

**USE OF DISTRICT EQUIPMENT BY THIRD PARTIES  
(PUBLIC USE)**

**834.1**

No person may use District equipment for a non-District purpose without being authorized to do so. It is the responsibility of the person using the equipment to verify, in advance, that they have sufficient authorization. Inquiries regarding the use of District equipment may be directed to the appropriate building principal, Director of Buildings and Grounds, or the Director of Finance and Operations.

The community and other persons may, from time-to-time, have a desire to use District equipment for lawful purposes that are not connected to a District-sponsored program or activity or to any joint venture involving the District and the other parties. To the fullest extent permitted by law, the District retains discretion to (1) approve or deny requests for such third-party, non-school, temporary use of District equipment; (2) revoke prior approval of such a request; and (3) direct any person to cease any unauthorized or inappropriate use of District equipment.

Reasons that the District may deny a request to use District equipment include, but are not limited to, a District determination that:

1. Approval of the request may materially interfere with the availability and use of the equipment for District purposes or for District-related functions.
2. There is an unacceptable security risk or other unacceptable risk of loss, damage, injury, or liability associated with the requested use of the equipment.
3. The responsible use of the equipment requires knowledge, skills, or training that the requestor may not have or that cannot readily be verified.
4. The District would be unable or unwilling to accommodate similar requests from other similarly-situated parties.
5. The request requires District staffing (e.g., for set-up, take-down, supervision, etc.) that the District is unable or unwilling to provide, or that the requestor is not willing to pay for.
6. The proposed third-party use of the equipment may materially decrease the equipment's useful life.

7. A person's requests to use particular equipment are excessive and unreasonably limit the availability of the equipment for other potential requestors.

The administration may not authorize a third-party to use the following District equipment for non-District purposes under this policy:

1. Landscaping and lawn care equipment
2. Technology resources that would be removed from the site
3. Vehicles

In addition to any other conditions that the administration may establish, any approval of a request to authorize the temporary, non-District use of District equipment under this policy shall be subject to the following:

1. The person using the equipment must pay for the actual, additional costs (if any) associated with such use to the extent specified in any use agreement, District-published schedule of fees, or other written communication approving the use of the equipment.
2. The person using the equipment shall be responsible for any loss of or damage to the equipment that occurs in connection with such use, including purely accidental damage and any loss or damage caused by any guest or invitee or the person, but excluding normal wear and tear and any loss or damage that is caused by the District or by an agent of the District.
  - a. This responsibility extends to the reasonable cost of replacement or, if lower and practical, the reasonable cost of repair.
  - b. The District may require payment of a refundable security deposit or other proof of financial responsibility.
3. Pursuant to state law, a person who is authorized to temporarily use District equipment for a non-District purpose at no more than actual cost has primary legal liability for any damage to property and for any expense incurred in consequence of any use of such equipment.

### **Use of District Equipment on District Property**

Within the guidelines and parameters defined in this policy and under applicable law, the administration may receive, review, and approve or deny third-party requests for the temporary, non-District use of District equipment that occurs while the user is on school grounds or on other District property. The Director of Finance and Operations shall establish procedures for processing such requests.

The primary purpose of considering third-party requests to approve the temporary use of District equipment under this portion of this policy is in connection with a person's related request to temporarily use District facilities for a non-District purpose. It is reasonably common for such a person to have a desire/need to use certain equipment (such as sound systems, special lighting systems, folding chairs, or a scoreboard) in connection with the person's activity or event, and it is important for the District and such a person to clearly define the extent of the person's authority to use a facility and any District equipment. It is not the Board's intent to authorize, or to require District personnel to manage, general public access to all District equipment (such as copying machines, tools, etc.) that is not currently in use.

### **Use of District Equipment Off District Property**

The temporary, non-District use of District equipment by a third party while off of District property is disfavored and requires direct approval by the Director of Finance and Operations. If the District receives a request for such off-property use of District equipment, any administrator or facility supervisor may (1) deny the request on behalf of the Director of Finance and Operations based on the application of the guidelines found in this policy; (2) present the request to the Director of Finance and Operations for possible approval; or (3) take any other action regarding the request that has been previously authorized by the Director of Finance and Operations.

### **Leasing School District Equipment**

Separate from the District's authority to allow temporary use of District equipment, the Board may agree to a longer-term lease of District equipment that is not needed for District purposes to any person for any lawful use at a reasonable rental. Most commonly, the leasing of specific equipment under this authority may be considered in direct connection with a formal, written lease of

District buildings or facilities that are not needed for school purposes.

### **Other Authorized Use of District Equipment**

Nothing in this policy shall be interpreted to:

1. Require the public to obtain further advance permission to use, non-exclusively, outdoor school playground equipment provided that school is not in session, no District program or activity is otherwise using the equipment, and no sign or other District directive has restricted use of the equipment at that time.
2. Require a person who is authorized to use a District facility for a non-school purpose to obtain separate permission to use the basic fixtures (e.g., standard room lights) and standard furniture that is already in place in the approved area of the building/facility.
3. Limit any other lawful authority the District may have to permit or restrict the use of District equipment for non-District purposes.

#### **Legal References:**

##### **Wisconsin Statutes**

[Section 120.13\(17\)](#)

[temporary use of school property, including equipment]

[Section 120.13\(25\)](#)

[leasing of school district equipment at a reasonable rental]

[Section 120.125\(4\)](#)

[agreements for before-school and after-school child care programs may include provisions authorizing use of district equipment]

**Adopted: 04/25/22**