

## **Section XII – Facility Use**

### **1.1 General Information**

The Board of Education believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses. The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs.

### **1.2 Use of Buildings (Golden Plains Policy – Exhibits 1A & 1B)**

Facilities may be used for the following purposes:

- to permit the use of facilities for school related functions i.e. booster clubs, PTO's, school sponsored athletic events and school sponsored academic activities. Such use will be without charge.
- to permit the use of facilities for Federal, State and Local Government Agencies, Organized Non-Profit Community and Civic Groups. Such use will be charged a reduced rate.
- to permit the use of facilities for For-Profit and Private Groups and Individuals of the General Public.
- to permit the use of facilities for polling places for special, primary or general elections.

### **Guidelines**

- Use of school facilities by the schools and by school related organizations takes precedence over all other uses.
- The Director of Maintenance, Operations, and Transportation or designee shall issue an invoice for any applicable fees. Payment must be received 10 days prior to the day of the event.
- Use of school kitchens by outside organizations is not allowed. School district facilities and equipment must not be altered in any way. Any added equipment must be freestanding, causing no damage and must have prior approval.
- Administrators or designee employed by the school district will be required on site when buildings are open after normal school hours.
- The principal and appropriate district staff will determine the number of custodial workers needed for each event. This will allow for the reasonable use of employees and work load necessary to cover the event and having the area used ready for school activities the following day.
- Organizations using school facilities are responsible for the proper conduct of all persons attending the event; for providing police protection, if needed, if determined by the principal or superintendent that such protection is needed; for compliance with all state and federal laws (including rules of the board of health, police and fire department); for immediate repair and

restoration of school property in the event of any damage; and for all liabilities of all persons in attendance.

- Golden Plains Unified School District reserves the right to prohibit use of its facilities by any individual, group or organization not in good standing with the district or its divisions

### **1.3 Application for Facility Use**

- In order to request permission to use a facility at Golden Plains Unified Schools, the Request for Use of School Facilities form (Exhibit 1C) must be completed, signed, and turned in to the Director of Maintenance, Operations, and Transportation or designee.

### **1.4 Certificate of Insurance**

- The certificate must specify the effective date of the general liability policy. These dates must cover the date(s) being requested for the use of GPUSD facilities. Limits of coverage shall be indicated on the Certificate of Insurance. A comprehensive general liability insurance policy including contracted coverage in an amount not less than \$500,000 per occurrence and \$1,000,000 annual aggregate and fire legal property liability or for property damage with no deductible, with an insurance company authorized to do business in California, naming the school district as an additional insured.

### **1.5 Approval Process**

- Facility Use Application (FUA) to be completed by requestor.
- Application to be submitted to Site Administration for site approval. If approved;
- FUA will be forwarded to District Office (DO) for 2<sup>nd</sup> approval.
- DO designee will complete "District Use Only" section of the form and deny or approve the application.
- If approved, designee will decide if any fees at all should be imposed.
- Once application has been vetted a copy of approved/denied form will be mailed, emailed, or hand-delivered back to requester and to the site, which the request is being made for, with specific instructions.

Revised 11-18-19  


## Golden Plains USD | BP 1330 Community Relations

### Use Of School Facilities

The Board of Education believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

(cf. 6145.5 - Student Organizations and Equal Access)

School-related activities shall have priority in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

(cf. 1330.1 - Joint Use Agreements)

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities on those days on which the school is closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations 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

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

### Fees

The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs. However, if the use of school facilities or grounds is for religious services, the group shall be charged an amount that equals or exceeds direct costs determined in accordance with Education Code 38134.

In determining direct costs to be charged for community use of school facilities or grounds, including, but not limited to, playing or athletic fields, track and field venues, tennis courts, and outdoor basketball courts, the

Superintendent or designee shall include a proportionate share of the costs of the following: (Education Code 38134)

1. Supplies, utilities, janitorial services, other services of district employees, and salaries of district employees directly associated with operation and maintenance of the school facilities or grounds involved
2. Maintenance, repair, restoration, and refurbishment of the school facilities or grounds

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (Education Code 38134)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

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:

#### 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:

**CSBA PUBLICATIONS**

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

**WEB SITES**

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Policy GOLDEN PLAINS UNIFIED SCHOOL DISTRICT

adopted: October 8, 2013 San Joaquin, California

## Golden Plains USD | AR 1330 Community Relations

### Use Of School Facilities

#### Application for Use of Facilities

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.

#### 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  
(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)
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 Education

### 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 nonschool 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 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.

Regulation GOLDEN PLAINS UNIFIED SCHOOL DISTRICT

approved: October 8, 2013 San Joaquin, California

# Golden Plains Unified School District

## Application and Agreement for use of School Facilities

Date: \_\_\_\_\_ (Submit application 10 days prior to date of usage)

Name: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Phone#: \_\_\_\_\_ Address: \_\_\_\_\_

The \_\_\_\_\_ (hereinafter referred to as the "Organization")

(Address) \_\_\_\_\_

- ☐ 1. Girl Scouts, Boy Scouts, Camp Fire, Inc. Organization (circle one)
- ☐ 2. Parent-Teachers' Association
- ☐ 3. School-Community Advisory Council
- ☐ 4. Club or Association Organized to Promote Youth Activities
- ☐ 5. Club or Association Organized to Promote School Activities
- ☐ 6. Adult Organization (describe intent & activity below)
- ☐ 7. Other \_\_\_\_\_

### CHARGEABLE CIVIC CENTER USE

Any group, not indicated in 1-5 above, is subject to the terms and conditions as described herein, and shall be charged "direct cost" as defined herein, unless admission or contributions are solicited, at which item they may be charged "fair rental value" at the Board's discretion. (See Terms and Conditions on Reverse)

Admission will be charge: \_\_\_\_ Yes \_\_\_\_ No Amount: \_\_\_\_\_

(Initial)

### FACILITY and/or EQUIPMENT REQUESTED

| Site | Facility | Light |    | Qty | Equipment |
|------|----------|-------|----|-----|-----------|
|      |          | Yes   | No |     |           |
|      |          | Yes   | No |     |           |
|      |          | Yes   | No |     |           |
|      |          | Yes   | No |     |           |

Particular Instructions or facility arrangements requested are:

\_\_\_\_\_

### SCHEDULE EACH DATE AND HOURS NEEDED

| Date(s) | Hours | Activity |
|---------|-------|----------|
|         |       |          |
|         |       |          |
|         |       |          |

### FOR DISTRICT USE ONLY-

This is: ☐ No Charge Civic Center Use ☐ Chargeable Civic Center Use

☐ No Charge Athletic Facility ☐ Chargeable Athletic Facility

USE CHARGE: \$ \_\_\_\_\_ NO USE CHARGE: \_\_\_\_\_ (See Terms and Conditions)

#### INSURANCE VERIFICATION REQUIRED:

Proof of Insurance Attached: \_\_\_\_ Yes \_\_\_\_ No

Company Name: \_\_\_\_\_ Policy No: \_\_\_\_\_

Additional Insurances: \_\_\_\_\_ Policy No: \_\_\_\_\_

Expiration Dates: \_\_\_\_\_

☐ Yes ☐ No Administrative Approval ☐ Yes ☐ No Maintenance Approval

☐ Yes ☐ No Food Services Approval ☐ Yes ☐ No School Site Approval

☐ Yes ☐ No Board Approval-Date \_\_\_\_\_

### BILLING INFORMATION

| HOURS/QTY | ITEM | RATE          | TOTAL |
|-----------|------|---------------|-------|
|           |      |               |       |
|           |      |               |       |
|           |      |               |       |
|           |      | TOTAL CHARGES |       |