

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)
(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

Fees

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. In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. Other groups, including nonprofit groups not organized to promote youth and school activities or for-profit groups that request 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)

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

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

Application for Use of Facilities

Any persons applying for the use of any school facility 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 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.

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. 6300 - 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 youths 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

The district may grant the use of school facilities on those days on which the public school is closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

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 facility 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 use
(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.

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

USE OF SCHOOL FACILITIES (Continued)

Damage and Liability

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

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. Groups or organizations shall also be required to include the district as an additional insured on their liability policies for claims arising out of the negligence of the group.

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

Facility Use Fee Schedule

Effective 3/1/15

	Group 1	Group 2	Group 3
High Schools:			
1. Del Gado Gym	No charge	\$14/hour	\$60/hour
2. Multi Purpose Room	No charge	\$14/hour	\$60/hour
3. New Gym	No charge	\$40/hour	\$80/hour
4. Kitchen	\$12/hour	\$15/hour	\$70/hour
5. Library	No Charge	\$5/hour	\$25/hour
6. Classroom	No Charge	\$3/hour	\$10/hour
7. Athletic fields	No Charge	\$30/hour	\$80/hour
8. Athletic-after dusk	No Charge	\$80/hour	\$100/hour
Elementary Schools:			
1. Multi-purpose	No Charge	\$10/hour	\$40/hour
2. With Kitchen	\$12/hour	\$15/hour	\$70/hour
3. Library	No Charge	\$5/hour	\$25/hour
4. Classroom	No Charge	\$3/hour	\$10/hour
5. Athletic fields	No Charge	\$30/hour	\$80/hour
<u>Konocti Education Center:</u>			
1. Performing Arts Center	No charge	\$40/hour*	\$80/hour*
2. Sound and Lighting**	\$40/hour	\$60/hour	\$120/hour

* Rates apply for single one day events. Multiple date events can be arranged under a separate contract.

**Use requires district authorized staff to be present

Bathrooms: Each bathroom used will be re-cleaned and restocked after each use. A fee of \$30.00 will be paid for the use of each restroom daily. Groups of more than 50 people in attendance are required to pay for bathroom cleaning and restocking.

Security: Events with over 250 people in attendance shall have a designated person for security.

Lower Lake High School New Gym: No food or beverages are allowed in the gym. A custodian shall be present during hours of use. For usage of six (6) hours or more, the bathroom fee shall be waived.

Group 1-Free Use

The following groups may use district facilities without charge for meetings, recreational activities, and fund raising activities which benefit the schools of the district: school clubs, parent-teacher organizations, 4-H, Girl Scouts, Boy Scouts, Camp Fire Girls, school related parent groups, senior citizens, and recognized employee associations. A charge of \$35.00/hour will apply if custodian is needed to open facilities.

USE OF SCHOOL FACILITIES (Continued)

Group 2-Direct Cost Charge

Organizations, clubs or associations organized for cultural activities, general character building or welfare purposes of the district's citizens shall pay direct cost charges, as shall organizations (including those in Group 1) requesting use for entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are expended for the welfare of district students or bona fide charitable purposes. Direct cost charges are listed in the adopted fee schedule. (Direct cost includes utilities.)

Group 3-Fair Rental Value

This fee is charged in the case of entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the students of the district or for charitable purposes.

APPLICATION FOR USE OF SCHOOL FACILITIES

A copy of the Board policy regarding use of school facilities is furnished herewith. Applicants are responsible for knowing the contents of this policy.

Name of Organization Date of Application

Activity for which use is requested: (Be specific)

Applying for the use of: Multipurpose Room LLHS DelGado Gym Classroom Restroom Athletic Field(s) LLHS New Gym Kitchen Library KEC Perf Arts Ctr KEC Sound & Lighting

At the school, on Name of School Date(s) of Activity

Beginning and Ending times: From a.m./p.m. to a.m./p.m.

of Participants: If over 250, who will provide security?

Will admission be charged? If yes, for what purpose will the proceeds be used? (Be specific):

Person applying for use: Phone:

Address:

Fax: Email:

Relationship to Organization: (Officer, member, etc.)

Outside Agencies Only: Will alcoholic beverages be served?: If yes, attach copy of Event Permit per Division 9 of the Business & Professions code 25608

Note: The person applying on behalf of a society, group, or organization must be a member of the society, group, or organization. He or she must also be an officer of the organization or present written authorization from the organization to make such application.

An approved application may be revoked with reasonable notice when the district facilities are needed for school purposes.

When weather conditions (rain, snow, etc.) are such that use may be harmful to the playing surface, a permit to use school playing fields may be cancelled. Any violation of law or district policy may result in the immediate cancellation of the permit and/or the forfeiture of further use of school facilities. The district reserves the right to revoke permission to use district facilities at any time that it is deemed to be in the best interests of the district.

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

The undersigned as a material part of the consideration for use of the property of the School District, hereby waives on its behalf all claims and demands against the School District, its officers, agents, and employees for any such loss, damage, or injury to the undersigned or any of its agents, employees, licensees, invitees, or other persons, and hereby agrees to defend, indemnify and hold harmless the School District, its Board of Trustees, Officers, Agents and Employees, individually and collectively, from and against all losses, claims, demands, suits, actions, payments, judgments, damages, costs and expenses, including attorneys fees, arising from personal or bodily injuries, property damage or otherwise, brought or recovered against any of the above that may arise from the undersigned's use or occupancy of School District facilities, furniture or equipment.

Name of Organization: _____

For use of (School): _____ on the date(s) of _____

Signature: _____ Date: _____

Signature: _____ Date: _____

ESTIMATE OF FEES (Please see current Facility Use Fee Schedule):

Restroom Fee: \$30 x $\frac{\text{_____}}{\text{\# of bathrooms}}$ x $\frac{\text{_____}}{\text{\# of days}}$ = \$ _____

Custodian Fee: \$35/hour x $\frac{\text{_____}}{\text{\# hours}}$ = \$ _____

Facility Use Fee: \$ _____/hour x $\frac{\text{_____}}{\text{\# of hours}}$ = \$ _____

TOTAL ESTIMATE: = \$ _____

PERMISSION TO USE SCHOOL FACILITIES

I, as principal of the school, certify I have received the following:

- 1. ___ The completed written request for use of District facilities on the form provided by the District
- 2. ___ The signed Hold Harmless Agreement
- 3. ___ Proof of liability insurance in the amount of at least \$500,000
- 4. ___ Special Event Permit per Division 9 of the Business & Professions code 25608, if outside agency is serving alcoholic beverages

The estimated fee for use is: \$ _____. The fee for use of the facility will be billed by the District Office.

PERMISSION GRANTED:

PRINCIPAL'S SIGNATURE DATE