

USE OF DISTRICT FACILITIES/COMMUNITY RELATIONS

I. Purpose and Scope

For purposes of adequate administration and control, the Superintendent or designee is authorized by provisions of the Education Code and Civic Center Act to determine the availability of District facilities under his/her jurisdiction and to enforce the laws, rules, regulations, and policies governing such use. [Education Code Section 32282-38131]

II. Control

The Superintendent or designee shall perform the following functions:

- A. Determine the eligibility of individuals or groups seeking use of District facilities;
- B. Secure required signatures, information, and applications for use of facilities;
- C. Determine if applicant is entitled to use of facilities based upon free use, direct costs, or fair rental value;
- D. Issue permits to those who qualify if the facilities are available;
- E. Notify all parties and departments concerned when permits are issued, canceled, or changed;
- F. Keep adequate records of all uses of District facilities for public purposes;
- G. Insist upon the observance of all rules and regulations as set forth by the Education Code, Civic Center Act, Board policies, District rules and regulations; and
- H. Revoke permits and deny use of school property to any individual or group when violation of regulations occurs.

III. Civic Center Eligibility for Use

The use of school buildings or school facilities, or part thereof, to individual persons, firms, corporations, groups, clubs, or associations is predicated upon the adherence to the rules and regulations as set forth by the Board of Trustees. In general, the subject matter of civic center meetings shall pertain to the recreational, educational, political, economic, artistic, or moral interests of the community. No group, regardless of its character, may monopolize the use of District facilities or interfere with the educational program of the schools.

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

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 bylaw
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.

IV. Priority System and Scheduling Conflicts

Once an event/activity has been approved by the appropriate Business Services staff members for use on the approved application form, then that group shall have confirmation for the use of that event or activity on that date and time for the specified facility. Prior to the actual confirmation and approval for the use of facility, a system of priorities is established to prevent conflicts between groups wishing to use the same school property at the same time. The Superintendent or his/her designee shall make the final determination according to the following system of priorities:

A. Priority 1

Activities and programs of the District directly related to the instructional and educational program of the District.

B. Priority 2

Events or activities designed to serve the youth and citizens of the District which are planned and directed by school-attached groups, including the Parent-Teachers Association, Booster Clubs, etc.

C. Priority 3

Use of community organizations whose primary purpose is service to youth or the improvement of the general welfare of the community and where no admission is charged. If donations are solicited or admission charged, the proceeds are to be expended for the welfare of the pupils of the District, for charitable purposes, or for support of the local organization.

D. Priority 4

Use by groups who do not qualify under the provisions of the Civic Center Act, but to whom the Board may make facilities available on a commercial or fair rental value basis.

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V. Safety

- A. A Civic Center permit does not necessarily authorize the use of certain school district equipment nor the use of any student body equipment. Arrangements for the supervision, operation, and payment for the use of any special equipment made available shall be made with the school administrator issuing the permit.
- B. No structures may be erected or assembled on school premises, nor any extraordinary electrical, mechanical, or other equipment be brought thereon, unless special approval has been obtained from the school administrator issuing the permit.
- C. Any group using school facilities shall do so in such a manner that guarantees the safe operations of those facilities.
- D. Any use of school facilities for non-school purposes shall comply with all State and local fire, health, and safety laws. Persons or group to whom property is granted shall assume the responsibility to ensure that all such activities carried on, all equipment used or placed upon school premises, or distributed shall comply with applicable State and local fire, health, and safety laws and regulations.
- E. School facilities or grounds shall not be available for non-school related users for any activity involving the use of fireworks or any other type of pyrotechnic display unless specifically approved by the Superintendent or designee. This is to ensure the safety of participants, bystanders, and/or neighbors and due to the risk of fire.
- F. School facilities or grounds shall not be available for any activity involving the use of animals of any type, kind, or size, nor is straw or hay to be used in any activity unless approved by the Superintendent or his/her designee in advance. This is due to the risk of sanitation and fire when these materials are present.
- G. The Superintendent or designee reserves the right to provide police and/or fire protection services at users' cost for all activities held on school property when deemed such protection is desirable.
- H. All draperies, hangings, curtains, drops, and all decorative materials used within or upon the school buildings or grounds shall be treated with a flame-retardant solution or process approved by the State Fire Marshal.
- I. The District may exclude certain school facilities from non-school use for safety or security reasons.

VI. General Regulations

- A. Intoxicants or narcotics shall not be permitted, nor shall profane language, quarreling, fighting, or games of chance as prohibited by law be permitted. Violation of this rule

by any organization during occupancy shall be sufficient cause for denying further use of the school facilities to the organization.

- B. If free use is granted as provided in the Civic Center Act, the meeting shall be non-exclusive and open to the public.
- C. If use of school equipment is granted, it may not be used other than on school property, and then only in conjunction with the use of facilities.
- D. School furniture or apparatus may not be removed or displaced by a permittee without permission from and under the supervision of the District employee in charge.
- E. Youth organizations must have adequate adult sponsorship and supervision. Adequate supervision is considered to be not less than one (1) adult per twenty (20) children.
- F. The person or group receiving the permit shall be financially responsible in case of loss of or damage to school property as a result of its use.
- G. Recreational and athletic facilities shall not be available at any time which might interfere with the regular functions of the schools.
- H. Smoking is not permitted in any District facility.
- I. Under no circumstances shall a room be used to accommodate a group in excess of the legal or specified maximum seating capacity for that room.
- J. The user shall offer no gratuities to school staff members or related groups or organizations, nor shall school staff members accept gratuities from the user.
- K. No individual or group shall, at any time, engage in political speech or speech that could reasonably be interpreted as hate speech, distribute political literature on school property to students or adults, or post it on school property, place it on school property for voluntary pickup, or place it in or on automobiles parked on school property. School property shall not be used for Trustee election activities.
- L. If a date for a facility has already been scheduled, then a subsequent request for the same date may be denied or an alternate date may be granted. Any permit may be rescheduled or denied for precedence by a public school related event/activity. The District reserves the right to revoke any permit, at any time, upon disclosure of facts that the facility will be used in an event/activity of an illegal or unlawful nature. In such a case, the contract is voidable at the District's discretion.
- M. Organizations granted the use of school buildings or grounds under the Civic Center provisions of the Education Code may be permitted to use District equipment which

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requires an operator, such as motion picture projectors, public-address systems, etc., provided they agree to pay all costs, including labor, to which the District may be subjected by reason of such use.

- N. School property must be protected from damage and mistreatment, and ordinary precautions must be maintained. Groups shall be responsible for the condition in which the school buildings are left. Should school property be damaged or abused beyond normal wear, such damage will be paid for by the organization involved and shall be sufficient cause for cancellation of future user permits.
- O. No literature shall be advertised or offered for sale on school premises at any meeting, with the exception of Parent/Faculty Association publications, unless it has been approved by the Superintendent or designee.
- P. Any individual, group, or organization using school property for Civic Center or other purposes shall hold the District, Board, and employees free and harmless from any loss, damage, liability, cost, or expense that may arise during or be caused in any way by such use or occupancy of school property.
- Q. There shall be an employee of the District in charge whose duties shall include the opening and closing of buildings and grounds, the operation of mechanical systems, and the enforcement of regulations and prevention of disturbances.
- R. All normal charges for use of facilities are itemized in the current fee schedule. Such fees may be exceeded if additional cleanup or other services are required.
- S. All debris must be disposed of properly and the school facilities restored to their previous condition of cleanliness.
- T. No preparation of any type shall be used on school floors by groups using the facility for dancing.
- U. No permit to use facilities shall be granted for longer than one school year, nor so often during any year as to afford any person or organization a real or implied monopoly.
- V. All permits shall be issued for specific rooms and for specific hours. It shall be the responsibility of the organization to ensure that the unauthorized portions of the building are not used and that the premises are vacated as scheduled.
- W. When the general public is allowed to park on campus, vehicles must be parked in such a manner that fire-fighting equipment may have easy access to buildings and fire hydrants at all times.
- X. Tennis courts shall not be reserved for use by individuals, private groups or public entities, with the exception of the city parks and recreation department.

VII. Applications for Use

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.

- A. All applications from outside organizations, groups, or individuals for the use of school facilities shall be made on the official form provided by the District entitled *Application and Permit for Use of School District Facilities*.
- B. All applications shall be made at least thirty (30) days in advance of the first date requested at the facility desired. Late applications may be denied.
- C. Any person applying for the use of school property on behalf of any group shall be a member of such applicant group and, unless he/she is an officer of such group, must present written authorization to represent the group.
- D. The *Application and Permit for Use of School District Facilities* form completed by the applicant shall be forwarded to the principal or a designee for denial or approval and determination of fees and charges. If approved, the application will then be forwarded to the Superintendent or designee for review.
- E. The Superintendent or designee shall determine if applicant is eligible to use facilities and if the charges are appropriate.
- F. The Superintendent or designee shall notify the applicant in writing whether the request is approved or denied. If approved, a completed copy of the permit stating the terms will be forwarded to the applicant.
- G. If applicant is unable to pay the full amount required for use of facilities in advance, partial payment may be accepted according to a payment schedule as approved by the Assistant Superintendent, Business Services, or designee.
- H. After final approval is given by the Superintendent or designee, the completed application is distributed as appropriate.
- I. If the scheduled use of facilities is altered or canceled, the principal or designee must be notified by the responsible user forty-eight (48) hours in advance to avoid financial obligation.

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- J. All permits for use of school facilities expire on June 30 of each school year and must be renegotiated as of July 1 for subsequent use.
- K. Upon receipt of any fee required for use of school facilities, the administrator in charge of processing the application shall forward check, money order, or cash to the Business Office for deposit and/or follow-up in case only partial payment has been received.
- L. Unless cancellations are made within one week of the requested date, the use fee amount may be retained by the District.

VIII. 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.
