

USE OF SCHOOL FACILITIES

The Governing Board shall make school facilities and grounds under its jurisdiction available as a civic center to citizens and community groups for the following purposes, subject to district policies and regulations:

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 which has no suitable meeting place for the conduct of services, provided the Board imposes a charge at least equal to the district's direct costs.
4. Child care 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.
7. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, and shall cooperate in furnishing and maintaining such services as it deems necessary to meet community needs. (Education Code 40041.5)
8. Other purposes deemed appropriate by the Board.

The Board shall not grant the use of school facilities 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.

USE OF SCHOOL FACILITIES (continued)**Fees for Use of School Facilities**

Fees for the use of school facilities and grounds shall be charged in accordance with the following classifications:

1. **Free Use:** When an alternative location is not available, the Board shall not charge any fees for the use of school facilities or grounds by nonprofit organizations, and clubs/associations which promote youth and school activities.

These groups include, but are not limited to: Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher's associations, and school/community advisory councils.

The Superintendent or designee may require free-use groups to certify to the district that an alternative location as identified by the district is unavailable for their activity. If an alternative location is available, the district may grant the use of school facilities and charge direct costs for such use.

Should any free-use group prefer to use school facilities at a time when custodial services are not normally available, the district may charge a fee equal to the cost of those services. The principal or designee shall first ensure the availability of other times when the facility could be provided without charge, and this availability shall be pointed out to the free-use group.

2. **Direct-Costs Fee:** Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed direct costs to the district.

The following activities shall be charged direct costs:

- a. Services conducted by religious groups.
 - b. Charitable fund-raising activities which are not beneficial to youth or public school activities of the district, as determined by the Board.
 - c. Events sponsored by religious or community groups, except those which qualify for free use.
 - d. Activities not previously identified which do not fall within the free-use or fair-rental-value classifications and which are included here through subsequent Board action.
3. **Fair-Rental-Value Fee:** 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)

USE OF SCHOOL FACILITIES (continued)

Damage and Liability

Groups or persons using school facilities under the provisions of this policy shall be liable for any property damages caused by the activity. The Board shall charge the amount necessary to repair the damages and may deny the group further use of school facilities. (Education Code 40043).

Any group using school facilities may 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.

Groups other than free-use groups shall be required to include the district as additional insured on their policies.

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

Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities. Regulations shall include, but not be limited to:

1. Providing encouragement and assistance for any of the activities listed above.
2. Preserving order in school buildings and on school grounds, and protecting school facilities. If necessary, a person may be designated to supervise this task.
3. Ensuring that the use of facilities or grounds under this policy 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 property on behalf of any society, group, or organization shall be a member of the applicant group. Unless he/she is an officer of the group, the applicant shall present written authorization from the group to make the application.

Persons or organizations applying for the use of school facilities shall submit a 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. (E 1330)

(cf. 6145.5 - Organizations / Associations)

USE OF SCHOOL FACILITIES (continued)

Legal Reference:

EDUCATION CODE

10900-10914.1 Community Recreation Programs

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

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

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 (1963), 59 Cal 2d 203

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

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

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

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

Management Resources:

LEGAL ADVISORY

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

USE OF SCHOOL FACILITIES

The Use of School Property for Public Purposes

The district will grant the use of school property for public, literary, scientific, recreational, educational or public agency meetings, providing the nature and extent of such use complies with the laws of the State of California and the rules and regulations of the Board of Education. The Operations Administrator shall be authorized to grant the use of school property under the following conditions:

1. Those which will fall clearly under the provisions of the Civic Center Act of the Education Code (known as Chapter 6, Section 38131 to 38132, inclusive) and which are open to the public for which no charges are made ("Free Use");
2. Those which qualify under Section 38131 of the Education Code requiring reimbursements of costs ("At Cost");
3. Those which qualify under Board of Education Policy, and for which a scale of fees has been adopted pursuant to Section 38134 of the Education Code ("Fair Rental Value"). Please see "Schedule of Fees."

Regulation for Use of School Property

In conformance with Sections 38130-38138 of the Education Code, the Board of Education of the El Rancho Unified School District has adopted the following rules and regulations covering the use of school facilities for other than school purposes. The Operations Administrator is authorized to issue permits to such groups and for such purposes as meet these requirements.

- a. All rules and regulations of the Board of Education, the Education Code provisions established by the State and the Administrative Procedures of the El Rancho Unified School District are to be observed strictly by those using school property and facilities. Any departure from the rules and regulations must be authorized by the Board of Education, and those shall be exceptions only for those specific instances.
- b. Use of school facilities shall not interfere with the regular school work or the activities of the school.
- c. The hours specified on a permit shall determine the length of time the school property may be used, and special permission must be obtained from the Operations Administrator before extension of time may be allowed.
- d. School premises shall not be used by groups later than 11:00 p.m. except upon special permission granted by the Operations Administrator.

USE OF SCHOOL FACILITIES (continued)

- e. Each Civic Center meeting place shall be under the immediate control of the principal of the school. It shall be his responsibility to see that the Board rules are followed.
- f. Whenever school facilities are used for other than school purposes, it shall be necessary that a representative of the school district be in attendance during the entire period of such use.
- g. All meetings qualifying under the provisions of "FREE USE" of the Civic Center Act shall be non-exclusive and shall be open to the public.
- h. School premises shall not be used by any person or group as its political campaign headquarters for any purpose.
- i. No permit for use of school property shall be issued to any individual or group for any purpose which would reflect in any way upon citizens of the United States because of their race, color, creed, or national origin or ancestry.
- j. No permit for use of school property shall be issued to any individual, group or organization whose purpose is to accomplish the overthrow of the government of the United States or of the State.
- k. Each person or group requesting the use of premises for a Civic Center activity shall, as a condition for the issuance of the permit, file the following statement: "The undersigned states that, to the best of his knowledge, the school property for use of which application is hereby made, will not be used for the commission of any act which is prohibited by law, or for the commission of any crime including, but not limited to, the crime specified in Sections 11400 to 11401 of the California Penal Code. I certify (or declare) under penalty of perjury that the foregoing is true and correct."
- l. No person or organization, other than the permittee, shall distribute any literature or any other item or article at a Civic Center meeting.
- m. Nothing shall be sold, offered or advertised for sale on school premises unless all profits are used by the organization for character building or welfare purposes.
- n. There shall be no ballroom dancing, except at dances sponsored by the Parent-Teachers Association, Family-Faculty Club, or student body groups at the junior and senior high schools unless specifically authorized by the Operations Administrator.

USE OF SCHOOL FACILITIES (continued)

- o. The use of any materials or device which constitutes a fire hazard is expressly prohibited, and no structure may be assembled or erected on school grounds, nor may any electrical, mechanical, or other equipment be brought thereon unless specifically approved by the principal of the school.
- p. All debris must be disposed of properly and the school facilities restored to their previous condition of cleanliness by organizations using school facilities.
- q. The use of profane language, the use of tobacco in any form except in designated areas), the possession or use of intoxicating liquors or dangerous drugs, quarreling or fighting, betting or any form of gambling, are prohibited on school property.
- r. Any person or group to whom a Civic Center Permit is issued for use of school facilities shall be responsible for loss or damage, if any, which results from the meeting or activity.
- s. Failure on the part of the permittee to abide by the provisions of the Board of Education rules may result in denial of future use of school facilities.

Administration and Control

For purposes of adequate administration and control, the Operations Administrator is designated by the Board of Education to perform the following functions:

1. To determine the availability of the school property under school jurisdiction and to enforce the laws, rules regulations and policies governing such use;
2. Determine the eligibility of the groups seeking such use of school facilities;
3. Secure required signatures, information and applications for use of properties;
4. Issue permits to those who qualify, if the facilities are available;
5. Notify all parties and departments concerned when permits are issued, cancelled or changed;
6. Keep adequate records of all uses of school property for public purposes;
7. Insist upon the proper observance of the regulations of the Board of Education;
8. Revoke permits and deny use of school property to any group or individual, when a serious violation of regulations occurs.

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

1. There is a Civic Center at each and every public school within the district, where citizens and organizations, clubs and associations formed for recreational, educational, political, economic, artistic, or moral activities of the school district may engage in supervised recreational activities and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which, in their judgement, pertain to the educational, political, economic, artistic, and moral interest of the citizens of the community.
2. No group, regardless of its character, may monopolize the use of school property or interfere with the educational program of the school.
3. Groups organized for general character building, welfare or charitable purposes, under the definitions below, and public agencies, may use school facilities.
 - a. Without charge, if open to the public and no admission is charged or contributions collected.
 - b. Without charge, when admission is charged, contributions solicited or membership dues accepted, and all net receipts are used for charity or for the welfare of the students of the district.
 - c. At cost, for organizations that do not qualify for free use under the Civic Center Act, but which are engaged in recreational, educational, political, economic, artistic, civic or moral interest, and which proposes to conduct the Civic Center meeting for their own membership only or charge admission or fees and spend the money for other than charitable or welfare purposes.
 - d. Fair rental value in accordance with fees approved by the Board, when facilities are made available pursuant to Section 38134 of the Education Code.

Definitions

1. Character Building

Character building is the instilling of acceptable qualities of morality in an individual. These include concepts of honesty, firmness, kindness, mental and physical courage, and mental and physical self-discipline.

USE OF SCHOOL FACILITIES (continued)

2. Welfare Purposes

Welfare purposes include either welfare activities or welfare work. Welfare activities are organized, non-profit efforts directed toward the cultural advancement or social betterment of the community. Welfare work is directed toward the protection, care or assistance of people in need thereof, and seeks to encourage self-respect and self-reliance.

3. Charity

Charity is the free giving of aid or comfort to the needy and suffering, including specific acts of benevolence to the poor or to institutions or organizations organized and operated for charitable purposes.

4. Welfare of Students of the District

Activities directed toward the welfare of the students of a single school or group of schools within the district or may be directed toward the benefit of a student or district or toward the general benefit of all the students of the district.

Approval of the purpose for which any funds collected for the welfare of the students of a school are to be used must be obtained from the principal, or if intended for the benefit of all the students of the district, from the Operations Administrator.

Priority

Priority in the use of facilities within the El Rancho Unified School District is established as follows, in the order named (Local groups and organizations have priority over extra-district groups and organizations).

1. Activities and programs of the El Rancho Unified School District directly related to the instructional and educational program of the district. It shall also include student body organizations.
2. Auxiliary groups which are closely allied to the school program, such as, P.T.A. and F.F.C., E.R.E.A., A.F.T., etc shall have second priority.
3. Service groups whose primary purpose is service to youth or welfare shall have third priority. Examples are, Boy and Girl Scouts, YMCA, Campfire Girls, etc.
4. Civic groups whose primary purpose is service to the community shall have fourth priority. Examples are, local civil defense groups, etc.

USE OF SCHOOL FACILITIES (continued)

5. Service groups whose primary purpose is service to the community shall have fifth priority. Examples are, Coordination Council, Rotary Club, Kiwanis Club, etc.
6. Social groups whose primary purpose is social and recreational in nature shall have sixth priority. Examples are, dance clubs, garden clubs, art clubs, etc.
7. Other groups which includes all groups that do not fit any classification above, yet who may qualify under the provisions of the Civic Center Act.
8. Private, commercial and religious groups do not qualify under the provisions of the Civic Center Act. However, the Board of Education may make the facilities available on a commercial rental or lease basis.

Fees Charged

A definite scale of fees for the use of school facilities and equipment is established by action of the Board of Education. Any group that qualifies for "Free Use" under the Civic Center Act is charged only for the use of items not included under the Civic Center Act or for services beyond the maximums provided. Others are charged in accordance with the table of charges established for such use.

- a. The organizations listed below are approved by the Board of Education for free Civic Center use.
 1. Parent-Teachers Association
 2. Family-Faculty Clubs
 3. El Rancho Educators Association
 4. El Rancho Chapter C.S.E.A.
 5. American Federation of Teachers
 6. Girl/Boy Scouts and associated organizations, such as, Cubs, Brownies, etc.
 7. Campfire Girls
 8. Community-sponsored youth sport associations
 9. School Boosters Clubs
 10. Y.M.C.A. & Y.W.C.A.
 11. Dads' Clubs
 12. City Recreation Department
 13. American G. I. Forum

Application Procedure

1. All applications from outside organizations or groups for the use of school premises shall be made on official forms provided by the El Rancho Unified School District.

USE OF SCHOOL FACILITIES (continued)

2. All applications shall be made at least TWO WEEKS in advance of the first date requested. Late applications may be denied.
3. Applications may be secured from the district office or any of the school offices.
4. Signatures of both the Operations Administrator and the Principal of the school must be secured.
5. The application must also be signed by an official representative of the organization. Multiple requests by one applicant for the use of a single facility during any one calendar month shall be made on one application form.
6. If the use of classrooms interferes with the educational program or operation of the school, the principal may deny the organization the usage.
7. No request for the use of school property shall be granted for a period exceeding six months. Requests for use beyond this limit must be re-submitted on a separate request form. The privilege of use is revocable at the discretion of the Board at any time.

To qualify for approval of Civic Center usage, applications have to meet the following minimum requirements:

- a. Indicate adequate adult supervision.
- b. Time requested must not exceed four hours.
- c. Must be open to the public.
- d. Must require no special labor or equipment.

Cafeteria

Cafeteria use will only be granted under the Civic Center Act when an El Rancho Unified School District cafeteria employee of the school has been assigned.

Kitchen Use

1. When kitchen use is requested, trays and silverware must be processed through the dishwashing machine and not hand washed. To insure sanitation and proper handling of above equipment, cafeteria personnel will be assigned and the user will be charged for any services of cafeteria personnel who are required. Such additional charges will be in addition to the fee schedule.

USE OF SCHOOL FACILITIES (continued)

2. The cafeteria employee(s) on duty in a supervisory, capacity is to assist in the preparation of the food and cleanup. The organization using the facility is responsible for having its members present to do the actual work of preparation and cleaning up. The cafeteria employee's primary purpose is to (1) protect the district property; (2) give proper instructions in the use of equipment; and (3) see that regulations set up by the County Health Department and the school district are met.
3. The organization must furnish towels, sugar, cream, salt, pepper, and all other supplies necessary to carry out their activity. Soap will be furnished by the district and will be included in the rental fee.
4. Dishes, silverware, cups, and utensils shall be furnished by the organization unless the applicant has requested and received approval for the use of an exact number of these items from the district.
5. To protect the health of the children of the district, the kitchen equipment used must always be thoroughly cleaned under the supervision of a district employee.

System of Accounting

- a. A definite scale of fees for the use of school facilities is established by the Board of Education. Any group that qualifies for free use under the Civic Center Act is charged only for the use of items not included under the Civic Center Act, or for services beyond the maximum free use provided. Others are charged in accordance with the Schedule of Fees.

Payment of Fees

Charges shall be determined from the Schedule of Fees at the time permission is issued. Fees must be paid to the Business Office one week before the date of use of the school property unless other arrangements have been made.

Swimming Pool and Stadium Use

Use of the high school swimming pool and/or stadium is restricted to student use and district-sponsored activities. Any group or agency desiring to use these facilities, subject to fees established in the Schedule of Civic Center Fees, shall submit a written request to the Superintendent.

Prohibited or Restricted Activity

No person shall drive a vehicle or accompany an animal, nor shall any person stop, park or leave a vehicle or an animal on the driveways, paths or the grounds of any of the schools of the district, except in an area clearly designated by sign setting forth as a safe place for the performance of one or more of the following:

USE OF SCHOOL FACILITIES (continued)

bicycles, motor-driven vehicles, motor-driven models, roller skates, skateboards, pushcarts, scooters or any other wheeled or propelled device, or the playing of golf, archery or any other game consisting of a propelled missile or projectile. Areas shall be clearly posted with signs designating the types of prohibited activity.

Speed Limits

In any area designated as a permissive use of motor vehicles, a sign shall be posted at the entrance thereof, limiting the speed therein to ten miles per hour or any other restriction that may be imposed upon such permissive use.

**El Rancho Unified School District
SCHEDULE OF FEES, USE OF FACILITIES**

EL RANCHO HIGH SCHOOL

Stage (gym) Rehearsal	\$ 40.00
Stage (gym) Performance	125.00
Stage Lighting Equipment (for each use)	15.00
Trooper Spot (for each use)	15.00
Gymnasium - (for sports events) non spectator	50.00
Gymnasium with bleachers unfolded (for each event)	75.00
Dressing Room Facilities (showers, locker rooms)	20.00
Gymnasium for dances	150.00
Modified Room (Gym)	30.00
Classroom	20.00
Faculty Center	75.00
Cafeteria (plus overtime for weekends and holidays)	35.00 daily
Cafeteria - for refreshments (plus cafeteria worker)	35.00
Library	75.00
Little Theater (C.600 W)	30.00
Swimming Pool	75.00
Field and Stands (4 hrs. use) including 8 man hours for cleaning area, 4 man hours for supervision)	75.00
Additional charges:	
Chairs, tables, marking field, portable stage, etc.	8.00 per hr.
Cleaning required beyond 8-man hrs.	8.00 per hr.
El Rancho Stadium	250.00

CONCESSION RIGHTS RESERVED FOR DON BOOSTERS ONLY--
not included with any of the above

MIDDLE AND ELEMENTARY SCHOOLS

Auditorium (plus overtime for weekends and holidays)	35.00 daily
Library	25.00
Home Economics Room	20.00
Classrooms	20.00
BOOTHS:	
P.T.A.'s, Family Faculty and Dads' Clubs	15.00 whole operation
Other Organizations (plus labor)	15.00 each
BUSES	8.00 PER HR. + .50¢ per mile

CIVIC CENTER USE OF SCHOOL FACILITIES
El Rancho Unified School District

PART 1 APPLICATION FOR USE OF SCHOOL FACILITY

Date: _____ (Application shall be made at least two weeks before the facilities are to be used)

We hereby make application for the use of school facilities described below and for the purposes as stated in this application.

Request for use of: _____ at _____
(specify room name or number) (school site)

Date and time of use: _____ from _____ M. to _____ M.
Month/Day/Year

List equipment needed: _____

Purpose of use: _____
(Please attach additional page if necessary to give complete information)

Will there be an admission fee? Yes No Give charge for Adults _____ Children _____

Will contribution be solicited? Yes No Will any person or group be paid for services? Yes No

For what purpose will money collected be used? _____

Is the meeting open to the public? Yes No

We hereby certify (or declare) that we shall be personally responsible on behalf of our organization for any damage or unnecessary abuses of school buildings, grounds or equipment growing out of the use of the school property covered by this request. We agree to abide by and enforce the rules and regulations adopted by the Board of Education of the El Rancho Unified School District governing the civic center use of school property.

The undersigned further states that, to the best of his knowledge, the school property for use of which application is hereby made will not be used for the commission of any act which is prohibited by law, or for the commission of any crime including, but not limited to, the crime specified in Sections 11400 to 11401 of the California Penal Code. I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Organization: _____ Home address: _____

By: _____ City: _____ Zip: _____

Title: _____ Phone: _____
(Official Title in Requesting Group)

PART II PERMIT TO USE SCHOOL FACILITY

Statement of Building Principal:

The facilities requested above are available at the time requested and the use requested will not interfere with school activities.

Signed: _____
(Building Principal)

The above application for civic center use of school property comes within the CIVIC CENTER ACT and permission is granted to use the facilities requested.

Use is free: (initial) _____ Paid use provisions apply: (initial) _____

Fees charged:

Room: _____ hrs. at _____ per hr. Auditorium: \$ _____ per meeting. Kitchen: \$ _____ per hr.
Cafeteria Equipment Supervisor: _____ hrs. at _____ per hr. School Equipment Supervisor: _____ hr. at _____ per hr.
Total Fee: _____ Paid: Cash _____ Check _____ Receipt No. _____

Signed: _____

Business Office
EL RANCHO UNIFIED SCHOOL DISTRICT
Pico Rivera, California