

USE OF SCHOOL FACILITIES

The Governing Board supports the use of the district's school facilities as Civic Centers and recognizes that many activities benefit the youth of the community and contributes to the educational experiences of pupils and contributes to the general welfare of the community by housing important activities.

The Board authorizes the use of school facilities by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

In accordance with the Civic Center Act, the Board shall charge fees for the use of facilities for activities other than nonprofit and school oriented organizations. The Board will establish reasonable regulations that protect the facilities and the furnishings and equipment that are housed within them.

All school-related activities (clubs, class events etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities shall be on a first-come, first-served basis.

Definition of Use and Associated Fees

Since school district financial resources are limited and the community use of facilities can result in significant costs, the district may receive some or all of these costs pursuant to Education Code 38139. In accordance with the Civic Center Act, the Board establishes the following categories of use and assessment of fees:

1. Use by Nonprofit Youth and School Oriented Organizations:

The Board authorizes the use of school facilities without charge by nonprofit organizations, clubs or associations organized to promote youth and school activities. These groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., Community Youth Athletic Organizations, Parent-Teacher Association events and the organizations and services that it sponsors, School Community Advisory Councils, Educational Foundations, and other organizations that support and/or contribute to youth.

2. Use by Organizations that are For-Profit or not directly contributing to youth:

The Board authorizes the assessment of a direct cost for the use of facilities to organizations that are not directly contributing to the youth of the community or are sponsoring activities for youth that is "for-profit". Additionally, the district costs may be charged to municipalities and alumni organizations for meetings and/or events, depending upon the nature of the activity. In the event of reciprocal arrangements with municipalities and other educational agencies, fees may be waived. This assessment is made to ensure that the costs associated with such use will not encroach upon the general funds that support regular district and school operations.

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3. Use by Organizations that Require Fair Rental Value:

In accordance with Education Code 38134, the district must charge fair rental value when facilities are used for fundraising activities which are not beneficial to youth, public school activities or charitable purposes. Such activities shall include entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of district students.

For each of the categories above, a district cost may be assessed for the compensation of a district employee to provide supervision and custodial services.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community Recreation Programs

38130-38138 Civic Center Act: use of school property for public purposes

ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen 248 (1996)

COURT DECISIONS

Lamb's Chapel v. Center Moriches Union Free School District (1993) 113 S.Ct. 2141

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

ACLU of So. Calif. v. Board of Education of San Diego, (1963) 59 Cal .2d 224

ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203

ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal .2d 906

ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

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Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which:

1. Encourage and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds, and protect school facilities. If necessary, a person may be designated to supervise this task.
3. Ensure that the use of facilities or grounds is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work. (Education Code 38133)

Any persons applying for the use of school property on behalf of any society, group or organization shall present written authorization from the group to make the application.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 38131, 38132)

1. Public, literary, scientific, recreational, educational or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Childcare programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

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9. Other purposes deemed appropriate by the Governing Board

Restrictions

School facilities shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work
3. Any use which is discriminatory in the legal sense
4. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances on school property
5. According to state law, the use of tobacco products on school property
6. Any use that would substantially and adversely impact the adjacent neighborhood to the school

Misuse, Damage and Liability

Groups or persons using school facilities shall be liable for any property damages caused by the activity. The Board may charge the amount necessary to repair the damages and may deny the group further use of school facilities.

Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk and provide the district with evidence of liability insurance and include the district as an additional insured on its liability policy.

The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.

The following are other reasonable regulations that shall ensure the appropriate use of facilities and protect the district facilities, furnishings and equipment.

1. The use of district-owned computer technology equipment shall not be authorized to individuals and/or groups requesting the use of facilities.
2. Authorization for the use of any equipment and furniture will be made on a case by case basis by the Superintendent or designee.

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3. It will be the responsibility of the user of facilities to restore the facility to the status prior to the use.
4. Facilities where confidential personnel and student information is stored such as administrative and special education spaces, will not be available for use.
5. The instructional setting of classrooms or other facilities shall be preserved by the user. Materials, white boards and other aspects of the instructional setting shall not be changed or altered.
6. School keys must remain in the possession of authorized school district employees or identified school representatives. Buildings will be opened, attended and closed by an authorized employee or representative of the district.
7. An approved application may be revoked with reasonable notice when school facilities are needed for school and/or district purposes.
8. The site administration is responsible for assigning facilities to be used and may wish to restrict the use of classrooms if such use may negatively impact ongoing classroom or student projects and activities. The site administration may also restrict usage if it is determined that a classroom or facility is unsuitable for use by an outside organization.
9. The use of outdoor facilities, such as athletic fields, during inclement weather, may be restricted because of substantial wear and tear on the facility.
10. Restrictions on use may be imposed for non-profit oriented organizations serving youth if the organization does not intend to serve the youth of the local community (scheduling, wear on facilities and other factors regarding impacts will be considered).

USE OF SCHOOL FACILITIES**Schedule of Rates for Use of District Facilities**

FACILITY	DIRECT COST	FAIR RENTAL COST (HOURLY RATE)
Classroom	\$10 per/hour \$20 per use	\$25
Library	\$15 per/hour \$30 per use	\$30
Multipurpose Room	\$20 per/hour \$50 per use	\$50
Restrooms*	\$5 per/hour \$20 per use	\$50

**for use of grounds and fields*

Additional costs for supervision and custodial services for a district employee may be assessed if the facility is not open (approximately \$30-\$35 per hour).

For Direct Cost, a maximum use cost may be assessed rather than an hourly rate.