

USE OF SCHOOL FACILITIES

The Governing Board 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)

The Superintendent or designee shall give priority to school-related activities 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.

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 facilities 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

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

(cf. 6115 - Ceremonies and Observances)

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)

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)

USE OF SCHOOL FACILITIES (continued)

Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

(cf. 9320 - Meetings and Notices)

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 exceeding direct costs determined in accordance with 5 CCR 14037-14041. In-kind donations may be accepted in place of fees if approved on the Facility Use Agreement (E 1330).

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 14038, the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

However, capital direct costs shall not be charged to organizations retained by the district or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs. (5 CCR 14037)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

USE OF SCHOOL FACILITIES (continued)

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

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)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Legal Reference: (see next page)

USE OF SCHOOL FACILITIES (continued)

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*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

MILITARY AND VETERANS CODE

1800 *Definitions*

CODE OF REGULATIONS, TITLE 5

14037-14042 *Proportionate direct costs for use of school facilities and grounds*

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>

USE OF SCHOOL FACILITIES

PIERCE JOINT UNIFIED SCHOOL DISTRICT
REQUEST FOR USE OF FACILITIES

Payment for Facility Use Due Upon Approval

Organizations must get permission from school site for use. Requests must be filed not less than ten (10) days before scheduled use of facility. Site and District Office approval is required before application approval is complete.

Today's Date: _____

Organization Making Request: _____

Address: _____

Authorized Agent/Representative: _____

Phone Number: _____ Email: _____

School Site Requested: _____ Facility Requested: _____

Purpose of Use: _____

Approximate number expected to attend: _____ Non-Profit? Yes _____ No: _____

Will admission/registration be charged? Yes _____ No: _____

If yes, what will proceeds be used for? _____

For single meeting: Date Requested: _____ Time: From _____ to _____

For multiple uses: Start Date: _____ End Date: _____

Time: From: _____ to _____

Day(s) of the week: _____

Special Set up/equipment request (subject to approval): _____

If the kitchen is used at any facility, a food service worker must be on duty at all times.

District reserves the right to request \$50.00 deposit.

USE OF SCHOOL FACILITIES (continued)

A Certificate of Insurance must be provided along with this application. Pierce Joint Unified School District must be named as additional insured.

Statement of Applicant: I, the undersigned agree by my signature that I am an authorized agent/representative for the requesting agency, and further agree that the rules and regulations set forth under Administrative Regulation 1330 will be complied with in full. I further agree that I am at least 21 years of age and am responsible to the school district for the use and care of the school property. I further agree that the nature of the activity will conform to that stated in the application. I agree to indemnify and hold harmless the Pierce Joint Unified School District, its officers, agents and employees against any and all loss, damage and/or liability that may be suffered or incurred by the school district, its officers, agents, and employees.

I, the undersigned, further states that, to the best of my knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence or other unlawful means; That the organization on whose behalf I am making application of use of school property, does not, to the best of my knowledge, advocate the overthrow of the government of the United States or the State of California by force, violence, or other unlawful means, and that, to the best of my knowledge, it is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the United States. This statement is made under penalties of perjury (per California Education Code section 38136).

Signature

Date

USE OF SCHOOL FACILITIES (continued)

District Use Only

Insurance Certificate attached and verified (minimum amount \$1,000,000): Yes: ___ No: ___
Verified By: _____

Site Principal: _____ Date: _____ Approved: ___ Denied: ___

Director, Food Service*: _____ Date: _____ Approved: ___ Denied: ___

Safe Serve Person Assigned: _____

*If a kitchen facility is requested the Director of Food Service must approve request

Director, Facilities: _____ Date: _____ Approved: ___ Denied: ___

District Approval: _____ Date: _____

In-Kind Donation:

Description: _____

Estimated Value: _____ Superintendent Approval: _____

Payment Information:

_____	X	_____	=	_____
Hours used		Fee		Total Amount Due
				Date Paid: _____

FEE SCHEDULE

If custodian is needed:
\$25/hour plus Facility Fees listed below

If food service worker is needed:
\$20/hour plus Facility Fees listed below

USE OF SCHOOL FACILITIES (continued)**DIRECT USE FEES**

Facility	Hourly Rate Minimum 2 hour
Classroom	\$5/hour
School Library	\$10/hour
High School Gym	\$20/hour
Multi-Purpose Room	\$15/hour
Kitchen	\$15/hour
Athletic Field	\$15/hour
Baseball Field	\$15/hour
High School Football Field	\$35/hour
High School Auditorium	\$20/hour

FAIR RENTAL VALUE

Facility	Hourly Rate Minimum 2 hour
Classroom	\$10/hour
School Library	\$20/hour
High School Gym	\$35/hour
Multi-Purpose Room	\$25/hour
Kitchen	\$25/hour
Athletic Field	\$25/hour
Baseball Field	\$25/hour
High School Football Field	\$60/hour
High School Auditorium	\$35/hour