

# **William S. Hart UHS District**

## **Board Policy**

Community Relations

BP 1330

### **Use of School Facilities**

The Governing Board recognizes 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. Priority is given to the 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.

(cf. 6145.5 - Student Organizations and Equal Access)

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.

The use of tobacco by civic center users is prohibited in school facilities.

(cf. 3513.3 - Tobacco-Free Schools/Smoking)

The Board and/or its agents reserve the right to suspend or prohibit any use of facilities regardless of prior approval or not.

All use permits shall be revocable and shall not be considered as a lease, and the Governing Board or its authorized agent may reject any application or cancel any permit. A permit is not transferable. The District's need to schedule maintenance or repair shall supersede the priority order for use of each facility.

### **Fees for Use of School Facilities**

The Board believes that the use of school facilities by outside organizations should not result in increased costs for the District.

Groups subject to charges shall be assessed in one of the following three categories: Minimum Cost, Direct Cost, and Fair Rental Value. The Superintendent or designee may require groups qualifying for minimum cost use to certify to the District that an alternative location is unavailable for their activity before the District grants use of District facilities. In order to ensure use by local community groups, rosters with names, addresses, and phone numbers must be provided with permits. Eighty-five percent of participants must be residents of Santa Clarita Valley.

The District shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of District schools. Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

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)

#### 1. Minimum Cost

Groups in this category pay no direct costs, but are responsible to pay rental staff support charges and equipment fee charges per the Facilities Usage Fee Schedule. Examples include: activities sponsored by the Governing Board, District controlled groups, District employee organizations, PTA, Boy Scouts, Girl Scouts, YMCA, senior citizens' groups, Adult Education programs, District parent teacher associations, and District school boosters clubs, and associations organized for youth recreational activities charging their participants less than sixty dollars per month. In lieu of minimum costs, the District may enter into a joint powers agreement with local public agencies.

(cf. 1440 - Relations Between Other Governmental Agencies and the Schools)

#### 2. Direct Cost

Groups in this category shall be charged the established direct cost fees plus the cost of additional custodial services, if required.

a. Services conducted by religious groups.

b. Youth sports leagues that charge participants sixty dollars or more per month. Example – activities oriented towards District youth utilizing outdoor facilities or limited use of a building and are sponsored by registered non-profit organizations or public agencies. These could be youth groups such as baseball, softball, soccer, and football leagues.

c. Community organizations or groups, which are not included in Minimum Cost and which are not commercial in nature, may use facilities on a direct cost basis.

### 3. Fair Rental Value

Groups in this category shall be charged fair rental value. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity. (Education Code 40043)

- a) Activities not oriented toward District youth utilizing outdoor facilities or limited use of a building, which are sponsored by recognized non-profit organizations.
- b) 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.
- c) Commercial use by profit making organizations are at full cost and at the discretion of the District.

### 4. Adjustment of Fee Schedule

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)

- a) 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)

- b) 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

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in this Board Policy 1330 or in the adopted fee schedule. (5 CCR 14041)

## **Priority of Users**

Applications for use of school facilities shall be given preference according to Board Policy 1330.3.

## **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 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.

Groups other than those that promote youth and school activities shall be required to include the District as additional insured on their liability policies.

The Superintendent or designee may also 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. (Education Code 40042)
4. Ensuring that uses of District facilities and grounds will not jeopardize the safety of students, staff and other users, or disrupt or interfere with the use of such facilities and grounds by such other persons.

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 may be required to present written authorization from the group to make the application.

Persons or organizations applying for the use of school facilities may be required to 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.

(cf. 6145.5 - Organizations/Associations)

### **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)

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>

Policy

adopted: August 11, 1993

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WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

Santa Clarita, California