please note the following Fee Schedules for Classes 3 and 4, and Class 5.

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FEE SCHEDULE - CLASSES 3 AND 4

	Hourly Rate	Two-hour Minimum	Half- Day	Full Day
Elementary Buildings				
Classroom	\$ 5.00	\$10.00	\$17.50	\$25.00
Gymnasium/Cafeteria/I.M.C./Activities Room	10.00	20.00	35.00	50.00
Middle School and High School Buildings				
Classroom	\$ 7.50	\$15.00	\$25.25	\$37.50
Auditorium	20.00	40.00	70.00	100.00
Gymnasium	15.00	30.00	52.50	75.00
Library/Cafeteria/I.M.C.	10.00	20.00	35.00	50.00
Special Use Rooms	15.00	30.00	52.50	75.00

FEE SCHEDULE - CLASS 5

	Hourly Rate	Two-hour Minimum	Half- Day	Full Day
Elementary Buildings				
Classroom	\$10.00	\$20.00	\$35.00	\$50.00
Gymnasium/Cafeteria/I.M.C./Activities Room	30.00	60.00	105.00	150.00
Middle School and High School Buildings				
Classroom	12.50	25.00	43.75	62.50
Auditorium	40.00	80.00	140.00	200.00
Library/Cafeteria/I.M.C./Special Rooms	30.00	60.00	105.00	150.00

OTHER FEES

1. If special furniture and/or equipment is used for a commercial activity, an additional charge may also be assessed. Such charge, which may also include a damage deposit, shall be determined by the Community Education Coordinator.
2. Charges for custodial services for moving furniture or equipment prior to and/or after a commercial activity, in addition to the Custodian's regular duties, will be assessed at the prevailing overtime rate.
3. Any time custodial services are needed when a Custodian is not regularly on duty, a Custodian shall be hired at the prevailing overtime rate.
4. Any time that kitchen equipment is used, a regular school lunch room employee must be on duty. Such employee shall supervise and assist in the use of equipment. Use of the kitchen is available for local residents only.
5. Other charges for facilities not identified in this Rule may be assessed when the Request for Facility Use is approved.

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PAYMENT PROCEDURES

All fees are due and payable prior to the scheduled event. A security deposit of \$200.00 shall be paid three working days prior to the scheduled event. Checks should be made payable to the Whitewater Unified School District and sent to the Community Education Office at 401 South Elizabeth Street, Whitewater, Wisconsin 53190.

CROSS REF.: KAB, Community Education Philosophy

Adopted by School Board
July 27, 1976
Revision Adopted by School Board
January 22, 1996

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