

SCHOOL FACILITIES USE BY FOR-PROFIT GROUPS

Private individuals and groups may be permitted to use school property for educational and other community purposes, provided the purpose is not solely for a profit-making venture.

If an admission fee is charged for an event, (either in advance or on the school site), 10% of the fees collected must be donated to the school, and the revenue there from applied to school purposes. Permission to charge an admission fee or to seek donations must be requested through the building principal.

Schools may contract with private businesses to provide a wide variety of goods and services, including food, uniforms, books, graduation paraphernalia and countless other supplies. However, the school facility may not be utilized to conduct business solely for profit-making. Principals shall utilize the following criteria in selecting vendors:

- 1) Benefits to the school and students;
- 2) Services the business has to offer;
- 3) The principal's personal experience with vendors for a specific service; and
- 4) Flexibility of the vendor in pricing, etc.

The Board may contract with a for-profit business or organization under the realm of Community Education or Extended Day Programs, for the provision of services to participating students or adults directly to the Tyler County Board of Education and the Board shall retain those entities under contract to provide the educational or community service. Payment to the for-profit group shall be made at the conclusion of the contracted service.

School organizations such as PTA, Boosters Clubs, etc. may conduct activities using school facilities, in which they rent areas to private individuals who, in turn, may realize a profit from the rented school area.

The Application for Use of School Property by a For-Profit Group or Business can be found in the Tyler County Administrative Procedures Manual.

REFERENCE: 45 Op. Att'y Gen. 486 (1953); WV Code 18-5-5; 50 Op. Atty. Gen. 2205 (1963); WV Code 18-5-19; 49 Op. Atty. Gen. 114 (1961);; State Supt. Interp., July 2, 1985 (220)

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