

Toronto District School Board

Policy P011

Title: **COMMUNITY USE OF BOARD FACILITIES**
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Effected: May 31, 2000
Revised: January 1, 2003, February 23, 2005, June 25, 2008, May 27, 2009 (to take effect June 29, 2009), February 8, 2012, June 13, 2012, September 11, 2013 (effective September 1, 2014), May 25, 2016, **October 24, 2018**
Reviewed: January 19, 2012, October 24, 2018
Authorization: Board of Trustees

1.0 RATIONALE

This Community Use of Board Facilities Policy (the “Policy”) supports the Toronto District School Board’s commitment to optimizing use and accessibility of TDSB facilities for community groups and organizations through a permit process that promotes fair and equitable opportunity.

This Policy is aligned with the Ministry of Education’s Community Use of Schools Program and Section 171(1) *para 24* of the *Education Act*, which allows TDSB to permit school buildings and premises owned by the TDSB to be used for any educational or other lawful purposes.

2.0 OBJECTIVE

To ensure that community groups/organizations have fair and equitable access to Board facilities when they are not being used for educational purposes.

3.0 DEFINITIONS

Ancillary Costs include those fees charged to the permit holder in accordance with the rules and regulations set out in the permit for supervision and/or staffing support such as non-scheduled custodian services, media and technology specialists, stage crews, Board-employed security guards or parking attendants.

Bias is an opinion, preference, prejudice, or inclination that limits an individual’s or a group’s ability to make fair, objective, or accurate judgments.

Board is the Toronto District School Board, which is also referred to as “TDSB”.

Board facilities mean the buildings, lands and premises that are owned and operated by the Board.

Community group is an organization that is not affiliated with the Board.

Community hub means optimizing the use of board facilities by making available space accessible to all groups in the neighbourhood or area for the mutual benefit of both the Board and broader community.

Holiday refers to statutory holidays applicable to the TDSB and any internal Board arrangements in lieu of statutory holidays where the Board is closed for business.

Hate includes expressions of bias, prejudice and bigotry that are carried out by individuals, groups, organizations and states, directed against stigmatized and marginalized persons and groups in communities, and intended to affirm and secure existing structures of domination and subordination. Hate activities and incidents represent some of the most destructive forms of human rights-based discrimination by promoting hatred against identifiable groups of people. Some hate incidents are also considered criminal offences committed against a person or property and motivated, in whole or in part, by bias or prejudice based on real or perceived race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, socio-economic status or disability/ level of ability/ or any other similar factor.

Prejudice is the pre-judgment (usually negative) of groups or individuals, or preconceived notions about them, based on misinformation, bias, or stereotypes.

Permit is a written order issued that grants permission to enter into facilities for the purpose of conducting programs, services or activities, in accordance with the rules and regulations governing the use of Board facilities.

Permit holder is the individual, community group or organization named in the permit, who maintains responsibility for ensuring that all users comply with the rules and regulations governing the use of Board facilities.

School Councils are legislated advisory bodies functioning under Ministry of Education Ontario Regulation 612/00 and board policy. The purpose of school councils is to improve student achievement and to enhance the accountability of the education system through the active participation of parents/families.

Systemic bias is when seemingly neutral rules disproportionately disadvantages one group over another

4.0 RESPONSIBILITY

The Director of Education holds primary responsibility for overseeing this Policy. Within the Director's Office, the responsibility for the day-to-day management and coordination of the Policy is assigned to Executive Officer, Facilities Services, Sustainability and Planning.

5.0 APPLICATION AND SCOPE

This Policy applies to all staff, school councils and all community groups that use Board facilities as permit holders.

6.0 POLICY

- 6.1. The Board acknowledges that a healthy community promotes life-long learning and provides for a broad range of opportunities that allow all community members to develop socially, physically and intellectually. Such opportunities promote social cohesion and collective responsibility and contribute to physical and mental well-being of Toronto residents.
- 6.2. The Board values the rich diversity of our communities and promotes inclusiveness for all individuals and communities that access our schools. In order to promote safe environments, free from hatred and prejudice, the Board will not permit space to hate groups or individuals that promote hatred, violence, discrimination or bias against any groups or individuals based on prohibited grounds of discrimination under the Human Rights Code, such activities contravene Board policy. All permit holders will agree to promote equitable, safe and accepting, positive school climates consistent with the TDSB Code of Conduct and the Ontario Human Rights Code. All permit holders are prohibited from engaging in or permitting any activity in TDSB permitted spaces that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor. Permit holders who fail to comply will have their permits revoked and future permits denied.
- 6.3. The Board acknowledges that the use of public assets such as schools should be guided by the needs and priorities of the local neighbourhoods served by these public buildings. Access and equity in use of the facilities is particularly important in a community as diverse as Toronto. The TDSB will ensure all permits for use of schools will be subject to an equity review, to ensure equitable distribution of resources and elimination of any identified bias or barriers to community permit access or participation. A reporting mechanism will be maintained to ensure community has a process to communicate any real or perceived barriers to use of Board facilities.
- 6.4. The Board will not use community use of Board facilities fees as a revenue generation strategy.
- 6.5. The Board acknowledges School Councils as a partner in supporting and nurturing family engagement.
- 6.6. The Board will actively collaborate with partners including the Province of Ontario and the City of Toronto to achieve solutions that result in affordable and accessible use of public space for community-based programs.

Issuance of Permits

- 6.7. Community groups seeking the use of school facilities outside of the regular school day are required to apply for and obtain a permit through the TDSB's facility permit booking system.
- 6.8. Permits may be issued depending on the availability of space and other factors including priority use by participant category (see Appendix A: Community Use of Schools – Community Permit Categories) in accordance with the Ministry of education's Community Use of School Programs and availability of Board resources such as caretaking staff and other Board personnel as required. Permits will be restricted during periods when significant caretaking and maintenance activities are taking place.
- 6.9. Permit issuance will be limited during school breaks and holidays.
- 6.10. Permit holders are governed by the rules and regulations as outlined in the facility permit and must use Board facilities in a responsible and respectful manner. Community use of Board facilities must not negatively affect the maintenance of facilities or hinder the safety or security of the sites as learning environments.
- 6.11. Permit holders are required to have their own liability insurance coverage, with the TDSB named as an additional insured party, for the activities held in TDSB facilities.
- 6.12. (a) Alcohol is not allowed on TDSB property. Exceptions include school-sponsored events subject to the approval of the Director or designate, and in accordance with applicable Board policy and procedures and liquor license regulations.
(b) Cannabis is not allowed on TDSB property. Specifically:
Smoking, consumption or vaping of cannabis/cannabis products is prohibited:
 - At school, on school grounds, and all public areas within 20m of these grounds;
 - On children's playgrounds and public areas within 20m of playgrounds;
 - In childcare centres, or where an early years program is provided; and
 - In places where home childcare is provided – even if children aren't present.
- 6.13. TDSB Departments will have access to school facilities at no cost during non-school hours for school or student related activities/meetings, provided that custodians are available and regularly scheduled to work.
- 6.14. School Councils will be given a no cost permit to access the school during non-school hours (Monday to Friday) for the monthly school council meeting. A no cost permit will be given for other school council related meetings, provided that:
 - 6.14.1 All meetings adhere to the mandate of council as outlined in *Ontario Regulation 612*.
 - 6.14.2 Appropriate insurance for events outside of the Boards scope has been purchased
 - 6.14.3 Custodians are available and regularly scheduled to work

- 6.14.4 Should the school in question not have sufficient caretaking staff regularly scheduled to provide access for the additional permit, the School Council will be granted a no cost permit at a nearby school with available space and staffing.
- 6.15. Trustees, Board employees, immediate family members, School Council members must not personally benefit materially or financially from the permit process or any activities hosted by the community while using Board facilities.
- 6.16. Permit holders will be charged for ancillary costs including staffing of non-scheduled custodian services, media and technology specialists, stage crews, security officers and parking attendants, as required.
- 6.17. In order to address systemic bias, TDSB will ensure that fees, processes and procedures are applied consistently and fairly.
- 6.18. Fees will be applied in accordance with the Fee Schedule approved by the Board, and subsequently adjusted annually by the Consumer Price Index The fee schedule including Pool Fees will be posted on the Board public website and will be included in the Community Use of Board Facilities Procedure (PR666).

7.0 SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

8.0 EVALUATION

This Policy will be reviewed as required but at minimum every four (4) years.

9.0 APPENDICES

Appendix A: Community Use of Schools – Community Permit Categories

10.0 REFERENCE DOCUMENTS

Policies and Procedures:

- Board Code of Conduct (PR585)
- Board Member Code of Conduct (P075)
- Community Use of Board Facilities Procedure (PR666)
- Equity Policy (P037)
- Parent and Community Engagement (P023)

Legislative Acts and Regulations:

- Education Act, Section 171 (1) Para 24, 301 (3.1)
- Ontario Human Rights Code

Other Resources:

- Community Hubs in Ontario: A Strategic Framework and Action Plan
- Ministry of Education's Community Use of Schools Program
- Policy/Program Memorandum No. 128 'The Provincial Code Of Conduct And School Board Codes Of Conduct'

COMMUNITY USE OF SCHOOLS

Community Permit Categories

Hours for community use during which the fee structure is applicable:

INDOOR FACILITIES

<u>School Day</u>	Monday to Friday excluding holidays, 6 p.m. to 10 p.m. (also 7:30 a.m. to 6:00 p.m. if approved by the school principal)
<u>Summer Break</u>	Monday to Friday excluding holidays, 8 a.m. to 5 p.m.
<u>Saturday</u>	8 a.m. to 6 p.m.
<u>Sunday & Holiday</u>	8 a.m. to 3 p.m.

OUTDOOR SPORTS FIELDS

<u>Weekday</u>	6 p.m. to 9 p.m.
<u>Weekend & Holiday</u>	10 a.m. to 9 p.m.

Category	Activity Type	Description	Examples of Use	Pricing Strategy
(A)	Not-for-profit groups as defined below, based in Toronto, organizing activities that fit these criteria:			
	<ul style="list-style-type: none"> • Providing programs/services broadly to the local neighbourhood/ community • Open to the general public • 75% of participants in the permit activity reside in the City of Toronto. • Fees are only charged to cover permit-related costs and program materials. 			
(A1)	Youth and Seniors and Marginalized Groups	Participants in the activity are either: - children/youth under 18 years of age; or - persons with a disability under the age of 28; or - seniors (age 65 and above); or - entities whose primary purpose is to serve marginalized, as listed	<ul style="list-style-type: none"> ▪ Scouts Canada ▪ Girl Guides of Canada ▪ Cadets ▪ Boys and Girls Clubs ▪ Children/youth/seniors sport, recreation, arts and leisure providers ▪ Marginalized groups are: persons with disabilities, Indigenous people, recent immigrants, low-income status 	<i>Highest subsidy</i>
(A2)	Others/Over 18 years	Participants other than those in (A1) above	<ul style="list-style-type: none"> ▪ Faith-based services operated by registered charities ▪ Theatrical, entertainment, music groups ▪ Historical Society ▪ Ratepayer Associations ▪ Adult sport/recreation/sport training 	<i>Partial subsidy</i>
(B)	Other not-for-profit groups that do not meet criteria (A1) or (A2)	Other non-profit entities /individuals who are using the facility for community activities; non-City of Toronto residents; other groups where less than 75% of the participants are from the City of Toronto; may be charging fees that are beyond permit-related costs and materials	<ul style="list-style-type: none"> ▪ Political parties ▪ Federations and unions, excluding TDSB employee groups ▪ Fundraising events ▪ Tournaments/coaching clinics charging registration fees ▪ Provincial sport associations ▪ Business Improvement Associations ▪ Other Faith-based services ▪ Activities run by paid staff 	<i>Cost Recovery</i>
(C)	Private / Commercial	For profit entities/individuals who are using the facility for business/private purposes.	<ul style="list-style-type: none"> ▪ Sport and social clubs owned by an individual(s) ▪ Private summer camps operating as business ventures ▪ Schools and classes such as dancing, music, driving schools operated for private gain ▪ Commercial groups ▪ Trade Shows ▪ Functions of a commercial nature, whether sponsored by a local or non-local organization for which admission 	<i>Commercial Rates</i>

			fees are charged, or which are operated for private or corporate gain.	
(D)	Special	Film and TV productions	▪ Film and TV productions are subject to other considerations	

NOTE:

User fees in Categories (A1) and (A2) are subsidized through the Ministry of Education Community Use of Schools grant and are subject to the limit of funding.

Not-for-Profit entities:

A not-for-profit organization provides services, programmes and opportunities to residents which support the principle of community building. Volunteer trustees or a board of directors govern the organization and there is no personal financial gain for members/trustees/directors. Any excess revenues are turned back to the organization and funds can only be used for promoting the organization purpose.

In order to claim Not-for-Profit status you must submit either:

- *If incorporated, a copy of "Letters Patent", or*
- *If not incorporated, a fiscal financial statement and an affidavit from the Executive Director (or equivalent) confirming status as a not-for-profit organization*

Caretaking fees:

For Groups (A1), (A2) and (B), basic caretaking service to open and close the facility is included in the permit fee if the permit falls within the stated hours for community use, provided that there are caretaking staff scheduled. Usage outside the stated hours will incur additional caretaking fees. Any additional service required to support the permit activity, e.g. AV technician, moving furniture, extra cleaning due to large attendance, is also charged back to the permit.

For Groups (C) and (D), a caretaking fee is charged on all weekends and holidays, and any other time outside the regular caretaking shift hours.