

## 7000 B

# Application and Approval Process

## *Regulation*

Original Adoption: 11/12/2009

Effective Date: 11/12/2009

Revision Dates:

---

### **I. PURPOSE**

The purpose of this regulation is to establish the procedure for making an application to create a garden on school property, and to describe the approval process the District will use to rule on garden applications.

### **II. GENERAL REQUIREMENTS FOR APPLICATIONS**

- A. Any person or group wanting to create, or continue, a garden on school district property must submit an application to the District, on a form to be supplied by the District for that purpose.
1. All garden applications shall be submitted to the Principal or Site Administrator. If the Principal or Site Administrator approves the application, the Principal or Site Administrator shall forward the application to the district Facilities Director for final approval or rejection.
  2. For locations without a Principal or Site Administrator, garden applications shall be submitted to the District Facilities Director.
- B. An application for a community garden shall include documentation establishing the status of the sponsoring organization as a Community Partner pursuant to District policies.
- C. In addition to the specific requirements below, all applications shall include, at a minimum, the following information:
1. the proposed location and size of the garden area;
  2. proposed signage for the garden;
  3. the types of plant and other materials to be used;
  4. the expected duration of the garden project;
  5. what provisions will be made to restore the area to its former condition at the end of the permitted use as a garden, or when the garden is not maintained to district standards.
- D. In all circumstances, appropriate approval must be obtained prior to commencement of any gardening or landscaping activity.

**III. SPECIFIC REQUIREMENTS FOR APPLICATIONS**

- A. *School Gardens.*** In addition to the requirements in Paragraph II.C., above, an application for a school garden must also include:
1. explanation of how the garden program fits the standards based curriculum of the District as taught in that school;
  2. explanation of how the garden program conforms to district curricular guidelines and beliefs about learning;
  3. how the costs of materials, supplies and water shall be funded;
  4. who the supervisory school staff will be; and
  5. how the garden will be maintained during and outside of school sessions.
- B. *Landscaping or Beautification Projects.*** In addition to the requirements of Paragraph II.C., above, the application for a landscaping or beautification project must include:
1. how the project will be maintained;
  2. how the project will be funded, both for its creation and its maintenance, including the cost of water used; and
  3. how the project plan complies with security plans for the facility.
- C. *Community Garden.*** In addition to the requirements of Paragraphs II.B and C., above, the application for a community garden must include:
1. assumption of financial responsibility for all materials and water used in or on the garden premises;
  2. assurances that activities conducted by the community gardeners, their officers, employees, guests, and invitees shall conform to the terms of the license and to all laws, rules and regulations related to the property.
  3. assurances that activities conducted by the community gardeners, their officers, employees, guests and invitees shall not adversely affect the District's insurance policies, if any, affecting the real property;
  4. assurances that the community garden will comply with accessibility standards including standards regarding access required by law;
  5. provisions to indemnify, defend and hold the District harmless from any injuries, damages or losses, including costs and attorneys' fees arising from the willful or negligent acts or omissions of the community gardeners, their employees, officers, guests and invitees;
  6. identification of the officers of the sponsoring organization
  7. evidence that the officers have been duly authorized to enter into an agreement for a license with the District.

- D. **Inter-Governmental Projects.** In addition to the requirements of Paragraph II.C., above, the application for an inter-governmental project must include:
1. the specifications of any alterations to the property's topography;
  2. what provisions, if any, are made to assure the continued safety of the students, staff and invitees of the District to the property;
  3. what maintenance of the project will be required in the future, and how that maintenance shall be funded;
  4. a description of the public environmental interest to be served by the project; and
  5. information demonstrating the authorization of the other public bodies involved to enter into a co-sponsored project.

#### IV. APPROVAL PROCESS

- A. **School Gardens.** A school garden must first be approved by the Principal or Site Administrator and then by the District Facilities Director.
1. Only those projects approved by the Principal or Site Administrator will be referred for final approval by the District Facilities Director.
  2. Approved projects will result in an agreement that contains all the terms and conditions related to the project's creation, maintenance, use, and removal.
  3. Approval shall be predicated upon
    - a) satisfactory compliance with the requirements of the application,
    - b) the project fitting within any limitations set by the District for the amount of District property to be used for this purpose;
    - c) adequate support for the incorporation of the program into the educational mission of the school;
    - d) adequate provision for costs of creation and maintenance;
    - e) adequate provision for safety of students and staff;
    - f) acceptance of responsibility by the sponsoring person(s) for supervision and maintenance;
    - g) accordance with short-term and long-term planning for the District's use of the property; and
    - h) project history of compliance with all reasonable requirements of the school or the District.
  4. The approval will be for a period of the duration of the garden. In all events, regardless of the period agreed upon, the District retains the right to terminate the agreement if, in the District's sole opinion, the property dedicated to the project is required for other District purposes.

- B. *Landscaping or Beautification Projects.*** Landscaping or beautification projects must be approved by the District Facilities Director and the Principal or Site Administrator.
1. Only those projects approved first by the Principal or Site Administrator and then by the District Facilities Director.
  2. Approved projects will result in a written agreement that contain all the terms and conditions related to the project's creation, maintenance, use, and removal.
  3. Approval shall be predicated upon
    - a) satisfactory compliance with the requirements of the application;
    - b) the project fitting within any limitations set by the District for the amount of District property to be used for this purpose;
    - c) adequate provision for costs of creation and maintenance;
    - d) appropriate assignment of responsibility for creation and maintenance of the project;
    - e) adequate compliance with the safety and security plan for the site;
    - f) accordance with short-term and long-term planning for the District's use of the property; and
    - g) project history of compliance with all reasonable requirements of the school or the District.
  4. The approval will be for a period mutually arrived at by the applicants and the District Facilities Director. In all events, regardless of the period agreed upon, the District retains the right to terminate the agreement if, in the District's sole opinion, it is in the District's interest to terminate.
- C. *Community Gardens.*** Community garden projects must be approved first by the Principal or Site Administrator and then by the District Facilities Director.
1. Only those projects approved by the Principal or Site Administrator will be referred for approval to the District Facilities Director.
  2. Approved projects will result in a license duly executed by the District and the sponsoring group that contains all the terms and conditions of the project's creation, maintenance, use, and removal.
  3. Approval shall be predicated upon
    - a) satisfactory compliance with the requirements of the application including evidence that the applicant has been approved as a Community Partner;
    - b) the project fitting within any limitations set by the District for the amount of District property to be used for this purpose;
    - c) adequate provision for costs of creation and maintenance;
    - d) District approval of materials to be used in the creation, use or maintenance of the garden;

- e) accordance with short-term and long-term planning for the District's use of the property;
  - f) a finding that the required assurances provided by the applicant(s) are adequate to protect District interests;
  - g) the negotiation of a reasonable, mutually agreed upon fee for the use;
4. The approval will be for a period mutually agreed to by the applicant(s) and the District Facilities Director. In all events, regardless of the period agreed upon, the District retains the right to terminate the license if, in the District's sole opinion, it is in the District's interest to terminate.
- D. ***Inter-Governmental Projects.*** Landscaping projects must be approved by the District Facilities Director.
1. Only those projects approved by the Principal or Site Administrator will be referred for approval to the District Facilities Director.
  2. Approved projects will result in a written agreement that contain all the terms and conditions related to the project's creation, maintenance, use, and removal.
  3. Approval shall be predicated upon
    - a) satisfactory compliance with the requirements of the application;
    - b) the project fitting within any limitations set by the District for the amount of District property to be used for this purpose;
    - c) adequate provision for costs of creation and maintenance;
    - d) appropriate assignment of responsibility for creation and maintenance of the project;
    - e) adequate compliance with the safety and security plan for the site;
    - f) accordance with short-term and long-term planning for the District's use of the property; and
    - g) project history of compliance with all reasonable requirements of the school or the District.
  4. The approval will be for a period mutually arrived at by the applicants and the District Facilities Director. In all events, regardless of the period agreed upon, the District retains the right to terminate the agreement if, in the District's sole opinion, it is in the District's interest to terminate.

***Legal References:***

Minn. Stat. §152.01, Subd.14a, clauses (1) and (3) (Definitions: School Property)

Minn. Stat. §123B.02 (General Powers of Independent School Districts)

Minn. Stat. §123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)

Special School District No. 1

Regulation 7000 B

Minneapolis Public Schools

807 N.E. Broadway, Minneapolis, MN 55413

<http://www.mpls.k12.mn.us>

*Page 6 of 6*

Minn. Stat. §128D.04 (District Like Independent District; Exception)

Minn. Stat. §609.605, subd. 4 (Trespasses on school property)

***Cross References:***

MPS Policy 8110 (Purposes and Role of the Board)

MPS Policy 1301 (Community Partners)

MPS Policy 1600 (Community Use of School Facilities)

MPS Policy 7000 (Gardens on School Property)

MPS Regulation 7000 A (Definitions)