

Birmingham Community Charter High School

USE OF SCHOOL FACILITIES

Birmingham Community Charter High School is responsible for administering the use of the former Birmingham Senior High School campus (“Campus”), which it shared with High Tech High LA (“HTLA”), Magnolia Charter School (“MSA-2”), and the Daniel Pearl Journalism Magnet High School (“DPJM”).

In order to establish comprehensive and clear processes by which members of the community and other groups may request to use the Campus, the Board of Directors of BCCHS hereby establishes this policy. The processes identified in this policy must be followed by all individuals who request to use the Campus, or who process requests to use the Campus.

I. Requesting Use of the Campus

- A. All requests for filming on campus must be processed through Film LA, not through this process.
- B. A representative for the requesting group must first complete a Permit Application for use of the Campus. The Permit Application shall be made available on the BCCHS website, and hard copies shall be made available in the Business Office. Permit Applications must be completed in their entirety before the request will be processed.
 - 1. Applications shall be specific as to furniture or equipment needed and as to room arrangements required. If necessary, attach instructions on a separate sheet of paper clipped to the application and give full details.
 - 2. It is recommended that the applicant take the application to the school site so they can see the area they are requesting and ensure it will accommodate the event particulars.
 - 3. All applications will be approved for specific room and for specific hours, to be designated by BCCHS.
- C. An applicant must present evidence of the required insurance amounts at the time it submits its Permit Application. Permit Applications may not be processed without documentation that the required insurance is in place.
- D. Non-profit organizations must submit proof of non-profit status in the form of a letter issued by the state where the organization filed recording documentation or the confirmation letter issued by the Internal Revenue Service.

Board Policy #: 005

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- E. Applicants must agree to indemnify and hold harmless BCCHS and its Board members, agents, employees, and volunteers from and against all claims, loss, demands, liability, suits, damages, or sums of money to any party asserted against BCCHS and/or its Board members, agents, employees, and volunteers for any damage, personal injury, loss of property or other claim arising out of the use of said facilities or property. School property shall be protected from any damage or mistreatment and applicants shall be responsible for the condition in which they leave the school building.
- F. All Civic Center Act applicants will be required to certify under penalty of perjury that the Campus will not be used for the commission of any act intended to further any program or movement the purpose for which is to accomplish the overthrow of the government of the United States or the government of California by force, violence or unlawful means.
- G. The applicant shall submit the Permit Application to the BCCHS Business Office. Permit Applications may not be processed until they have been received by the Business Office. No other department or individual is authorized to process Permit Application, and if Permit Applications are submitted to another department or individual, the Permit Application must immediately be transmitted to the Business Office.
- H. Permit applications will not be accepted more than 90 days prior to the requested date of use. Exceptions may be made for large events requiring advance publicity and scheduling.
- I. The Business Office will maintain the Shared Use Calendar, which shall be used by all parties on the campus to schedule use of Campus facilities under this policy.
- J. The Business Office shall enter the information contained in the Permit Application into the Permit Application database.

II. Requirements for Use of the Campus

- A. An applicant must take out and keep in force during all times they use the Campus the following insurance coverage:

COMMERCIAL GENERAL LIABILITY

General Agreement Limit	\$2,000,000
Products & Completed Operations	\$1,000,000
Personal & Advertising	\$1,000,000
Each Occurrence Limit	\$1,000,000
Fire Damage (Any One Fire)	\$50,000

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Revision Date: April 22, 2015

Medical Payments (Any One Person) \$ 5,000

The policies must name BCCHS and its Board members as additional insured. An applicant shall obtain a written obligation on the part of the insurance carriers to notify BCCHS in writing prior to any cancellation thereof. The policies shall also state that such insurance shall be determined to be primary over any other coverage available to BCCHS.

The policy must cover any injuries claims arising out of the user's own negligence during the use of the Campus. 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.

BCCHS retains the sole and exclusive right to determine the amount of insurance required for any application, and may require additional insurance above the amounts listed above.

III. Allowable Uses and Fee Schedule

A. Commercial Use

1. Fair rental value shall be charged to all groups who seek to use the Campus for entertainment or meetings where either admission is charged or contributions solicited or advertisements for products or services made and net receipts are not to be expended for charitable purposes or for the welfare of BCCHS, HTLA, MSA-2, or DPJM students, or other uses not covered by the Civic Center Act. Fair rental value shall also be charged to private, commercial or religious groups who do not otherwise qualify for direct cost or free use under this Policy. Fair rental value means the direct costs to the Charter School, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized. The minimum rental charge for commercial use shall not be less than the regular market value charged for rental of comparable commercial facilities.

B. Direct Cost Use

1. Groups requesting the use of the Campus under the Civic Center Act, excepting those entitled to free use and those required to pay a fair rental fee for use under this Policy, will be charged the direct costs resulting from such use. This includes use by any entity, including a religious organization or church, which arranges for and supervises sports league activities for youths wherein such youths may participate regardless of religious belief or denomination. Direct costs for the use of school facilities or grounds means the costs of supplies, utilities, janitorial

Board Policy #: 005

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Revision Date: April 22, 2015

services, services of any other BCCHS employees, and salaries paid school employees necessitated by the organization's use of the Campus.

C. Free Use

1. Community groups covered under the Civic Center Act may use the Campus when space is available, free of charge, when such groups are organized for general character building and welfare purposes. The Board shall also grant use of school facilities without charge to school-related organizations whose activities are directly related to or for the benefit of BCCHS, HTLA, MSA-2, or DPJM students. To qualify for free use, meetings of such groups must be non-exclusive, open to the public, free of admission fees or dues, and free from solicitation for donations or contributions. Free use may include nonprofit organizations, clubs or associations organized to promote youth and school activities, including but not limited to:
 - a. Girl Scouts, Boy Scouts, Camp Fire, Inc.
 - b. Parent-teachers' associations.
 - c. School-community advisory councils.

D. The use of classrooms by any group is declared to be an interference with the educational program and will not be allowed unless:

1. A vacant classroom exists; or
2. An unusual need exists and other facilities will not satisfy the need and BCCHS agrees that such use will not interfere with the educational program. Under no circumstances shall the use be permitted for commercial purposes.

E. No donations to BCCHS or other groups associated with BCCHS may be made in lieu of payment of the full fee amount outlined in the Fee Schedule.

IV. Granting Use of the Campus

- A. Groups eligible for use of the Campus are identified and their priority for use is established as follows:
 1. BCCHS, MSA-2, HTLA, and DPJM activities and programs directly related to the educational program and organizations sponsored by BCCHS, MSA-2, HTLA, and DPJM, to include student body organizations and auxiliary groups which are closely allied to the school program such as Parent-Teacher Organizations etc. shall have first priority.

Board Policy #: 005

Adopted/Ratified: July 2009

Revision Date: April 22, 2015

2. All other applications will be prioritized on a first-come, first-serve basis.
- B. As required by the Shared Use Agreement, prior to the grant of the use of the Campus to any third-party, the Business Office shall notify MSA-2, HTLA, and DPJM of the proposed use, provide pertinent information regarding the proposed use and user and obtain the written consent of LAUSD, MSA-2, HTLA, and DPJM. MSA-2, HTLA, and DPJM shall respond to the Business Office within three (3) Business Days (and no later than 4:30 on the third Business Day) of its receipt of the notification as to whether the proposed use will affect any use or activity, provided, that if DPJM. MSA-2, HTLA, and DPJM do not respond to the administrator within said three (3) Business Day period, the Business Office may rely upon the Scheduled Use Calendar in determining whether it may issue the requested civic center, Filming or Licensing permit.
 - C. The Business Office will verify that the requested use of the Campus does not conflict with another scheduled use of the Campus that has already been entered onto the Shared Use Calendar.
 - D. The Business Office will provide the Chief Education Office/Principal or their designee with a copy of each complete Permit Application, and the Chief Education Office/Principal or their designee will be responsible for final approval of each Permit Application.
 - E. If the Permit Application is approved by the Chief Education Office/Principal, the Business Office will assign the Permit Application a Permit Number. This Permit Number shall be entered on the Permit Application as well as in the Permit Application database. All Permit Numbers shall begin with the relevant school year and month in which the Permit was approved (for example, if the Permit Application was approved in September of 2014, the Permit Number shall be 0914-XXXX).
 - F. The Business Office will determine whether the requested use falls under the Civic Center Act or is a license, and shall determine the required fee for the use based on the Fee Schedule (Attachment A). The Business Office will note the required fee on the Permit Application, and will enter the amount in the Permit Application database as well.
 - G. The Chief Education Office/Principal shall designate an employee in the Business Office that is responsible for collecting all fees. If charges are applicable, the Business Office shall collect a 50% deposit for use of the Campus at the time the Permit Application is approved; until the deposit is received the Permit Application shall be deemed "Pending" in the Permit

Board Policy #: 005

Adopted/Ratified: July 2009

Revision Date: April 22, 2015

Application database. The full fee amount for the use must be received by the Business Office prior to the scheduled day(s) of usage, or the use will be cancelled. The user's account with BCCHS must be current (no invoices over 30 days) on prior usage amounts due. The Business Office must provide the user with a receipt for all fees received.

- H. All payments for Campus usage must be by check or cashier's check made out to "Birmingham Community Charter High School" with the Permit Number identified on the check or cashier's check. No cash may be accepted.
- I. Checks or cashier's checks must be dropped off or mailed to the Business Office. They should not be delivered to the Athletic Department or other BCCHS employee. If the Athletic Department or other employee receives a check or cashier's check they must immediately take it to the Business Office. Until checks or cashier's checks are actually received by the Business Office, the payment shall not be deemed received.
- J. All amounts received by the Business Office must be immediately entered into the Permit Application database.
- K. A copy of the approved application will be provided to the applicant. It is highly suggested that the user contact the Business Office to confirm they are approved and scheduled for site usage and to discuss any set up requests that may be needed for the event.
- L. The Business Office shall enter the approved use on the Shared Use Calendar; no other person shall be authorized to enter approved uses on the Shared Use Calendar. The information entered on the Shared Use Calendar shall only include the name of the group or individual, and shall not include contact information for the group or individual.
- M. Records Retention
 - 1. All paper copies of Permit Applications shall be filed in chronological order by date of submission and maintained in the Business Office in a filing cabinet for at least three (3) years.
- N. The Chief Education Office/Principal shall designate an employee in the Business Office that is responsible for preparing invoices. The Business Office will generate invoices on a monthly basis and will include charges for any additional staff time incurred by applicant uses, or any damage caused by applicant uses. Invoices shall be pre-numbered. Once invoices are prepared they must be approved by the Chief Business Officer prior to being sent out. Payment of invoiced amount is due thirty days from the date of the invoice.

Board Policy #: 005

Adopted/Ratified: July 2009

Revision Date: April 22, 2015

Invoices not paid to BCCHS within ninety (90) days will be sent for collections.

- O. Cancellation of the event must be reported to the Business Office (for non-sports related activities) and/or district athletic director (for sports related activities) at least one (1) week prior to a one-time event and forty-eight (48) hours prior to a recurring event. Failure to provide timely notice will result in forfeiture of any deposit or monies received for the cancelled event.
- P. Refunds will not be issued for athletic field permits due to rainouts. Rainouts will result in rescheduling for field use only.
- Q. BCCHS may revoke an approved permit if there is a conflict with school use or in the event of television or motion picture filming. BCCHS will give at least seventy-two (72) hours notice of any cancellation, and will attempt to give early notice whenever possible.
- R. Any use contrary to or in violation of any law, or of these rules and regulations, shall be grounds for cancellation of the permit and for removing the users from the Campus and may be grounds for barring such individual, group or organization from further use of the facilities
- S. It shall be the responsibility of the user to see that the unauthorized portions of the building are not used by members of their group and that the Campus is vacated as scheduled

V. Services Furnished to Campus

- A. Upon approval of a Permit Application, the CEO/Principal or designee (“Permit Supervisor”) shall designate a regular employee to open the building, be in charge during the use and to close the building after use. The employee in charge of the building or grounds within or upon which any meeting may be held is empowered to take all necessary means to enforce these rules.
- B. Custodial staff will make periodic inspections of indoor facilities and will be available to clean spillage of food and beverage as necessary. For outdoor facilities, custodial staff will arrive thirty minutes prior to the scheduled start of the event, will remain for one-half hour after the scheduled start of the event, and will return one-half hour prior to the scheduled end of the event to clean and restock the facility as necessary.
- C. When free use is granted, no personnel is furnished by BCCHS except the custodian in charge. All other employees used by the organization are to be paid for by the organization. There shall always be a school custodian on duty when the Campus is being used by outside groups. Overtime shall be kept to an absolute

Board Policy #: 005

Adopted/Ratified: July 2009

Revision Date: April 22, 2015

minimum and except in unusual circumstances will not exceed one hour more than the time of use by the organization; any overtime used shall be charged to the user. It shall be the duty of this custodian to see that these rules and regulations are enforced and to report any violations or attempted violations to the Business Office.

- D. Should BCCHS employees be required to work longer than scheduled on the approved application, the user will be invoiced for the additional overtime and costs involved.
- E. Neither BCCHS nor its staff shall be responsible for any items left behind on school premises, nor shall BCCHS or its staff assume any responsibility for liability in connection with the services provided under this policy or the facilities use agreement.

VI. Requirements and Limitations on Use

- A. Any use of the Campus for non-school purposes shall comply with all state and local fire, health and safety laws. Persons or groups to whom permits, leases or other authorizations for the use of school property are granted shall ensure that all activities carried on, all equipment used or placed upon school property and all foods or other items of personal property used or distributed shall comply with applicable state and local fire, health and safety laws and regulations.
- B. Any activities, which involve the possession, consumption or sale of tobacco products, alcoholic beverages, or any restricted substance on school property are prohibited. No food or drinks are allowed in the Gym.
- C. Smoking is prohibited in all parts of the Campus.
- D. There shall be no profane language, quarrelling, fighting, gambling or use of intoxicants, hallucinatory drugs, or narcotics in or about the school buildings or premises. Violation of this rule shall be sufficient cause for denying further use of school premises to the organization.
- E. The number of people present shall not exceed the posted seating capacity for the building, pursuant to fire regulations.
- F. No equipment or materials of any kind may be stored at BCCHS without permission.
- G. The Permit Application must identify, and the Permit Supervisor must be notified of, any decorations to be used. Nails, screws, adhesives, and scotch tape may not be used to affix anything to walls, floors, fences, or any other part of the Campus and are prohibited unless the surface is specifically designated for such purpose.

Board Policy #: 005

Adopted/Ratified: July 2009

Revision Date: April 22, 2015

- H. No electrical or structural alterations may be made to the Campus.
- I. Groups must observe the ordinary rules of cleanliness and shall not leave any facility used littered with paper or trash. If facilities are left littered and unsanitary, the using organization will be invoiced for the cost necessary to clean the facility for school use and future use may be cancelled.
- J. Any breakage, damage or loss of BCCHS, HTLA, MSA-2, or DPJM property, beyond reasonable wear and tear, shall be paid for by the using organization even if such breakage, damage or loss is caused by spectators or observers who are not official members of the organization. The supervision of the organization should be sufficient to protect school property against all loss as a result of the activity. Cost of any loss shall be established by BCCHS and an invoice submitted to the responsible organization. Failure to pay for such damage promptly shall be grounds for refusal of future applications and grounds for civil action in the courts of California.
- K. All juvenile organizations or groups seeking use of the Campus must have adult sponsorship and one adult shall be in attendance in a supervisory capacity for every ten minors. Sponsors and supervisors of such groups must at all times exercise control and maintain a high standard of conduct with all members of the group. BCCHS may require a permit from local police authorities for large groups and may require organization to furnish sufficient auxiliary police to maintain control and safeguard property.
- L. Any behavior, or activity that is determined by the Permit Supervisor or their designee as unsafe, a violation of school rules, or inappropriate, is prohibited. The Permit Supervisor may cancel a Permit and ask users to leave the Campus if this rule is violated.
- M. Users or attendees shall not adjust, tamper with or disable any utility system or panel including, but not limited to, electrical, heating, water and alarm and sprinkler systems.
- N. All vehicles must be parked in a parking spaces and obey all posted signs relating to parking regulations. Parking of any vehicles is prohibited on the Access Road, PE Blacktop or any other interior campus location without the consent of the Permit Supervisor.
- O. No dogs are allowed campus unless they are designated service animals.
- P. No gratuities shall be given to or accepted by custodians, principals, directors or others in charge of any school facility.

Board Policy #: 005

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Revision Date: April 22, 2015

- Q. All meetings and functions must close at 10:00 p.m. and all members of the group must vacate the premises by not later than 10:15 p.m. If a clean-up period is required, it should be scheduled so that it is completed and the building can be locked at 11:00 p.m. A charge will be made for each hour or fraction thereof after 11:00 p.m. (See Schedule of Fees). Such charge does not in any case constitute authority to meet after 11:00 p.m.

- R. Any use contrary to or in violation of any law, or of these rules and regulations, shall be grounds for cancellation of the permit and for removing the users from the property and may be grounds for barring such individual, group or organization from further use of the facilities