

Community Relations

Use of School Facilities

California law permits the Governing Board of a school district to grant the use of school buildings or grounds for public, literary, scientific, recreational, or educational meetings or for the discussion of matters of general or public interest. The Board of Education may also establish such terms and conditions of usage as it deems proper, subject to the limitations, requirements and restrictions set forth in the Education Code of the State of California.

As the school District continues to grow in size, it is increasingly called upon to serve the functions of recreation, citizenship training and the use of leisure time. The schools are more and more becoming centers where both children and adults may learn and where community groups may meet to serve common needs. Since it is the intent of the District that school facilities be utilized to provide service to the community, it is important that guidelines be formulated to implement adopted policies relating to the use of school facilities under the Civic Center Act.

**Basic Guidelines for the Use of School Facilities by Outside Groups:**

1. Determine whether a proposed activity or meeting is one within the purview of the Civic Center Act.
2. Determine whether a group requesting use of school facilities is organized for general character building or welfare purposes.
3. Determine whether the applicant will charge admission, collect money or solicit funds.
4. Determine whether city ordinances relating to business and charitable solicitations have been met.

All groups qualifying under the provision of the Civic Center Act may use school facilities for non-school purposes. They must adhere to the rules and regulations as set forth by the Board. In general, the subject matter of such meetings shall pertain to recreational, educational, scientific, literary, economic, political, artistic, moral interests of the community, or matters of general public interest. All groups qualifying under provisions of the Civic Center Act are required to comply with applicable local city and county ordinances relating to business and charitable solicitations.

State laws prohibit the use of school facilities for subversive, immoral, offensive or harmful purposes. State laws further limit the use of school facilities for denominational or sectarian activities. The use of school facilities shall not be granted to persons, forums, corporations, groups, clubs or associations which:

## **BP 1330(b)**

1. May, by such use, be reasonably expected to expose the property of the District to damage through riot, mob action or violence of any kind,
2. Would use the property in a manner which would be inimical to the best interests of the school District, or
3. Desires the use of facilities for a purpose not consistent with the Civic Center Act or adopted Board policies.

Under no circumstances will an individual or a group be permitted to use school facilities for private gain through activities which are not recognized as recreational, educational, political, economic, artistic or moral.

The Superintendent or designee ("school administrator") will approve applications for the use of facilities through a centralized location.

### **Use of School Facilities - Definition of Terms**

#### **1. Charitable Purposes**

As used in the Civic Act, a charity is generally defined as an organization or institution, engaged in gratuitous acts or works of benevolence to the needy. The following are examples of charitable purposes:

- a. Those organizations which exist solely for the purpose of gratuitously alleviating public distress, such as the American Red Cross.
- b. Those organizations or groups which raise funds to give relief to specific classes or groups which under specific conditions are unable to help themselves, such as the victims of a community fire.
- c. Service clubs or other organizations which raise funds to commemorate historical events, and
- d. Groups which raise funds for the restoration of historical landmarks or buildings.

Very generally, as stated above, a charitable activity is directed toward the benefit of needy persons or worthy projects.

#### **2. Character Building Purposes**

As used in the Civic Center Act, character building is the act of instilling acceptable qualities of morality in an individual such as truth, honesty, moral vigor, kindness, and mental and physical courage. Mental and physical self-discipline have always been considered desirable

qualities of character, and an organization formed to promote and build these concepts into the character of an individual, particularly a minor person, would properly be defined as a character-building organization. An organization such as the Boy Scouts would ideally fit the definition; however, it is not necessary for an organization to be formed along the lines of the Boy Scouts to qualify. Athletic organizations which exists for the purpose of building discipline, concepts of honesty, fair play, and physical courage qualify as "character building" organizations.

**3. Welfare Purposes**

As used in the Civic Center Act, welfare purposes may be broadly defined as organized efforts directed toward the social betterment of a class or group. Ordinarily, welfare activities are directed toward the protection, care and assistance of people in need and unable to provide for themselves.

**Use of School Facilities - Priority (listed in order of priority):**

1. Activities and programs directly related to the instructional and educational program(s) of the District.
2. Events or activities (a) designed to serve the youth and citizens of the individual school community which are planned and directed by school-related groups, and (b) connected with community (local government) recreational programs.
3. Use by Local Community Organizations (groups or organizations) whose enrollment constitute at least 80% participant residency within the boundaries of OUSD whose primary purpose is service to youth.
4. Use by Other Community Organizations (groups or organizations) whose enrollment constitute greater than 65% but less than 80% participant residency within the boundaries of OUSD whose primary purpose is service to youth or the improvement of the general welfare of the community.
5. Use by individuals or groups who are eligible to rent the facilities for legitimate purposes in accordance with the Education Code and whose net receipts are not expended for pupil welfare or charitable purposes.
6. Use by groups who do not qualify under the provisions of the Civic Center Act, but to whom the Governing Board of Education may make facilities available on a commercial rental basis.

**Use of School Facilities - Safety**

1. A facilities use permit does not necessarily authorize the use of certain school District or student body equipment. Arrangements for supervision, operation and payment for the use of any special equipment shall be made by the school administrator issuing the permit.
2. No structures may be erected or assembled on school premises, nor may any extraordinary electrical, mechanical or other equipment be brought thereon unless special prior approval has been obtained from the school administrator issuing the permit.
3. Use of school facilities for non-school purposes shall comply with all state and local fire, health and safety laws.

**Use of Facilities - Fees**

**1. No Charge Use - Group A**

No Charge use is founded on the premise that the aggregation of all contributions to upgrade facilities annually by those in Group A, more than offset any fees or charges that could be assessed by the District. No Charge use shall apply to those Local Community Organizations ("LCO") and Other Community Organizations ("OCO") which qualify under the Civic Center Act, those organized for general character building and welfare purposes. All meetings and/or activities qualifying under these provisions shall be non-exclusive and open to the public. LCO and OCO users charging a fee for participation may be asked to provide evidence of compliance with the guidelines for a non-profit organization as defined herein by the Orange Unified School District ("District"). If special facilities or services are required above the normal provisions set forth by the Civic Center Act or at times when normal services are not available, the cost of providing such facilities and/or services shall be charged. On such occasion and no less than seven calendar days prior to such event, OUSD will provide to the LCO or OCO as the case may be, a line item breakdown of expected services and costs to be provided and incurred by the district, which services and costs shall be agreed and paid for by the appropriate LCO or OCO. Furthermore, it is agreed that (a) services provided by the district and costs incurred therein shall be reasonable, and (b) services may be provided by the LCO or OCO if mutually agreed with the stipulation that such services adequately protect and provide for district facilities and activity participants and the provision of such is not in violation of OUSD agreements. LCO and OCO users which qualify for "no charge use" include, but are not limited to, the following:

- a. Parent-faculty organizations
- b. Boy Scouts and affiliated organizations

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- d. School employees' organizations
- e. A recreational youth sports league that charges participants no more than a nominal fee. As used herein, "nominal fee" means an average of no more than sixty dollars (\$60) per month
- f. Clubs or organizations for general character building or cultural activities such as the YMCA, YWCA, etc.
- g. Clubs or organizations civic in nature
- h. Recreational activities sponsored by the Cities of Orange, Anaheim, Garden Grove, Santa Ana, Tustin, Yorba Linda and Villa Park, and the County of Orange
- I. Homeowners and/or community associations
- j. Boys/Girls clubs

LCO and OCO users requesting no charge use of school facilities may be asked to qualify under the following guidelines:

- a. Must be registered as a non-profit organization with the Secretary of State.
- b. Must have an active board of directors or equivalent, none of whom shall receive compensation for their services.
- c. All fees or donations must be used for direct operating expenses. Paid staff may receive reasonable compensation for their services.
- d. The undistributed reserves must not exceed a reasonable amount for the organization.
- e. Must meet the interest and needs of a segment of the community.
- f. Membership and meetings must be open to the public.
- g. Must adhere to philosophy and policies of the Orange Unified School District.
- h. Copy of by-laws/charter, philosophy, purpose of organization on file with the District.
- i. Activities shall not involve individual gain or be in the nature of commercial enterprise.

- j. Organization is required to submit financial report at the request of the District.
- k. Must carry adequate public liability insurance.

**2. Charge Use - Group B**

Charge use shall apply to those organizations which qualify under the provisions of the Civic Center Act but who charge admission fees or solicit contributions and the net proceeds are not expended for the welfare of the youth in the district or for charitable purposes. The District charge shall be an amount sufficient to pay the cost to the District for supplies, utilities and salaries of school District personnel necessitated by the use. Organizations with a fee for participation may be asked to comply with the guidelines for a non-profit organization as determined by the Orange Unified School District. Organizations which qualify for "charge use" include, but are not limited to, the following:

- a. A recreational youth sports league that charges participants more than a nominal fee. As used herein, "nominal fee" means an average of no more than sixty dollars (\$60) per month.
- b. An organization approved in Group A which uses the school facilities for a meeting where an admission is charged, or where a donation or contribution is solicited and the net proceeds are not expended for welfare purposes or benefit of the youth in the District, or an organization that is closed to the general public. Organizations which qualify for "charge use" include, but are not limited to the following:
  - (1) Community college classes
  - (2) University of California classes
  - (3) State college classes
  - (4) Private school classes
- c. All other organizations which meet the legal requirements for usage of school facilities as set forth in the Education Code.

**3. Commercial Use – Group C**

Use of school facilities for commercial purposes shall apply to all citizens, associations, clubs or organizations which are not qualified for classification, no charge use or charge use, yet which are formed for recreational, educational, political, economic, artistic or moral activities. Any monies received may be used for purposes other than the welfare of the pupils in the District or charitable purposes.

## **BP 1330 (g)**

- a. The applicant shall be a responsible citizen or a definitely organized responsible association, club or group formed for recreational, educational, political, economic, artistic or moral activities.  
The purpose of a meeting shall be to engage in supervised recreational activities, or to discuss any subjects and questions which pertain to the educational, political, economic, artistic and moral interests of the citizens of the school community.
- b. Organizations using school facilities for activities which have the potential of gross gate receipts in excess of \$1,000 will be subject to Board review.

### **Use of School Facilities – Charges**

A definite scale of fees for the use of school facilities is established by action of the Board of Education. All fees are charged in accordance with the Table of Charges established for such uses.

Charges shall be determined from the Table of Charges at the time the permit is issued. Fees may be paid to the office issuing the permit in advance of the date intended use of the school property unless other arrangements have been made.

Group B: Direct Cost (Other Non-Profit) will be charged to Group B Users under the Table of Charges: Direct cost rent is defined as an estimate of those costs of supplies, utilities, custodial services, building maintenance, services of any other district employees, and salaries paid to school district employees as a result of the organization's use of the school facilities and grounds of the district, as well as the share of the costs for maintenance, repair, restoration, and refurbishment proportional to the use of the school facilities or grounds by the organization using the facilities or grounds.

Group C: Direct Cost and Amortized Cost will be charged to Group C Users under the Table of Charges.

Direct Cost and Amortized Cost will be charged to Users under the Table of Charges as provided in 5 California Code of Regulations, sections 14037-14042.

1. All rehearsals are to be charged for at the charge rate, with the exception of Group A "no charge" users, to which no charge will be assessed.
2. Rental rates do not include ushers, stagehands, cafeteria personnel or other personnel of a similar nature, but do include utilities and limited custodial services (that which is deemed necessary by the school administrator to protect the assets of the District).
3. All fees may be paid by certified check, cashier's check, check or cash. Checks shall be payable to the Orange Unified School District.

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4. All reservations for the use of school facilities must be processed in accordance with the Use of School Facilities Application.
5. No booking will be made which will interfere with any school function. School activities necessitating the use of a school facility previously reserved for a non-school activity may require the cancellation of a permit.
6. The Orange Unified School District will require the applicant to furnish no less than \$1,000,000 aggregate and \$100,000 per occurrence public liability and property damage insurance naming OUSD as an additional insured.

Legal Reference:

EDUCATION CODE

38130-et-seq Civic Center Act: use of school property for public purposes.