



# Saugus Union School District

24930 Avenue Stanford, Santa Clarita, California 91355  
661-294-5300 / [www.saugususd.org](http://www.saugususd.org)

August 9, 2013

Dear Continuing or Prospective After School Enrichment (ASE) Contractor/Consultant,

Thank you for indicating interest in providing Saugus Union School District (SUSD) students with exciting, enriching, and meaningful after school enrichment activities. Attached to this letter you will find a packet of information detailing the process for being able to provide ASE activities to SUSD students. All forms that are needed for completing this process can be found at [www.saugususd.org](http://www.saugususd.org).

Providing ASE activities requires a **two-step process**. The **first step** in the process is to gain approval to be placed upon the SUSD Approved ASE Provider List. The **second step** in the process is to be approved to provide ASE activities at the individual school sites. Checklists for each process along with a detailed explanation of the types of activities and contractors/consultants that can work for SUSD are attached to this packet.

If you happen to have any question regarding this process, you can contact Denise Motto, Secretary to the Assistant Superintendent of Business, at (661)294-5300 or [dmotto@saugususd.org](mailto:dmotto@saugususd.org).

Again thank you for indicating your interest in providing ASE services and we look forward to working with you in the future.

Sincerely,

Chad Hammitt,  
Assistant Superintendent, Human Resources

# Saugus Union School District

## After School Enrichment/Co-Curricular Activities Approval Process

1. Interested ASE Contractors/Consultants must contact the Site Principal, Office Manager, and/or parent group (PTA/PTO/PFO) regarding his/her services for review, consideration and site approval.
2. Site Principal and/or Office Manager shall check the “approved ASE vendors list” to see if Contractor/Consultant is on the list. If Contractor/Consultant is not on the approved vendor list, Site Principal and/or Office Manager must contact the Risk Management Department to discuss the vendor and the specific activity being considered. Any activity/event that is considered a restricted or “red light” activity as indicated in the Risk Management Guidelines for ASE Enrichment Classes or poses a significant safety/health risk to students, employees or the general public as stipulated by the Director of Safety and Risk Management, shall not be approved.
3. Principal and/or Office Manager shall provide ASE Contractor/Consultant with a packet which includes the following documents:
  - a. “PTA/PTO/PFO After School Enrichment (ASE) Contractor/Consultant Agreement” form
  - b. “Contractor/Consultant Certification” form
  - c. SUSD Board Policy (BP) 1330 and Administrative Regulation (AR) 1330 “Use of School Facilities” which includes Fee Schedule and Request For Use of Facilities form
  - d. “SUSD Risk Management Guidelines for PTO, School Site Activities/Events and After School Enrichment Classes”
4. Contractor/Consultant must complete all applicable forms and return to Site Principal and/or Office Manager with the appropriate/requested documentation for Site review, consideration and approval.
5. Site Principal and/or Office Manager shall review the submitted documentation and complete the “SUSD Contractor/Consultant Agreement Approval Check-off Sheet” to assure all required documents have been completed and received.
6. All collected documents shall be sent to the Assistant Superintendent of Business Services in the District Office for review and District approval.
7. Upon final approval, the Business Office shall notify the Contractor/Consultant and Site Principal.
8. Documentation shall be kept on file in the Business Office.
9. A signed PTA/PTO/PFO After School Enrichment Contractor/Consultant Agreement (and accompanying documentation) is only valid for one school year and must be renewed annually.
10. PTA/PTO/PFO groups shall collect all required activity/class/event fees and pay vendor according to the terms of the contract between the PTA/PTO/PFO and vendor OR the vendor shall collect the fees directly from parent.

**Saugus Union School District**  
Co-Curricular/ASE Contractor/Consultant Agreement  
Approval Check-off Sheet

Prior to being placed upon the District's Pre-Approved After School Enrichment (ASE) Vendor List the initiating Co-Curricular/ASE Contractor/Consultant must assure the items listed below are completed/signed and attached with the appropriate boxes checked. Failure to do so may cause a delay in the approval process. Once this form has been completed and all of the required documentation collected, the documents must be sent to the Assistant Superintendent of Business for final review, approval, and retention.

*Please check the boxes below signifying each required item has been completed and attached.*

Co-Curricular activity/event/class/etc. (flyer) offered for After School Enrichment for review and approved by the SUSD Risk Management Department

"Contractor/Consultant Certification" form has been completed and signed, including a list of all employees, attached as Exhibit "A"

Contractor/Consultant to provide a copy of valid negative TB test for each employee\*\*

Certificate of Insurance naming the Saugus Union School District as the **additional insured**

Copy of appropriate business license, verification of corporate or non-profit status, or other applicable forms

*All Forms are available on-line at [www.saugusud.org](http://www.saugusud.org).*

**No Co-curricular ASE Contractor/Consultant will be permitted to offer ASE service to any school site until this checklist is complete with signatures.**

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
ASE Contractor/Consultant Name    Address  
*(Please Print Name)*

\_\_\_\_\_  
ASE Contractor/Consultant Signature

\_\_\_\_\_  
EMAIL Address

\_\_\_\_\_  
Date

*\*\* Both the California Education Code and County Public Health codes require anyone who has "repeated contact" with students to be screened for TB and have documentation of a negative TB test on file with the District.*

**This section to be completed by SUSD Staff only and returned to ASE Contractor/Consultant upon approval.**

\_\_\_\_\_  
SUSD Director of Risk Management Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
SUSD Asst. Supt. Business Services Signature

\_\_\_\_\_  
Date

# Saugus Union School District

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Santa Clarita, CA 91355  
661-294-5300  
www.saugusd.org

## CONTRACTOR / CONSULTANT CERTIFICATION

\_\_\_\_\_  
*Name of Contractor / Consultant*

Certifies that pursuant to Education Code Section 45125.1, it has conducted criminal background checks at its own expense, through the California Department of Justice, of all employees providing services to work within the Saugus Union School District, pursuant to the Agreement dated \_\_\_\_\_, and that none have been convicted of serious or violent felonies, as specified in Penal Code Sections 1192.7(c) and 667.5(c), respectively.

As further required by Education Code Section 45125.1, attached hereto as Exhibit "A" is a list of names of the employees of the undersigned who may come in contact with pupils.

I declare under penalty of perjury under the laws of the United State that the foregoing is true and correct.

\_\_\_\_\_  
*Signature of Contractor / Consultant*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip*

\_\_\_\_\_  
*Phone Number*

**Attach Exhibit "A" list of employees**

# Saugus Union School District

Co-Curricular/ASE Contractor/Consultant  
Pre-Activity/Services Check-off Sheet

***NO AFTER SCHOOL ENRICHMENT ACTIVITIES CAN BEGIN AT ANY SUSD FACILITY UNTIL THIS FORM HAS BEEN COMPLETED, SIGNED BY THE SITE PRINCIPAL AND PTA/PTO/PFO PRESIDENT, AND ALL APPROPRIATE DOCUMENTS AND FEES ARE ATTACHED***

Prior to offering any activities to SUSD students on an SUSD school site, the Co-Curricular/ASE Contractor/Consultant must assure the items listed below are approved by the site Principal and PTA President, all required documents and fees are attached and the appropriate boxes checked. Failure to do may cause a delay in the approval process. Once this form has been completed and all of the required documentation and fees are attached, please forward to the Business Department, attention Denise Motto, 3 days prior to the first class beginning.

***Please check the boxes below signifying each required item and fees have been completed and attached.***

ASE Contractor/Consultant is on the Saugus Union School District Approved After School Enrichment Vendor List

PTA/PTO/PFO After School Enrichment (ASE) Contractor/Consultant **Agreement** form has been completed (**including 'Scope of Work'**), signed by ASE Contractor/Consultant and PTA/PTO/PFO President

ASE Contractor/Consultant flyer indicating times/dates of enrichment classes is attached

Request of Use of School Facilities Application form is completed (initialed/signed) by ASE Contractor/Consultant, approved by site Principal, Application fee (\$15) and Use of Facilities Fees (per BP 1330/AR 1330) must be attached. ***(Use of School Facilities Application and Fee Schedule are included within BP 1330/AR 1330 - available on-line at [www.saugususd.org](http://www.saugususd.org)).***

\_\_\_\_\_  
Site Principal's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Site PTA/PTO/PFO President Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Site PTA/PTO/PFO President EMAIL Address

# PTA / PTO / PFO

## After School Enrichment (ASE) Contractor/Consultant Agreement

\_\_\_\_\_  
*Site*

ASE Contractor/Consultant \_\_\_\_\_ will provide professional services as specified in the following scope of work in a substantial and workmanlike manner according to standard practices.

This agreement is in effect from \_\_\_\_\_ through \_\_\_\_\_.  
Fee and services provided will be charged at a rate of \$ \_\_\_\_\_ per student.  
The per student cost shall be remitted by (please check one) \_\_\_\_\_ the parent organization *OR* \_\_\_\_\_ the individual student families directly to vendor.

### Scope of Work

*Contractor/Consultant agrees to comply with all provisions of Education Code Section 45125.1. The Contractor/Consultant will conduct a criminal background check of all employees work within the Saugus Union School District, and will certify that no employees who have been convicted of serious or violent felonies as specified will have contact with pupils pursuant to this Agreement. Contractor/Consultant will provide the Saugus Union School District with a list of all employees providing services pursuant to this Agreement, and designate to which sites they will be assigned.*

\_\_\_\_\_  
*ASE Contractor / Consultant Signature*

\_\_\_\_\_  
*PTS / PTO / PFO Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, Zip*

\_\_\_\_\_  
*EMAIL Address*

\_\_\_\_\_  
*Phone Number*

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

**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.



# Risk Management After School Enrichment (ASE) Guidelines

## Green Light Activities

Approved activities and events are listed below.

**Under no circumstance should any PTA/PTO/PFO Organization, School Site or District representative sign a “Hold Harmless Agreement” for a vendor/concessionaire/service provider, or agree in any way that the PTA/PTO/PFO or School Site will be held responsible for liability. Review all contractual arrangements very carefully to make sure that they do not contain such provisions. If a contract includes a Hold Harmless Agreement contact the Risk Management Department prior to signing.**

*All food activities need to observe food handling safety guidelines attached. These activities are indicated by "\*\*\*"*

After-School Treats\*  
Arts & Crafts Activities  
Auction/Silent Auction  
Bake Sales\*  
Balloon Artist (blows balloons up by mouth – no gases used, makes hats, animals, etc.)\*\*possible  
Band Concerts – No rock, rap, hip hop  
Baseball Toss through Target  
Bean Bag toss  
Bike Displays  
Book Fair  
Bowling  
Calendar Sales  
Candy Sales  
Carnivals without Powered Rides & Amusement Vendors (refer to **YELLOW LIGHT** list)\*\*possible  
Christmas Tree Sales (No cutting)\*\*possible  
Clay Sculpturing/modeling  
Colored Sand Painting  
Community Forums  
Confetti Eggs  
Cookbook Sales  
Costume Carnival and Costume Rentals\*\*possible  
D.J.'s\*\*possible  
Dances\*\*possible  
Dinners (pasta, crab, international, barbecue, etc)\*  
Enrichment – academic (refer to exclusions on **RED LIGHT** list)  
Egg Toss  
Face Painting  
Fashion Shows \*\*  
Fish Ping Pong  
Food Sales\*  
Football Throw Through Target  
Fortune-Telling  
Gift Wrap Sales  
Gift Wrapping  
Greeting Card Sale  
Hobby Shows  
Ice Cream Socials\*

## Approved Activities and Events (*continued*)

I.D. Bracelets

Jail Auctions

Karaoke\*\*possible

Line Dancing

Magazine Sales

Magic Shows (without pyro/fire effect) \*\*possible

Math Fair

Mouse Trap Maze (wear Velcro suits, move through Velcro maze, try not to touch sides. No launching devices.)\*\*

Movie Night

Performing Arts

Pencil Sales

Picnic-Type Games (Not competing against other schools or classes)

- 3-legged Race
- Puzzle Race
- Basketball Shoot
- Sack Race
- Softball Throw
- Jump Rope
- Volleyball
- Potato Race
- Obstacle Course (on ground level only)

Pizza Night\*

Plant Boutiques

Popcorn Sales\*

Reading Night

Ring Toss

Rummage Sales, White Elephant Sale, Flea Market

Sale of Logo Items

Scarecrow Competition

School Choir

School Play

Science Fair

Sewing Class

Silhouettes

Snack Food Sales\*

Snow Day\*\*

Spelling Bee

Sponge Toss on grass Using Goggles

Storytellers/Performers\*\*possible

T-Shirt Sales, Sweatshirts, Jackets etc.

Talent Shows

Water Balloon toss on grass

Water Bottle Sale

Yearbook Sales

Young Carpenters Class

**\*\*Indicates the activity may require an outside person/entity provide proof of insurance and add SUSL as an additional insured party.**

## *Yellow Light Activities*

### **Restricted Activities and Events**

Occasionally, PTA/PTO/PFO's want to sponsor activities which may require additional insurance coverage, waivers of liability, certificates of insurance or other special arrangements. PTA/PTO's must strictly adhere to these guidelines. All conditions must be met and/or the District Risk Management Department consulted before undertaking any activities listed on the YELLOW pages.

**Under no circumstance should any ASB Organization, School Site or District representative sign a Hold Harmless Agreement for a vendor/concessionaire/service provider, or agree in any way that the ASB or School Site will be held responsible for liability. Review all contractual arrangements very carefully to make sure that they do not contain such provisions. If a contract includes a Hold Harmless Agreement contact the Risk Management Department prior to signing.**

Aerobics  
Athletic Events  
Ballet or Dance Classes  
Bike Rodeo  
Bingo  
Cake Walk \*  
Camps – Outdoor Enrichment and Science  
Charter Services, Limousine Services, Any For-Hire Transportation  
Climbing Walls  
Cooking Class using Hot Equipment  
Craft Fairs, Holiday Boutique and Swap Meets  
Drill Team  
Field Trips  
Go-Carts  
Hayrides  
Hypnotist  
Inflatable Slides (dry or water)  
Jog-A-Thon/Leg-A-Thon/Walk-A-Thon  
Interactive Games  
Litter Cleanups  
Opportunity Drawing Tickets  
Skate Night  
Snack Food concessionaire – Hired \*  
Space Ball  
Swim Classes  
Swim Party  
Virtual Realities

## **Red Light Activities**

### **Activities and Events Prohibited**

The Saugus Union School District has adopted certain policies regarding permissible PTA/PTO/PFO and School Site activities or events, in order to minimize the risk of exposure. It is the policy of the Saugus Union School District to prohibit activities that are dangerous in nature and thus jeopardize the safety of our children. Such activities may also jeopardize the insurance coverage for the District.

**The following activities and events are prohibited. Under no circumstances should any PTA/PTO/PFO Organization, School Site or District representative sign a Hold Harmless Agreement for a vendor/concessionaire/service provider, or agree to any activity that is on this list.**

Alcohol Sales	Safe House	
Aircraft Demonstrations	Slam Dancing (Moshing, Stage Diving)	
Animal Rides	Sumo Wrestling	
Astro Walk	Surfing Contests	
Baby Sitting/Child Care	Trampolines	
Blood Testing	Transportation ( <i>except by Charter Services, refer to YELLOW LIGHT</i> )	
Bungee Jumping	Tug of War	
Carnivals w/Powered Rides & Amusement Vendors	Velcro Walls or Human Cannon Balls ( <i>or any variations</i> )	
Castle Bounce	Watercraft ( <i>except commercial crafts of 26 feet or more operated by a qualified vendor with evidence of Insurance</i> )	
Cosmo Walk		
Crossing Guards (city/county handles)		
Darts/Dart Games		
Donkey Baseball/Basketball		
Dunk Tanks		
Enrichment programs – these activities are prohibited:		
<i>Martial Arts</i>	<i>Gymnastics</i>	<i>Baseball/Softball</i>
<i>Contact Sports</i>	<i>Skateboarding</i>	
<i>Roller Blading</i>	<i>Activities using sharp implements</i>	
Field Hockey		
Firework Sales		
Flush Tank		
Flush ‘em		
Golf		
Hot Air Balloons/Balloon rides (on ground or in the air)		
Monster Trucks		
Moon Walk		
Paint Ball or Other Gun Related Activities		
Petting Zoos		
Pyrotechnic Displays		
Ropes/Challenge Courses		

***THESE ACTIVITIES ARE NOT ALLOWED, EVEN IF VENDOR HAS THEIR OWN INSURANCE.***

## 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