



Board Policy

BP 1330

Community Relations

USE OF SCHOOL FACILITIES

General Provisions

The Governing Board of the Alhambra Unified School District recognizes that district facilities and grounds are a community resource and authorizes the Superintendent, or designee, to determine 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 school 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. Encourage and assist groups desiring to use school facilities or grounds for approved activities;
2. Preserve order and protect school facilities and grounds, designating a person to supervise this task, if necessary; and
(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 believes that the use of school facilities or grounds should not result in costs to the district.

The Board shall grant the use of school facilities or grounds without charge to school or school-related organizations whose activities are directly related to or for the benefit of district schools and/or students.

Use without charge may also be granted to associations or clubs organized to promote youth and school activities. These groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. However, should the use of school facilities or grounds by any of these groups or organizations necessitate the assignment of personnel, labor fees shall be charged.

All other groups or organizations requesting the use of school facilities or grounds under the Civic Center Act shall be charged at least direct costs. When a group or organization's activity necessitates the assignment of personnel, labor fees shall be charged in addition to the direct costs.

Groups or organizations 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. When a group or organization subject to fair rental value charges has an activity that requires the assignment of personnel, labor fees shall be charged in addition to the fair rental value. (*Education Code 38134*)

Failure on the part of any group or organization to pay the required fees pursuant to this policy shall result in the immediate cancellation of any Permit for facility or grounds use in effect at that time. Until such time as the group or organization has paid their total indebtedness to the district, future requests for use of facilities or grounds shall be denied.

Possessory Interest

Use of property belonging to the district may create a possessory interest subject to property taxation pursuant to Section 107 of the California Revenue and Taxation Code. This will be determined by the Los Angeles County Assessor's Office, and not the district.

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*

REVENUE AND TAXATION CODE

107 *Possessory interests*

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 of So. Calif. 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 ALHAMBRA UNIFIED SCHOOL DISTRICT

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revised: February 22, 2005

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Administrative Regulation

AR 1330

Community Relations

USE OF SCHOOL FACILITIES

Statement of Purpose

The Superintendent, or designee, shall grant the use of school facilities or grounds for public purposes whenever the use is consistent with the educational and financial welfare of the district. The nature and extent of such use must comply with the laws of the State of California, Board Policy 1330 and the following administrative regulations.

Organizations Authorized to Use School Facilities

There are three types of organizations considered in these regulations:

1. Those which fall clearly under the provisions of the Civic Center Act of the Education Code (*Education Code. 38130-38139*) and whose purpose is clearly defined to promote or benefit youth and school activities.
2. Those which fall clearly under the Civic Center Act of the Education Code, but whose purpose is not directly related to the promotion or benefit of youth and school activities.
3. Those organizations not falling under the Civic Center Act of the Education Code.

Specific restrictions are contained in the laws of the State against the use of school facilities and grounds by subversive groups (*Education Code 40048*) or if the purpose of the meeting is immoral, obnoxious or injurious. (*Education Code 38135-38137*)

Additionally, the use of school facilities, grounds or equipment by individuals, groups, clubs or associations is predicated upon adherence to the regulations and policy set forth by the Superintendent or designee.

Only recognized community organizations or groups qualified under the Civic Center Act are eligible for use of school facilities or grounds of the Alhambra Unified School District. Community organizations are defined as those organizations whose principal business address is located within the attendance boundaries of the district. Youth athletic organizations with a business address outside the attendance boundaries of the district must provide evidence that 50% of their participants are residents of the district.

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 38131, 38132*)

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; (*cf. 5148 – Child Care and Development*)
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. 3516 - Emergencies and Disaster Preparedness Plan*)
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; and (*Military and Veterans Code 1800*)
10. Other purposes deemed appropriate by the Superintendent or designee.

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 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 or permits the possession, consumption or sale of alcoholic beverages, any restricted substances, and tobacco or any tobacco product on school property. (*cf. 3513.3 - Tobacco-Free Schools*) (*cf. 5131.6 - Alcohol and Other Drugs*)

The district may exclude certain school facilities or grounds from non-school use.

The district may also limit usage during those periods when school facilities or grounds are not being used for school purposes in order to realize energy cost savings, facilitate grounds maintenance, or conduct other required cleaning and/or maintenance programs. Use may also be limited during spring, summer and winter recess periods.

Application for Use of Facilities

1. Any person applying for the use of school facilities or grounds on behalf of any group or organization shall be a member of such group or organization and, unless an officer of such, must present written authorization to represent the group.
2. All applications from Outside User Group organizations for the use of school facilities or grounds shall be made on official forms provided by the Alhambra Unified School District and shall be accompanied by a non-refundable \$25.00 processing fee.
3. Applications For Use of School Facilities shall be obtained from the Risk Management Department and submitted for consideration no less than three (3) weeks prior to the requested date of use. All scheduling of Civic Center use shall be made through the Risk Management Department, in consultation with, and approved by, the specific site administrator or designee. Civic Center facility use requests shall not be made directly to individual school sites.
4. The submission of an Application For Use of School Facilities does not, in and of itself, guarantee that the request can be accommodated. Once an Application For Use of School Facilities has been approved, a Civic Center Permit shall be issued to the requesting party. This Permit must be in the possession of the group or organization at all times while on school facilities or grounds.
5. Any Permit may be revoked, upon reasonable notice, when conflicting dates have resulted or when a subsequent need for the school facility or grounds occurs for any school or district function of the Alhambra Unified School District.

Rules and Regulations

1. All Permits shall be issued for specific rooms and for specific hours. It shall be the responsibility of the organization to insure that unauthorized portions of school facilities or grounds are not used or damaged, and the premises are vacated as scheduled.
2. All functions shall end by 10:00 p.m., unless specifically granted by the Superintendent or designee, and identified on the Permit.
3. Use of school facilities or grounds on Sundays, Holidays, and during school recess periods shall be prohibited unless specifically granted by the Superintendent or designee, and identified on the Permit.

4. All organizations or groups (both adult and juvenile) seeking use of school facilities or grounds must have adult sponsorship. Enforcement of the rules and regulations of Board Policy 1330 and Administrative Regulation 1330 and the supervision of event participants and attendees is the responsibility of the adult in charge, who must be present during the entire period of use.
5. Appropriate district personnel shall be on duty whenever school facilities or grounds are in use by Outside User Groups, the cost of which shall be charged to the organization or group using the school facilities or grounds.
6. School equipment shall not be used unless specifically authorized, in advance, and identified on the Permit.
7. The district may determine that specialized equipment requested in conjunction with the use of school facilities or grounds may require operation by trained district personnel. If applicable, the cost for such services shall be charged to the organization or group using the school facilities or grounds.
8. Kitchen facilities shall not be used unless specifically authorized, in advance, by the Food & Nutrition Services Department, and identified on the Permit.
9. Use of kitchen facilities shall require assignment of appropriate district personnel, the cost of which shall be charged to the organization or group using the facility.
10. The district reserves the right to provide security protection for any meeting or event held on school facilities or grounds when it deems such protection necessary. The cost for such services shall be charged to the organization or group using the school facilities or grounds.
11. Organizations or groups afforded use of school facilities or grounds shall not offer gratuities to school personnel, nor shall school personnel accept gratuities from User Groups.
12. Notwithstanding the approval of kitchen facilities noted above, refreshments shall not be served in connection with a Permit, unless approved in advance, and specifically identified on the Permit. Food is prohibited in auditoriums, classrooms and gymnasiums.
13. Under no circumstances shall a room be used to accommodate a group in excess of the legally posted or specified maximum occupancy for that room.
14. The use of open flames, such as candles, torches, etc., is strictly prohibited.
15. Proposed decorations and or banners must be approved in advance. If approved, all decorations and or banners must be flameproof and shall be erected and removed by the organization or group in a manner not destructive to school property.
16. Field use is strictly prohibited if rain occurs 24-hours prior to the scheduled date of use.
17. Organizations and groups granted use of school baseball and softball fields shall not fill in base pegs.

18. Quarreling, fighting, and gambling on school facilities or grounds are prohibited.
19. Swearing and/or abusive language on school facilities or grounds is prohibited.
20. Smoking and the use of tobacco and any type of tobacco product on school facilities or grounds are prohibited.
21. Possession, consumption and use of alcoholic beverages and/or illegal substances on school facilities or grounds are prohibited.
22. All debris must be disposed of properly and the school facilities or grounds must be restored to their previous condition of cleanliness.
23. Bicycles, skateboards, scooters, roller-skates, in-line skates (roller blades) or other vehicles moved by human power are strictly prohibited on school facilities and grounds.
24. No person shall drive any vehicle on any driveways, paths or parking facilities owned by the district at a speed in excess of five (5) miles per hour.
25. Vehicles may only be driven or parked in designated areas. Vehicles shall not be parked in driveways or near vehicle gates in such a manner that would restrict passage of emergency vehicles.

Permits shall be revoked should any organization or group fail to comply with these rules and regulations or if the district believes that the school facilities or grounds are not being used in a responsible manner or in accordance with district policy.

Damage and Liability

Groups, organizations or persons using school facilities or grounds shall be liable not only for any property damages caused by their activity, but also if the school facilities or grounds are left disorderly or with extensive litter. The Superintendent, or designee, may charge the amount necessary to repair the damage or clean and restore the facilities or grounds for school use, and shall 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)

The district requires each group or organization maintain Comprehensive General Liability insurance for a minimum of \$1,000,000 combined single limit, per occurrence in satisfaction of the above requirement. Groups or organizations shall provide the district with evidence of their insurance and shall name the district and the permitted site as "additional insured" on their liability policy. The actual Policy Endorsement extending this coverage to the district must be received in the Risk Management Department prior to the first date of use of school facilities or grounds.

If a group or organization does not maintain their own liability insurance in fulfillment of the above requirement, or if their coverage is with a company unacceptable to the district, the district shall make a program of coverage available to them at the group or organization's expense.

The district assumes no responsibility or liability for the personal property of anyone (participants) using school facilities or grounds or their attendees.

Printed Material and Publicity

All invitations, posters, flyers, signs, banners, press releases or other publicity items pertaining to a group or organization's use of school facilities or grounds must be approved by the district in advance of printing and distribution. Sufficient time must be allowed in the application process to accommodate this approval requirement. The district reserves the right to determine the extent to which such materials, after approval, shall be distributed.

Fee Schedule

1. Fees for the use of school facilities or grounds shall be charged in accordance with Education Code guidelines, Board Policy 1330 and these administrative regulations.
2. The Outside User Group Civic Center Fee Schedule shall be developed and implemented by the Superintendent, or designee, and shall be reviewed annually and updated as needed.
3. The Superintendent, or designee, reserves the right to waive, adjust, amend or assess additional fees for facilities or services not specifically identified on the current Outside User Group Civic Center Fee Schedule as needed.
4. A \$25.00 nonrefundable processing fee must accompany each and every Outside User Group Application For Use of School Facilities at the time of their submission to the Risk Management Department. This nonrefundable processing fee shall be paid as cash, a cashier's check or money order payable to the Alhambra Unified School District. Outside User Group Applications for Use of School Facilities received without the processing fee shall be immediately returned to the group or organization.
5. All Outside User Group organizations shall be charged a refundable security deposit as identified on the Outside User Group Civic Center Fee Schedule. If warranted, this deposit will be returned to the group or organization within 30 days of the last date of facility use identified on their Permit.
6. All deposits and 50% of the total estimated fees (for school facilities or grounds use and labor related expenses) shall be due and payable in advance of the first date of use. Failure to make this advance payment shall result in cancellation of the Permit.
7. As appropriate, Outside User Group organizations shall be invoiced on a monthly basis for fees incurred to that date.
8. At the conclusion of the school facilities or grounds use period identified on the Permit, the Outside User Group shall be invoiced for the outstanding balance of any fees incurred.
9. Outside User Groups shall pay all invoices within 30 days of receipt. Failure to pay pending invoices may result in interest charges.

10. Any Outside User Group that defaults on an invoice shall be denied further use of school facilities and grounds until such time as all outstanding invoices have been paid.

Regulation **ALHAMBRA UNIFIED SCHOOL DISTRICT**

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