

**USE OF SCHOOL FACILITIES**

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

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

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school facilities and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

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

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

*(cf. 6115 - Ceremonies and Observances)*

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

*(cf. 1325 - Advertising and Promotion)*

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

*(cf. 1330.1 - Joint Use Agreements)*

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

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

*(cf. 9320 - Meetings and Notices)*

The Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities. As specified in Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, and school-community advisory councils. Other groups that request the use of school facilities under the Civic Center Act, including nonprofit groups not organized to promote youth and school activities and for-profit groups, shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 14038, the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

However, capital direct costs shall not be charged to organizations retained by the district or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs. (5 CCR 14037)

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

**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)

**Expending Funds Collected as Capital Direct Costs**

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

*Legal Reference: (see next page)*

## USE OF SCHOOL FACILITIES (continued)

### *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*

#### GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

#### MILITARY AND VETERANS CODE

1800 *Definitions*

#### CODE OF REGULATIONS, TITLE 5

14037-14042 *Proportionate direct costs for use of school facilities and grounds*

#### 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:*

#### CSBA PUBLICATIONS

*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities*, Policy Brief, February 2010

*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009

#### WEB SITES

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

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

**USE OF SCHOOL FACILITIES**

**Application for Use of Facilities**

Any person applying for the use of any 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.

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities to commit unlawful acts.

**Civic Center Use**

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center

*(cf. 1020 - Youth Services)*

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

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

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

*A veterans' organization* means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

10. Other purposes deemed appropriate by the Governing Board

### **Restrictions**

School facilities or grounds 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 which is inconsistent with the use of the school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco

*(cf. 3513.3 - Tobacco-Free Schools)*

However, the Superintendent or designee may approve the use of district facilities for special events that may involve the acquisition, possession, use, or consumption of alcoholic beverages when the event is covered by a special events permit pursuant to Division 9 of the Business and Professions Code and will occur at a time when students are generally not on the school grounds. (Business and Professions Code 25608)

Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

### **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.

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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.

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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 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



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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:

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.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

### **Damage and Liability**

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

As permitted, the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.