

Board Policy

Use Of School Facilities

BP 1330

Community Relations

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. 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: (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. 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)

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:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

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>

Policy DENAIR UNIFIED SCHOOL DISTRICT

adopted: September 23, 2010 Denair, California

Administrative Regulation

Use Of School Facilities

AR 1330

Community Relations

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 statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises 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. 5148.3 - 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)

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)

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)

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.

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. 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.

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.

Regulation DENAIR UNIFIED SCHOOL DISTRICT
approved: September 23, 2010 Denair, California

Exhibit

Use Of School Facilities

E 1330

Community Relations

STATEMENT OF INFORMATION

DENAIR UNIFIED SCHOOL DISTRICT

The undersigned, as duly authorized representative for _____, states that, to the best of his/her knowledge, the school property for use of which application is hereby made will not be used for the commission of any crime or any act which is prohibited by law.

The undersigned further declares that _____, the organization on whose behalf he/she is applying for the use of school property, upholds and defends the Constitutions of the United States and the State of California.

(Signed) _____ (Date) _____

(organization if applicable)

Exhibit DENAIR UNIFIED SCHOOL DISTRICT

version: June 9, 2011 Denair, California

E(2) 1330

**DENAIR UNIFIED SCHOOL DISTRICT
FACILITIES USE FEE SCHEDULE**

Board Approved 06/09/2011

FACILITY (\$200.00 Deposit)	FEE Amt (Non- Profit)	Fee Amt (Profit)
Classroom	\$25.00/ hr	\$31.25/ hr
Amphitheater (DHS/DMS)	\$37.50/ hr	\$43.75/ hr
Theater/Coyote Center	\$62.50/ hr	\$68.75/ hr
DHS Gym	\$62.50/ hr	\$68.75/ hr
DHS Gym w/ bleachers	\$150.00/hr	\$156.25/hr
Shower/Locker	\$30.00/hr	\$39.00/hr
Rest rooms	\$18.75/ hr	\$25.00/hr
Concessions	\$18.75/ hr	\$25.00/hr
Cafeteria (DES & DHS)	\$31.25/ hr	\$37.50/hr
DMS Kitchen Area	\$31.25/ hr	\$37.50/ hr
Cafeteria w/ kitchen	\$50.00/ hr	\$56.25/hr
Baseball Field J.V.	\$18.75/ hr	\$25.00/hr
Varsity Baseball Field	not available for rental	not available for rental
Softball Field	\$18.75/ hr	\$25.00/hr
Soccer Field (DES/DMS/DHS)	\$18.75/ hr	\$25.00/hr
Football Stadium	\$62.50/ hr	\$68.75/ hr
Football Stadium w/ lights	\$187.50/ hr	\$193.75/hr
Tennis Courts	\$18.75/hr	\$25.00/hr
Tennis Courts w/Lights	\$60.00/hr	\$65.00/ hr
Coyote Center (DMS Gym)	\$62.50/ hr	\$68.75/ hr
Coyote Center w/Bleachers	\$75.00/ hr	\$81.25/hr
DES Gym	\$62.50/ hr	\$68.75/ hr
DES w/ bleachers	\$75.00/ hr	\$81.25/hr
DES Practice field w/ lights	\$75.00/ hr	\$81.25/hr
DES Field (one light)	\$25.00/ hr	\$31.25/ hr

Additional Charges: Custodian Charge (min. 2 hr) \$32.00 Hr **Kitchen Staff** \$32.00 Hr

Unlocking and locking football field, gymnasium, cafeteria w/ kitchen, theater, amphitheater will be required to have a custodian present at all times @ \$32.00 hr.

Baseball fields: Games 2 hr. minimum custodian fee to unlock and lock.

Restrooms are required at all games, garbage must be picked up and facilities will be left in the same condition when leaving or \$200 deposit will not be returned.

Note: No keys shall be given out to outside groups. Denair Unified School employees will be the only ones to open and close.

Capacity: Bleachers- 1104, **Floor-** 441= 1545 **Auditorium-** 263 **Café-** 112

Coyote Center- 1472 **DHS Theatre-** 236 **Board Room=** 80

Event Center = Gym, Café, Concession, Kitchen, Theater (Drama Area, Band Rm), Weight Room, Wrestling Room, Amphitheater, Restrooms, Outside Eating Area (Umbrellas)