

COMMUNITY RELATIONS

CIVIC CENTER ACT POLICY: USE OF 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.

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Thereafter, the use 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:

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
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

Subject to terms and conditions set forth in this Policy and any applicable District administrative regulations, the Governing Board shall make school facilities and grounds under its jurisdiction available as a civic center to community groups for the following purposes:

1. Public, literary, scientific, recreational, educational, or public agency meetings.
2. The discussion of matter 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 which has no suitable meeting place for the conduct of services.
4. Child care or day care programs to provide supervision and activities for children of preschool and elementary school age.
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 for youths 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. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, including, but not limited to, the American Red Cross. The Board shall cooperate with these agencies in furnishing and maintaining such services as the Board may deem necessary to meet the needs of the community.
8. Other purposes deemed appropriate by the Board.

Fees for Use of Facilities

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. 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.

The Governing Board also recognizes that there are costs involved in non-school related use of facilities and that charges are necessary so that school monies will not be used in support of non-school related activities.

The Board shall not grant the use of school facilities 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. Any violation of Board Policy, Administrative Regulation, or other law by any organization during use shall be sufficient cause for denying further or continued use of school or District facilities or grounds by the organization.
2. Any use of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or schoolwork. No activity which may interfere with the educational program of a school or the District will be approved or permitted.
3. Any use which involves the possession, consumption, or sale of alcoholic beverages, or any restricted substances on school property.
4. Any use of tobacco products on district or school property.

Fees for the use of school facilities and grounds shall be charged in accordance with the following classifications.

1. **Free Use:** When an alternative location is not available, the Board shall not charge any fees for the use of school facilities or grounds by organizations falling within the classification defined below.

Pursuant to Education Code Section 38134 the free use classification is defined by the Board to include non-profit organizations affiliated with the District or a particular school site and created for the purpose of benefiting or supporting the District as an entity, a specific school site, and/or the students enrolled in any of the District's schools or educational programs. This classification is further defined to include educational activities or programs created by other educational institutions or law enforcement agencies for the exclusive benefit of the District, its employees or its students, Examples of this classification include, but are not limited to: school booster clubs, Parent-Teachers' Associations, school/community advisory councils, life-saving programs and other school affiliated groups created for the exclusive benefit of the District, its students, employees, or educational programs.

Should any of the above free-use groups prefer to use school facilities at a time when custodial services are not normally available, (for example, on a Saturday, Sunday, or holiday or if special facilities or services are required, such as personnel or equipment) the District may charge a fee equal to the direct cost of those services.

Free use of facilities shall be limited to available classrooms or other meeting places where a minimal use of equipment and personnel are involved. Charges shall be made for use of all other building facilities in accordance with the Schedule of Use Charges for use of school facilities.

2. **Direct Cost Fees:** Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed the direct costs to the District. Direct costs shall include supplies, utilities, janitorial services, services of other District employees and salaries paid to District employees necessitated by the organization's use of school facilities.

The Superintendent or designee shall be responsible for calculating direct costs for facilities use in a manner consistent with this Policy and Administrative Regulation 1330.

3. **Fair Rental Value Fee:** Organizations shall be charged fair rental value when using school facilities or grounds for functions, entertainments or meetings where admission fees are charged, or contributions are solicited and net receipts are not to be expended for the welfare of the students of a particular school or of the

District as an entity or for charitable purposes. If any portion of the net receipts inures to the benefit of any private shareholder of the organization or to any individual, then the organization shall be charged fair rental value. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity.

The Superintendent or designee shall be responsible for calculating fair rental value for facilities use in a manner consistent with this Policy and Administrative Regulation 1330.

Damage and Liability

Organizations using school facilities under the provisions of this policy shall be liable for any damage caused by the activity. The Board shall charge the amount necessary to repair the damage and may deny the group further use of school facilities, in addition to pursuing any other available legal remedies.

Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.

All organizations using facilities under the Civic Center Act shall be required to include the District as an additional insured on their policies.

Application and Scheduling for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities and grounds in accordance with this, and any other applicable Policy or Administrative Regulation. A copy of these procedures and regulations shall be available at each school site and the District Office and shall be provided upon request to all persons or organizations requesting use of District facilities or grounds.

Any person applying for the use of school property on behalf of any organization shall be a member of the applicant organization. Unless he/she is an officer of the organization, the applicant shall present written authorization from the organization to make the application.

The District reserves the right to determine the appropriate location for uses of its facilities and retains the ability to change the location of a use in the event such change is necessary for the benefit of the District, its schools, students or educational programs.

All persons or organizations applying for the use of school facilities shall complete a hold harmless agreement with the District.

No organization may obtain a Use Agreement of more than one year in duration. Unless otherwise stated on the Use Agreement, all Agreements for the use of District facilities shall expire on June 30th. Such Agreements may be renewed.

Legal References:

EDUCATION CODE

10900-10914.5 Community Recreation Programs

32282 School Safety Plan

38130-38138 Civic Center Act, use of school property for public purposes

37220 School holidays

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 Camp v. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 55 Cal. 2d 167

Cole v. Richardson, (1971) 405 U.S. 207

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:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORS

1101.89 School District Liability and 'Hold Harmless' Agreements, LO:4-89

WEB SITES

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

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

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COTATI-ROHNERT PARK
UNIFIED SCHOOL DISTRICT