

## Community Relations

**USE OF SCHOOL FACILITIES**

The Governing Board recognizes that district facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

*(cf. 6145.5 – Student Organizations and Equal Access)*

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Thereafter, the use shall be on a first-come, first-served basis.

The Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds that: (Education Code 38133)

1. Aid, 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, designating a person to supervise this task, if necessary

*(cf. 0450 – Comprehensive School Safety Plan)*

*(c.f. 3516 – Emergencies and Disaster Preparedness Plan)*

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

The Board believes that the use of school facilities or grounds should not result in costs to the district. The Board shall charge at least direct costs to all groups granted facility use under the Civic Center Act. However, if the use of school facilities or grounds is for religious services, the group shall be charged an amount that equals or exceeds direct costs determined in accordance with Education Code 38134.

The Board may authorize the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities for elementary school aged students. Use of facilities or grounds without charge for these nonprofit organizations, clubs, or associations shall be limited to times immediately at the end of a school day when children are in session when a custodian is normally available during a regularly scheduled shift. If additional district services are required or the activity occurs at any time other than immediately after the end of the school day when children are in session, the nonprofit organization, club, or association shall be charged as indicated in the Fee Schedule in AR 1330 E(1). Non-profit organizations, clubs, or associations authorized to use school facilities or grounds without charge shall not charge students or their families any fees, tuition, or request donations from students or their families. Any charge or request for donations from students or families shall revert to the Direct Cost Fee Schedule for the nonprofit organization, club, or association.

## USE OF SCHOOL FACILITIES (continued)

Groups shall be charged fair rental value when using school facilities or grounds for 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 the district's students. (Education Code 38134)

### *Legal Reference:*

#### EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

37220 School holidays

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

#### BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises

#### MILITARY AND VETERANS CODE

1800 Definitions

#### UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

#### COURT DECISIONS

Good News Club v. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

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

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

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

Ellis v. Board of Education, (1945) 27 Cal.2d 322

#### ATTORNEY GENERAL OPINIONS

82 Ops. Cal. Atty. Gen. 90 (1999)

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

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

#### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

**USE OF SCHOOL FACILITIES**

Any persons applying for the use of school facilities or grounds on behalf of any society, group or organization shall present written authorization from the group or organization to make the application. The district may exclude certain school facilities from non-school use for safety or security reasons.

Civic Center Use

Subject to District policies and regulations, school facilities and grounds may be made available to citizens and community groups as a civic center for the following purposes: (Education Codes 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 basis or renewal basis, by any church or religious organization.
4. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
5. 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.
6. A community youth center.
7. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
8. Precinct use for elections.
9. Other purposes deemed appropriate by the Governing Board, Superintendent or designee.

Application for Use of School Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which: (Education Code 38133).

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 SUSD employee (custodian or authorized District staff) must be designated to supervise this task.

## USE OF SCHOOL FACILITIES (continued)

AR 1330(b)

3. Ensure that the use of school 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.

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

Applications must be made on the District Form E2 1330 (version new date), REQUEST FOR USE OF SCHOOL FACILITIES. Persons or organizations, when signing the application, are agreeing with the statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises to commit unlawful acts.

During the school year, applications must be made at the school site being requested. The Principal shall be responsible to maintain the schedules and to prevent scheduling conflicts between various users. Applications will then go to the District Office for final approval. Facilities may not be used without these approvals.

Summer Use: Requests for summer use of school facilities must be made within a reasonable time before the end of the school year to the Principal.

Applications to use a classroom on a regular basis by outside groups or individuals shall be considered by the Principal on the basis of the effect on the instructional program and after consultation with the classroom teacher affected.

No application shall be transferred or assigned to any person or group.

### Restrictions:

Use of 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. Tobacco use in District facilities or on District property is prohibited and shall be governed by Board Policy.

## USE OF SCHOOL FACILITIES (continued)

AR 1330(c)

6. Any use by District employees for personal or for-profit activities.
7. Any use by commercial or for-profit organizations inconsistent with the use of the school facilities or grounds.
8. Any activity or function that involves any form of gaming.

Availability of school facilities not on the fee schedule will be determined on a case-by-case basis through consultation with the Superintendent or designee.

All requests will be approved for specific times. All functions shall end as agreed to by the Principal and applicant.

Access to rooms or facilities other than those approved as listed on the application shall not be permitted.

### 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/or clean the facilities and may deny the responsible group further use of school facilities.

The Board of Education shall not be held responsible for any damage or loss that may occur to non-school property brought on the premises. Such property (as well as rubbish) must be removed from the facility immediately after the use or before such time as the materials will interfere with school activities.

Room capacity is not to be exceeded.

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. Permits will not be granted for personal or individual use of facilities.

The facility use permit, *i.e.*, REQUEST FOR USE OF SCHOOL FACILITIES, includes a hold harmless agreement that must be signed by an authorized representative of the group. Proof of insurance and a certificate naming the District as additional insured are required for all times when District facilities are used; adequacy of insurance will be determined by Business Services.

Priority of Use: Priority for use of school facilities is established as defined in Policy 1330, Use of School Facilities.

Notice of Cancellation: The District shall be given 48 hours advance notice of cancellation by the applicant. A cancellation fee may be charged for notices given less than 48 hours in advance. The fee will be based upon the costs incurred by the District and will not exceed the agreed use of school facilities fee.

## **USE OF SCHOOL FACILITIES (continued)**

AR 1330(d)

Supervision: All juvenile organizations and groups seeking use of school premises must have adequate adult sponsorships and supervision of all facilities used, including the restrooms.

Denial: Failure to comply with any or all of the provisions of this policy and regulations shall be cause to deny future use of the District facilities to a group or organization.

Other reasons for denial include disruption to school use, disrespect of District staff, unpaid costs for damages and/or nonpayment of fees.

Revocations: The District may revoke permits without previous notice when conflicting dates result or when the need of the property for public school purposes has subsequently developed. Advance notice, as much as possible, will be given to the user.

Guidelines for Appeal: The applicant may file a written appeal to the Superintendent or designee responsible for the use of school facilities if a facility use request has been denied, cancelled or revoked.

Prohibition of Animals on School Grounds: Animals of all types and kinds, whether or not people are controlling them or have custody of them, are prohibited on all district facilities except as provided below:

The Assistant Superintendent of Instruction may grant permission to an applicant who wishes to bring an animal on campus for the purpose of furthering an instructional program of the District.

Keys to School Facilities: Keys are not to be given out to persons who are not District employees.

Custodian Present: Unless otherwise stated the assigned custodian for the facility use request shall open and close the premises and remain on the facility as required by the activity. (Use of fields may be exempted by the Superintendent or Superintendent's designee.)

Considerations for Student Safety: To enhance the safety of the Saugus Union School District students and elementary school age children in the Saugus Union School District community; every organization, club, or association seeking approval under Board Policy 1330 for use of District facilities to work with children in activities occurring immediately after school, where student do not leave the school grounds prior to participating, must obtain fingerprinting clearance and request subsequent arrest notification from the California Department of Justice for all employees and volunteers who will provide services to or work with children.

## USE OF SCHOOL FACILITIES (continued)

AR 1330(e)

Emergency calls: If there is a building emergency outside usual working hours, users should notify the custodian on duty. Alternate contact: District Maintenance Manager 661-244-7181 or District Safety Director 661-816-9818.

Fees for the Use of School Facilities: The Board believes that use of school facilities should not result in costs to the District. All rental charges shall be in conformance with the fee schedule for use of school facilities [E(2) 1330]. These fees and charges are subject to review and may be revised annually by Business Services to reflect actual costs of salaries, energy and/or other costs.

Fees for the use of school facilities will be calculated by the Principal or designee prior to approving the request.

Special Fees: Facility users under special circumstances may be assessed a custodial fee in addition to and separate from facility use fees. These special custodial fees will be assessed in accordance with need.

During the school year, the Principal is responsible to determine the necessity of special custodial support and to note this information on the use of school facilities form. When schools are not in session, this responsibility is with the Maintenance Manager.

Special fees will be specified at the time of acceptance of the request for use of school facilities.

Fees for the use of school facilities shall be charged in accordance with the following classifications. These fees are subject to review and revision by the Superintendent or designee.

### Free Use:

1. All school-related activities (*e.g.*, school clubs, class events, District run extra-curricular activities, PTA/Parent Club, School Site Council, booster clubs, etc.).
2. District-related activities (*e.g.*, Fiscal Advisory Committee, Boundary Committee, Community Meeting, staff training).
3. Support services provided free of charge to District students (*e.g.*, Speech, Intervention).
4. Non-profit organizations, clubs, or associations organized to promote youth and school activities for elementary school aged students limited to times immediately at the end of a school day when children are in session when a custodian is normally available during a regularly scheduled shift. If additional district services are required or the activity occurs at any time other than immediately after the end of the school day when children are in session, the nonprofit organization, club, or association shall be charged as indicated in the Fee Schedule in AR 1330 E(1). Non-profit organizations, clubs, or associations authorized to use school facilities or ground without charge shall not charge

## USE OF SCHOOL FACILITIES (continued)

AR 1330(f)

students or their families any fees, tuition, or request donations from students or their families. Any charge or request for donations from students or families shall revert to the Direct Cost Fee Schedule for the nonprofit organization, club, or association.

Direct Cost Fees: (as defined in the Civic Center Act) “those costs of supplies, utilities, janitorial services, services of any other District employees, and salaries paid school District employees necessitated by the organization’s use of the school facilities and grounds of the District”.

1. Other nonprofit organizations for uses identified in the Civic Center Act (and noted under Civic Center Use at the beginning of these Regulations).
2. Use for religious services for temporary periods, on a one time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services (Education Code 38131, 38134).
3. Other public and governmental agencies.
4. Any other organization not restricted per Education Code 38134.

Fair Rental Value: (as defined in the Civic Center Act: “the direct costs to the District, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized”.) Area business rents and market conditions will be considered by the Board and Superintendent or designee when setting fair rental value fees.

1. Groups using school facilities or grounds “for entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the District or for charitable purposes”; such groups shall be charged fair rental value (Education Code 38134).
2. For-profit groups authorized by the Superintendent or designee.



**FEE SCHEDULE FOR USE OF SCHOOL FACILITIES**

The following fee schedule is applicable for use of all school facilities with the Saugus Union School District. Fees collected will be to recover costs of facilities operations. The fee for a one-time use shall be submitted with the application. For multiple (e.g., weekly) use, user may request to be invoiced monthly.

Application Fee: There is a \$15 application fee, per application, to cover the administrative costs for the sites and the District Office to process the request of Use of School Facilities (Form 048SF).

Facility	Fair Rental Fee	Direct Cost Fee	
	Includes: <ul style="list-style-type: none"> <li>• For-profit groups</li> <li>• Groups that charge admission or receive contributions for entertainment purposes and/or meetings</li> </ul>	Includes: <ul style="list-style-type: none"> <li>• Non-profit organization for uses identified under “Civic Center Use” in AR 1330(a), unless authorized for “without charge” use as described in BP 1330 (a) and AR 1330(e).</li> <li>• Religious services</li> <li>• Public and government agencies</li> </ul>	
	Per Hour	School Hours Mon – Friday 8 a.m. – 9 p.m. Per Hour	Non School Hours Saturday, Sunday, and/or Holiday Per Hour
Classroom	\$50	\$10 (until 6/30/14) \$20 (beginning 7/1/14)	\$45
Fields	\$200	\$30	\$50
Multi-Purpose Room	\$100	\$50	\$65
Parking Lot Use Only (see #2 below)	\$30	\$0	\$0

1. School groups (e.g., PTA) are responsible for the cost of the custodian, at \$40 per hour, for special events. School groups are not charged for the use of facilities.
2. Parking lots with gates will require custodial staff to unlock/lock and custodial direct costs will apply. A use of facility application (\$15 fee) must be completed and a certificate of liability must be provided.
3. A Custodian (or authorized District staff) must be present at all times when any facilities other than the parking lot and/or field are being used.
4. Fair Rental applies to groups that are neither a community group or school group.
5. Field fee includes use of available adjacent restrooms. Restroom availability is site specific.
6. Fractions of hours exceeding fifteen minutes will be rounded to a full hour.

REQUEST FOR USE OF SCHOOL FACILITIES

Request by the undersigned for use of the following school premises on the date(s) listed below.

Site: \_\_\_\_\_ Room # \_\_\_\_\_  Field  MPR  Classroom  Parking Lot

Frequency of Use:  One Time Only (must be paid in full)  Weekly  Monthly  Other \_\_\_\_\_

Activity/ Purpose of Use: \_\_\_\_\_

Date(s) \_\_\_\_\_ - \_\_\_\_\_ Time: \_\_\_\_\_ - \_\_\_\_\_ OR  Schedule Attached
Begin End Begin End

Application Fee (Check # \_\_\_\_\_) \$ \_\_\_\_\_ (Application fee due at time of submission)

Fees Assesses "PER DAY" for use of facilities \$ \_\_\_\_\_ (Plus custodian fees, if applicable  Yes  No )

Free User (Custodian fees if applicable  Yes  No )  Direct Cost  Fair Rental

Method of Payment:  Paid in full (one time use)  To be billed monthly

Proof of Insurance Attached:  Yes  No

School Organization?  Yes  No Group Involved: \_\_\_\_\_ Group Size: \_\_\_\_\_

Fee Charged to Participants?  Yes  No Fee Used For: \_\_\_\_\_ Fee Amount: \_\_\_\_\_

Non Profit Status:  Yes  No  N/A Non Profit ID: \_\_\_\_\_

Furniture or Set-up \_\_\_\_\_

District shall not be liable for, and Application shall defend and indemnify District against any and all claims, demands, losses, damages, expenses, charges or costs of any kind or character, including attorneys' fees and court costs (hereinafter collectively referred to as "Claims"), which arise out of applicant's use of District facilities pursuant to this Request for Use of Facilities and/or Grounds arising from any act, error omission or negligence of Applicant or its licenses, agents, servants or employees, except that applicant shall have no obligation to defend or indemnify District from a Claim if it is determined by a court or competent jurisdiction that such Claim was caused by the sole negligence or willful misconduct of District or its agents or employees.

\_\_\_\_\_ By initial on this line, I acknowledge receipt of Board Policy 1330, Administrative Regulation 1330, to abide by the terms set forth therein. The Governing Board recognizes that district facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

Contact/Billing Information:
Organization
Name
Address
City, State, Zip
Telephone
Signature Date

Approval Information:
Approved permit valid for the current fiscal year.
Availability Approved by Principal Date
District Approved Date