

Fremont Union HSD

Administrative Regulation

Use Of School Facilities

AR 1330

Community Relations

"Good Neighbor" Policy

The Fremont Union High School District Board of Trustees recognizes the need for our schools to establish a "Good Neighbor" policy consistent with the specific neighborhoods in which the schools are located. The Superintendent or designee shall review the "Good Neighbor" policy for consistency, practicality and applicability to each school site. The school sites are to be inclusive (students, parents, site council members, youth and community organization users, neighborhood representatives) in the development of their "Good Neighbor" policy.

Recommendations to consider for guidelines are:

1. The number of night-time activities beyond 6:00 p.m.
2. The beginning and ending times for all weekend activities
3. The number of weekend activities
4. The use of public address and lighting systems for outdoor facilities (see guidelines below)
5. The number of supervisory staff in relation to the number of participants
6. The inclusion of an annual review, discussion and possible modification of the individual schools' "Good Neighbor" policy.

Eligibility for Use

The use of school buildings or school facilities, including outdoor classrooms, or any part thereof, by organizations, firms, corporations, groups, clubs, individuals or associations is predicated upon the adherence to the rules and regulations as set forth by the Board and outlined in this administrative regulation. In general, the subject matter of civic center meetings shall pertain to the recreational, educational, political, economic, artistic, or moral interests of the community.

Priority System

A system of priorities is established to prevent conflicts between groups wishing to use the same school facility at the same time. The Superintendent or designee shall make the final decision

according to the following system of priorities:

1. Priority 1 is activities and programs of the District directly related to the instructional and educational program of the District.
2. Priority 2 is the Adult Education instructional program.
3. Priority 3 are 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-staff associations.
4. Priority 4 is the use by community-based organizations whose primary purpose is service to District youth or the improvement of the general welfare of the community and where no admission is charged or where donations are solicited or admission charged and the proceeds are to be expended for the welfare of the students of the District, for charitable purposes, or for support of the community-based organization.
5. Priority 5 is use by groups who are not listed in Education Code 38131(a), but to whom the District may make facilities available on a commercial rental basis.

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

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)

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, 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

Application for Use

1. All applications from outside organizations or groups for the use of District facilities shall be made through the District's online reservation system, Civic Permits, and shall be made at least 30 days in advance of the first date requested at the facility desired. Late applications may be denied.

2. Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization 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. The person submitting the application and agreeing to the Rules and Regulations for Use shall be personally liable for all charges assessed pursuant to their use if the organization or group fails to pay in full the charges billed by the district within 30 days of each use.

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.

3. The application will first be reviewed by the site principal or designee for preliminary denial or approval and determination of estimated fees and charges. The application will then be forwarded to the Business Office for review and approval or denial.

4. The Superintendent or designee shall determine if applicant is eligible to use facilities, if the charges are appropriate, and whether insurance requirements have been or will be met. The

insurance requirements shall consist of the provision of a liability insurance policy in the minimum amount designated by the District. Such insurance coverage shall be evidenced to the District in the form of a Certificate of Insurance and a copy of the Endorsement of Coverage. The following wording must appear on the Certificate and the Endorsement: "It is hereby understood and agreed that the District, its officers, agents, employees, and board members, are added as additional named insured."

5. The Superintendent or designee will advise the applicant of approval/denial, and the need for and nature of additional information, if needed. Upon approval, the applicant shall be provided a fully approved copy of the application.

6. If the scheduled use of facilities is altered or canceled, the Principal or designee must be notified by the responsible user 48 hours in advance to avoid financial obligation.

7. All applications for use of school facilities expire on June 30 of each school year, and must be re-negotiated as of July 1 for subsequent use.

8. 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.

General Regulations

1. If use is granted as provided in the Civic Center Act, the meeting shall be non-exclusive and open to the public. Such groups as churches and the YMCA are included in the Civic Center Act. Use fees are waived but direct cost fees based on wear and tear can be charged or applied.

2. Groups, regardless of their character, may not interfere with the educational program of the school.

3. Intoxicants or narcotics shall not be permitted, nor shall profane language, fighting, or gambling be permitted. Violation of this rule by any organization during occupancy shall be sufficient cause for denying further use of District facilities to the organization.

4. Smoking is not permitted in school district facilities nor in or on school district property.

5. School equipment may not be used other than on school facilities, and then only in conjunction with the use of facilities.

6. School furniture or apparatus may not be moved or displaced by an applicant without permission from the District employee in charge.

7. Youth organizations must have adequate adult sponsorship and supervision. Adequate supervision is considered to be not less than one adult per twenty children.

8. The group making application shall be financially responsible in case of any loss or damage to school property as a result of its use.
9. Outdoor classroom facilities shall not be available at any time which might interfere with the regular functions of the schools.
10. Under no circumstances shall a room be used to accommodate a group in excess of the legal or specified maximum capacity for that room.
11. Gratuities shall not be offered to or accepted by school district personnel.
12. Advertising is not allowed at sites without Superintendent or designee approval. No individual or group shall, at any time, distribute 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 unless prior approval has been obtained from the Superintendent or designee.
13. Any use may be denied without previous notice when conflicting dates have resulted or where need of the facility for public school purposes has subsequently developed. For other causes, use may be denied at any time upon reasonable notice.
14. Organizations granted the use of school buildings or outdoor classroom areas under the Civic Center provisions of the Education Code may be permitted to use District equipment which requires an operator, such as 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.
15. 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 facilities are left. Should school facilities or 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 use.
16. Literature shall not be advertised or offered for sale on school premises at any meeting with the exception of parent-staff association publications, unless it has been approved by the Superintendent or designee.
17. Every group or organization using District facilities 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.
18. A group, whose primary organizational purpose is the support of the District, its employees and/or its students and their activities, shall be exempt from District insurance requirements if the sole purpose is to conduct a meeting of their members. However, special events or other activities conducted by these same groups may be subject to the District's insurance requirements.

19. There shall be an employee of the District in charge whose duties shall include the opening and closing of buildings, the operation of mechanical and security systems, and the enforcement of regulations and prevention of disturbances. This employee shall remain on the premises through the entire event.
20. Keys to District facilities shall not be provided to groups or organizations using District facilities, except with the specific approval of the Superintendent or designee.
21. All normal charges for use of facilities are itemized in the District Facility Fee Schedule. Such fees may be exceeded to the extent permitted by law if additional cleanup or other services are required.
22. All debris must be disposed of properly and the school facilities restored to their previous condition of cleanliness.
23. No preparation of any type shall be used on school floors by groups using the facility for dancing.
24. Use of District facilities shall not be approved for longer than one school year, nor so often during any year as to afford any organization a real or implied monopoly.
25. All uses shall be approved for specified 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.
 - a. All parking of vehicles on District property must be in designated areas only and in such a manner that fire-fighting equipment may have easy access to buildings and fire hydrants at all times.
 - b. Tennis courts shall not be reserved for use by private groups or public entities, with the exception of the CCS, city parks and recreation departments.
26. Use of facilities on Sundays and holidays is normally not scheduled.

Safety

1. Use by an organization under the Civic Center Act 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 at the time an application is submitted.
2. No structures may be erected or assembled on school premises, no fixtures installed, nor any extraordinary electrical, mechanical, or other equipment be brought thereon, unless special approval has been obtained from the school administrator and Superintendent or designee.
3. Any use of school facilities for non-school purposes shall comply with all Federal, State,

local, and District laws, codes, ordinances, rules, regulations, policies and requirements, including but not limited to fire, health, and safety requirements. Organizations or groups using a District facility 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 Federal, State, local, and District laws, codes, ordinances, rules, regulations, policies and requirements.

4. School facilities will not be available for any entertainment 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 designee in advance. This is due to sanitation and fire conditions.

5. The Superintendent or designee reserves the right to provide police and/or fire protection services at users' cost for any activity held in a District facility when such protection is deemed desirable.

6. All draperies, hangings, curtains, drops, and all decorative materials brought by users onto school buildings or grounds shall be made from a flame retardant solution or process approved by the State Fire Marshal.

7. To comply with the California Environmental Quality Act Final Environmental Impact Reports for Lynbrook High School and Monta Vista High School, there are certain limitations on the use of field lights and the public address system. The limitations set forth below are specifically for Lynbrook and Monta Vista High Schools, and do not necessarily apply to use of the outdoor classroom areas at Cupertino, Fremont and Homestead High Schools. The District will continue to follow the standard practices currently in place at those school sites.

Use of Field Lights at Lynbrook and Monta Vista High Schools:

Sports lighting may be used for home football games, football practices, other athletic games/practices, band practice, and possible band competitions according to the following guidelines:

Late August to Mid-November:

Monday through Thursday:

Two nights until 6:00 p.m. (football/soccer practice)

Two nights until 8:00 p.m. (football practice followed by band practice)

Friday and Saturday:

Up to six (6) home school evening events (e.g. football games, band competition, etc.) per year until 10:30 p.m.

A possible Thursday night game may be necessary as determined by athletic league schedules

due to school and/or religious holidays

Sunday:

No use except in very rare circumstances approved by the Superintendent or designee

Mid-November to End-of-March:

Monday through Friday:

Soccer practice and games ending by 6:00 p.m.

Up to six (6) soccer games per year ending by 7:00 p.m.

Saturday and Sunday:

No use except in very rare circumstances approved by the Superintendent or designee

April 1 to Late August:

Monday through Friday:

Graduation practices and graduation ceremony

No other use except in very rare circumstances approved by the Superintendent or designee.

1. Football/soccer practice ends at 6:00 p.m., but lights will remain on at a reduced level until 6:30 p.m. to allow for cleanup and egress.
2. In the event of a major injury on the field, play would be delayed and the game may not be over until 10:30 p.m., in which case, the lights would not be turned off until 11:30 p.m.
3. Soccer practice and games end at 6:00 p.m. but lights will remain on at a reduced level until 6:30 p.m. to allow for cleanup and egress.
4. Soccer games end at 7:00 p.m., but lights will remain on at a reduced level until 7:30 p.m. to allow for cleanup and egress.
5. Band practice ends at 8:00 p.m., but lights will remain on at a reduced level until 8:30 p.m. while band instruments and equipment are put away to allow for cleanup and egress. No instruments playing.

Use of Public Address System for Lynbrook and Monta Vista High Schools

The public address system may be used for home football games, other athletic games, band events, possible band competitions, graduation practices, and the graduation ceremony itself. Control noise generated by the public address system shall be as low as feasible but, in no case,

exceed the city ordinance, measured at the school's property line.

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)

The district may exclude certain school facilities from non-school 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 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.

(cf. 3515.21 - Unmanned Aircraft Systems (Drones))

Regulation **FREMONT UNION HIGH SCHOOL DISTRICT**
approved: November 20, 2003 Sunnyvale, California
revised: September 18, 2012
revised: August 28, 2013
revised: February 4, 2014

revised: March 17, 2015

reviewed: April 5, 2016

revised: May 2, 2017

reviewed: February 6, 2018

revised: February 5, 2019