

## **Community Relations**

### **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. Other uses authorized under the Civic Center Act 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 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 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)

Upon written request to the Superintendent/Designee, a fee reduction may be considered for groups during hours when staff is regularly scheduled on the premises.

**Use of School Facilities (Cont.)**

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:

WEB SITES

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

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

Adopted: 11/89

Amended: 4/16/08, 7/17/13, 5/6/15

## **Community Relations**

### **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 facilities use statement of information 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. 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 (Cont.)**

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)

**Classification of Users**

**Group I - Free Use**

Free Use Activities are typically scheduled when custodial staffs are on duty; otherwise charges are levied based on the specific length of use. Free Use groups consist only of non-discriminatory, non-profit organizations, or associations organized to promote youth and school activities. Groups eligible for Free Use consist of the following categories:

- Associated Student Body (ASB) organizations, school clubs, or groups as defined by Board policy
- Fund-raising events or meetings for which admission fees charged or contributions solicited are expended for the welfare of the District's pupils
- Parent-Teacher Associations
- School community advisory councils
- Regular business meetings of employee-related organizations, such as:
  - Administrators Association
  - California Teachers Association
  - California School Employees Association
  - Other employee organizations approved by the District
- Youth Organizations such a Girl Scouts, Boy Scouts, and Camp Fire
- Senior Citizen Organizations
- Oroville Public Agencies

**Group II - Direct Cost Recovery Use**

Direct Cost Recovery Use applies to groups that are authorized free use but are using facilities after hours incurring additional costs and groups not authorized "Free Use" and whose purposes are not in conflict with the educational programs or goals of the District. Direct Cost Recovery Use is defined as a proportionate share of the costs of supplies, utilities, custodial services, services of school district employees, and salaries paid to school district employees directly associated with operation and maintenance of the school facilities and grounds involved, attributable to the organization's use of the grounds or facilities.

**Use of School Facilities (Cont.)**

If the group's use includes non-classroom space and/or school grounds, the Direct Cost Recovery will also include a share of the costs for maintenance, repair, restoration, and refurbishment of the school facilities or grounds proportional to the group's use of the facilities or grounds. However, for the classroom-based programs that operate after school hours, including, but not limited to, after-school tutoring, and child care programs, the Direct Cost Recovery shall not include the cost of maintenance, repair, restoration, or refurbishment of the facilities or grounds.

Typically, these groups may use the Direct Cost Recovery Use fee schedule provided no admission or donation is charged or solicited for the activity, or those groups whose proceeds go directly to school or community purposes. Activities and groups eligible are typically other non-profit organizations which are not associated with the District.

Direct Cost Recovery Use typically includes, but is not limited to, the following groups:

- Civic and Service Groups, such as:
  - Kiwanis, Rotary, Lions, etc.
  - Chamber of Commerce
  - League of Women's Voters
- Religious Organizations. Conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
- Supervised recreational activities including, but not limited to, sports league activities for youths that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious beliefs or denomination
- Civic organizations, community councils, civic associations, and neighborhood awareness groups for discussion of community governance issues, community development and redevelopment, governmental services issues, and community recreational issues
- Organizations whose sole purpose is providing free educational programs to all District students and parents
- District partners with an approved partnership agreement when the activity is noncommercial, does not advertise the business, and is free to the participants
- Community youth centers for athletic, recreational, music and art, and core curriculum educational activities
- Other non-profit groups using school facilities or grounds for activities

Those groups listed above under "Free Use" that use the facilities outside the normal workday, such as weekends and nights, shall incur additional costs for their use.

**Use of School Facilities (Cont.)**

**Group III - Fair Rental Value Use**

Fair Rental Value Use applies to groups that use the facilities for entertainment, meetings, or classes for which admission is charged or contributions are solicited and the net receipts are not expended for charitable purposes or for the welfare of the District's student's. Fair Rental Value Use reflects the estimated direct costs to the District, plus the amortized costs of the facilities or grounds used for the duration of the authorized activity. Amortized costs are computed on replacement costs on an appropriate basis based on hours of use per year.

**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)

4. Any private parties (birthdays, weddings, etc.)

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 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. (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. 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 with a minimum of \$1,000,000 coverage per occurrence.

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.

Use of School Facilities (Cont.)

**USE OF FACILITIES FEE SCHEDULE  
(Per Hour)**

<b>HOURLY RENTAL RATES</b>				
	<u>Direct Cost (Group II)</u>		<u>Fair Rental (Group III)</u>	
	Min/1st Hour	Add'l Hours	Min/1st Hour	Add'l Hours
Classrooms	\$60.00	\$10.00	\$65.00	\$10.00
Gyms	\$80.00	\$50.00	\$100.00	\$65.00
Weight Room	\$60.00	\$10.00	\$65.00	\$10.00
Student Union	\$65.00	\$10.00	\$70.00	\$15.00
Kitchens	\$85.00	\$30.00	\$85.00	\$30.00
Library	\$65.00	\$10.00	\$75.00	\$15.00

<b>HOURLY RENTAL FOR FIELD FACILITIES</b>				
	Direct Rental		Fair Rental	
	Minimum/ 1st Hour	Add'l Hour	Minimum/ 1st Hour	Add'l Hour
	High School Fields	\$60.00	\$30.00	\$60.00

<b>HARRISON STADIUM</b>				
	Direct Rental		Fair Rental	
	Minimum/ 1st Hour	Add'l Hour	Minimum/ 1st Hour	Add'l Hour
	Without Lights	\$125.00	\$50.00	\$185.00
With Lights	\$150.00	\$75.00	\$210.00	\$135.00

The District may also consider implementing a yearly inflationary increase to the above rates.

**Use of School Facilities (Cont.)**

**THE FOLLOWING CHARGES APPLY TO ALL GROUPS**

**Staff (Site-Attendant, Custodial, Sound):**

Should any group prefer to use school facilities when custodial services are not normally available, the district may charge a fee to open or close the facility at \$58 per call back. Groups requesting to use kitchen facilities will be required to have an OUHSD food service employee present while the kitchen is being used. An hourly fee will be charged when additional staff is employed to supervise and/or clean the facility. Fee will be current overtime salary rate plus benefits for a minimum of 2 hours.

An additional charge for a district employee to operate the sound system may be assessed at the district's discretion.

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