

## Community Relations

**USE OF SCHOOL FACILITIES**

To implement the Board of Education Policy #1330, "Use of School Facilities," the following procedures and regulations regarding public use of District facilities are created in order to:

1. 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. If necessary, a person may be designated to supervise this task.
3. Ensure that the use of facilities or grounds is not inconsistent with the use of school or grounds for school purposes and does not interfere with the regular conduct of schoolwork.

Subject to Board policies and Administrative regulations, school facilities and grounds shall be available as a civic center to citizens residing in the District and community groups located in or whose membership includes District residents. As used in this regulation, "community group" is defined as a group of citizens, parent-teacher associations, parent foundations, scouting organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities whose membership is comprised of residents of the District. Community groups may use school facilities and grounds for the following purposes:

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. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
5. 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.
6. A community youth center.
7. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
8. Other purposes deemed appropriate by the Governing Board.

School facilities and grounds may not be used for any of the following activities:

1. Use by an individual or group for the commission of a crime or any act prohibited by law.
2. Any use of school facilities or grounds which is inconsistent with their use for school purposes or interferes with the regular conduct of school or school work.

## Community Relations

### **USE OF SCHOOL FACILITIES**

3. Any use which is discriminatory in the legal sense or according to Board Policy.
4. Any use which involves the possession, consumption, or sale of alcoholic beverages, tobacco, or any restricted substances on school property.
5. Any use of school facilities in areas, such as offices or computer rooms, containing records and confidential information.

### **Reservation of School Facilities and Grounds**

Each school is responsible for the initial scheduling the use of its school facilities and grounds. A master calendar of activities schedules for all school facilities and grounds is maintained and monitored by the District's Business Services Department and additional approval is granted through this Department. The purpose of the calendar is to provide meaningful information and to facilitate effective scheduling. Final approval is at the Governing Board's discretion.

When not in use for school programs, or undergoing maintenance, school facilities and grounds will generally be reserved for community use on a first-come, first served basis.

In order to reserve the use of District-owned facilities or grounds, application must be made in writing on the approved form. Any persons applying for use of school property on behalf of any society, group or organization shall be either an officer or president of the Applicant organization or shall present a written authorization from the group to make the application.

### **Application Procedure for Individual School Use**

1. Ten (10) days notice is required between date of the District's receipt of application for use of school facilities and the first date of requested use. Forty-five (45) days notice is required for the use of school grounds.
2. Determine eligibility of the applicant under Board Policy and ensure that use of facilities or grounds is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work.
3. Determine the availability of the facility by checking the calendar of activities and reserving it for use.
4. Inquire of Applicant the services and equipment required with use.
5. Inform Applicant of charges, insurance requirements, or any special requirements needed and secure a completed application. An application will be considered complete when it has been signed by the applicant or an authorized representative of an Applicant organization, a certificate of insurance is attached, and all fees have been collected.
6. Application will be forwarded to Principal for initial consideration, thence to the Assistant Superintendent of Business Services for permit authorization. Final approval is at the Board's discretion.

## Community Relations

### **USE OF SCHOOL FACILITIES**

#### **Conflicts**

Should there be any conflict of facility use between community organizations, every effort will be made to make alternative arrangements. If alternate accommodations are not possible, the principal or designee may use his/her discretion to resolve disputes. If each group has presented a complete application for facility use and is able to comply with the Use Fee Schedule and insurance requirements, the following additional factors may be taken into consideration:

1. Potential benefit to the school, the District, its students, or the community
2. The intended use of the facility and reasonable anticipated wear and tear.
3. Ability to provide adequate custodial, grounds, technical, or other staff to comply with the request.
4. Each groups history of using facility, including, but not limited to:
  - Compliance with or abuse of District's policies, procedures, rules, and regulations concerning facility use
  - Wear and tear on the facility
  - Timely payment of fees
  - Consecutive years of use.

Any permit may be revoked without previous notice where conflicting dates have resulted or where need of the property for public school purposes has subsequently developed or it is deemed that the use of the property by applicant has not met the District's provisions of appropriate use or use disrupts the orderly operation of the District. For other causes, permits may be revoked at any time on reasonable notice.

#### **Conditions of Use**

All rules and regulations of the Board and provisions of the Education Code are to be observed strictly by those using school property and facilities and grounds.

1. In the event of a change of plans, notice of cancellation must be given to the school 48 hours before the date of intended use in order to avoid financial obligation for all charges involved.
2. Upon receipt of notice that a permit has been issued to a non-school group for use, a regular employee will be assigned to open the building, etc., be in charge during the use, and to close the building after the use. The school district employee in charge of the building or grounds within or upon which any meeting may be held is empowered to take all necessary means to enforce the policies of the Board of Education, Administrative regulations, and any applicable school rules.
3. Persons or organizations using school premises shall not be permitted to remove or displace furniture, apparatus or equipment except when premises are under supervision of the school custodian in charge. Full details of equipment and personnel needed must be furnished in advance on the request for facilities of grounds.

Community Relations

**USE OF SCHOOL FACILITIES**

4. The school district employee in charge shall not permit any individual or group to use any room or part of the school, which is not requested and reserved in advance.
5. School facilities shall not be used for commercial purposes on Sundays or holidays without special authorization by the Board.

**Rules of Conduct**

The following rules of conduct are to be observed when community groups use Santee School District property:

1. Tobacco use (smoked or smokeless) is prohibited at all times on all areas of district property and in district vehicles.
2. No alcoholic beverages or liquors are to be brought to or consumed on the school grounds.
3. Decorations, scenery and/or furniture moving are prohibited unless special permission is granted from site administrator.
4. Nothing shall be sold, given, exhibited or displayed without permission.
5. The applicant is held responsible for orderly conduct of those using facilities.
6. The Board of Education or representative must have free access to all rooms at all times.
7. School equipment shall not be loaned to any person or organization except under provisions of the Civic Center Act.
8. Reasonable adult supervision of children shall be maintained at all times. An Adult is to remain on the school premises until the last child is picked up.
9. The applicant is to submit report of damaged furniture or equipment to the site administrator immediately following activity. The applicant will be held responsible for the cost to the Santee School District for repair or replacement of damaged furniture or equipment. Further use of school facilities may be denied.
10. The area in use is to be cleaned and restored to original state.
11. Each applicant, except those that are fee exempt, shall provide no later than ten (10) school days prior to the use of district facilities and/or grounds, a certificate of insurance and policy endorsement as set forth in Education Code 40043 (h) "Liability Insurance Required for Use of School Facilities and Grounds for Nonschool Purposes". Failure to timely submit these documents will result in denial of the requested use of school facilities and grounds.
12. Each applicant applying on behalf of a club, group, or organization that is fee exempt shall provide no later than ten (10) school days prior to the use of district facilities and/or grounds, a certificate of insurance insuring against injuries resulting from the negligence of the club, group, or organization during its use of district facilities and/or grounds as set forth in

## Community Relations

**USE OF SCHOOL FACILITIES**

Education Code 40043 (h) “Liability Insurance Required for Use of School Facilities and Grounds for Nonschool Purposes for Fee Exempt Groups”. Failure to timely submit the certificate of insurance will result in denial of the requested use of school facilities and grounds.

**Payment for Use**

Charges shall be determined from the Schedule of Fees for Public Use of School Facilities at the time the permit is issued. Fees must be paid at the school office at the time the application is made unless other arrangements have been made.

The following fee schedule shall apply to groups for which charges are applicable for the use of district facilities and grounds as provided by the Board policy. Use of all district facilities and grounds are subject to a 2-hour minimum reservation.

1. The use of school facilities is granted without charges for school-sponsored activities and to student clubs whose activities are directly related to or for the benefit of District schools. School-sponsored activities are those that are organized/advised and supervised by District staff who are being paid by the District for the organizing/advising and supervising the activity. Activities sponsored by groups and organizations other than the District are considered to be outside activities and subject to the charges identified below, even if the organizer is employed by the District in another capacity.
2. All groups granted facility use under the Civic Center Act 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. Fair rent value shall include the direct costs as defined above, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized.

## Community Relations

**USE OF SCHOOL FACILITIES**

3. Any group, corporation, or organization not entitled to use under the Civic Center Act may be charged fair rental value when use of school facilities or grounds is granted.
4. The schedule of fees, E 1330, shall be used whenever use of school facilities occurs during the time regularly scheduled custodial staff is available (normally from 3:00 p.m. to 9:00 p.m., Monday through Friday). Any group including those covered by the Civic Center Act must pay a labor charge for the use of school facilities after the regularly scheduled custodial staff workday is finished, or any Saturday. This labor charge will be in addition to the appropriate fees established above. Whenever more than one group uses a single school facility after the regular school custodial staff workday is finished, such labor charge may be divided between all organizations using school facilities.
5. Special rates applicable to unusual circumstances or special events may be established by the administration for any given application for use of school facilities.

## Community Relations

**USE OF SCHOOL FACILITIES**

6. Fees are payable within ten (10) days following the issuance of a statement by the school district business office.
7. Unless special permission has been granted, subject to the additional labor charge, school facilities will not be available during those hours when regularly scheduled custodial staff is not present.

Protection of District Assets

The district does not assume responsibility for claims for personal injury, bodily injury, or property damage arising from the granting of the use of school facilities and grounds. To protect the district's interest in regard to possible liability claims, the district requires that all applicants, except those that are fee exempt, sign, and comply with the following provisions:

1. Personal Injury, Bodily Injury, and Property Damage Insurance prior to the approval of the Application for Use of School Property, the applicant shall submit to the Superintendent or designee, a certificate of insurance along with the insurance company's policy endorsement of comprehensive general liability in the amount of \$1,000,000.
  - a. Such document shall name Santee School District as an additional insured and shall be signed by an authorized officer of the insurance company.
  - b. The carrier's policy coverage shall also contain the following provisions:
    - i. Primary coverage before the district's policy.
    - ii. Any aggregate limits shall apply separately to each insured.
    - iii. Carrier agrees not to call on the district for any contribution in the settlement of a claim.
    - iv. No other contribution by the district is required.
2. The following shall apply when damage occurring to school property is not covered under the provisions of the certificate of insurance and the policy endorsement:

Applicant, individually and/or jointly with the group, agrees to be responsible for all liabilities arising out of the activity and agrees that the applicant's liability for injuries and property damage, shall be primary to any applicable coverage owned or held by the district, its successors, assignees, or nominees.

Applicant shall be provided with an invoice for amount necessary to repay the damages.

Applicant's failure to pay said damages shall constitute sufficient cause for the district to take whatever legal action the district considers appropriate against the applicant.

Such action may include, but is not limited to, immediate cancellation of the application and disapproval of future applications to use school facilities and grounds and legal action to recover damages.

## Community Relations

**USE OF SCHOOL FACILITIES**

Education Code 40043 provides that groups using school facilities or grounds under subdivision (a) are fee exempts. Education Code 40043 (h) provides that a fee exempt group shall be liable for any injuries resulting from its negligence during the use of school facilities and/or grounds. Education Code 40043 (h) further provides that the district and the group shall each bear the cost of insuring against their respective risks and shall each bear their costs of defending against claims arising from those risks. Accordingly, the district requires that all fee exempt applicants sign and comply with the following requirements to insure against their respective risks:

1. Personal Injury, Bodily Injury, and Property Damage Insurance:

Prior to the approval of the Application for Use of School Property, the applicant shall submit to the Superintendent or designee, a certificate of insurance of comprehensive general liability in the amount of \$1,000,000.00.

2. The following shall apply when damage occurring to school property is not covered under the provisions of the certificate of insurance:

- a. Applicant, individually and/or jointly with the group, agrees to be responsible for all liabilities arising out of the activity, resulting from the negligence of the group or its members or attendees and its activities held at school facilities and/or on school grounds.
- b. Applicant shall be provided with an invoice for an amount necessary to repay the damages.
- c. Applicant's and group's failure to pay said damages shall constitute sufficient cause for the district to take whatever legal action the district considers appropriate against the applicant and the group.
- d. Such action may include, but is not limited, immediate cancellation of the application and disapproval of future applications to use school facilities and grounds and legal action to recover damages.

*Legal Reference: Education Code Section 40040 - 40043*