

Ross School District  
Board Policy  
BP 1330  
Community Relations

Use Of School Facilities

Policy Statement

The Board of Trustees recognizes that the Ross School District (hereinafter referred to as "District") facilities are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes the use of school facilities by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities. (Education Code 38131) This policy shall not apply to premises leased by any entity pursuant to a written agreement with the district.

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
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 school work
3. Any use which is discriminatory in the legal sense
4. Any use which involves the possession, consumption, or sale of alcoholic beverages, tobacco, or any other restricted substances on school property

Priority of Users

Applications for use of school facilities shall be given preference in the following order:

1. The District's elementary and middle school, and student body activities, including School Board meetings and District employee organization meetings, student sports, student clubs, student performances, parent-teacher associations, and school advisory councils
2. Ross Recreation
3. Youth organized sports and youth groups providing equal access to children residing in the District

4. Other youth organized sports and youth and senior citizens groups
5. Public agencies and public affairs groups
6. Community recreational and cultural groups (nonprofit)
7. Nonprofit special interest groups
8. Private, non-school-connected classes and educational events
9. Profit-making or commercial events, out-of-town groups, etc

#### Fees for Use of School Facilities

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

1. Free Use: The Board shall not charge any fees for the use of school facilities or grounds by:
  - a. Staff/Student groups, recognized school clubs, parent, teacher and student organizations or recognized employee organizations of the District
  - b. Local non-profit organizations, clubs or associations organized specifically to support the District
  - c. Federal or State elected officials meeting with constituents
  - d. Local government, including local homeowners associations, for governmental meetings

Should any free-use group prefer to use school facilities at a time when a custodian is not normally available, the District may charge a fee equal to the cost of providing a custodian. The Administration shall first ensure the availability of other times when the facility could be provided without charge, and this availability shall be pointed out to the free-use group. The District may deny use if no district representative is available.

This subdivision shall not apply to any group that uses school facilities or grounds for fundraising activities that are not beneficial to youth or public school activities of the District, as determined by the Board.

2. Direct Costs Fee: Activities other than those specified for free use or fair rental value shall be charged a fee established by District regulations, which does not exceed direct costs to the District. "Direct Costs" means those costs of supplies, utilities, regular janitorial services, services of any other district employees, salaries paid to district employees necessitated by the organization's use of school facilities and grounds of the District, maintenance, repair, restoration, and refurbishment of the school facilities or grounds. However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (Education Code 38134)

If an organization requires the special services of a custodian to set up furniture or equipment or to do any other special services, the District may charge a fee established by District regulations to cover the cost of those services.

The following activities shall be charged direct costs:

- a. Services conducted by religious groups
- b. Charitable fund-raising activities, which are not beneficial to youth or public school activities of the District, as determined by the Board
- c. Events or activities sponsored by religious or community groups, except those which qualify for free use
- d. Public agencies. In lieu of direct costs, the District may enter into a written joint-powers agreement with local public agencies
- e. Activities not previously identified which do not fall within the free-use or fair-rental-value classifications and which are included here through subsequent Board action
- f. Youth organized sports and groups providing access to children residing in the Ross School District

3. Fair-Rental-Value Fee: 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. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity. If a group requires the special services of a custodian to set up furniture or equipment or to do any other special services, the district may charge a fee equal to the cost of those services.

Those users who operate an ongoing program in District facilities may have partial fee credits waived to the extent that they provide services, which offset a defined District expense contained in the fee.

Non-profit organizations and clubs or associations organized to promote youth and school activities may voluntarily donate to the District to help defray the cost of maintaining District facilities used for their programs. Any repairs and/or clean up of fields, buildings, and equipment deemed necessary by the District beyond regular maintenance as a result of a group's use shall be charged to the group. The District shall be the sole determiner of the level of care given to fields and buildings.

Maintenance or repairs to special facilities developed by a group shall be paid for by that group.

### Damage and Liability

Groups or persons using school facilities under the provisions of this policy shall be liable for any property damages caused by the activity. The Board shall charge the amount necessary to repair the damages and may deny the group further use of school facilities. The District may require a damage/cleaning deposit, all or a portion of which may be required to be paid in advance of the event/use.

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 (Ed Code 38134). All groups shall sign a hold harmless agreement and shall be required to include the District as additional insured on their policies. A damage/cleaning deposit may be charged.

### Application/Permit for Use of Facilities

The Administration shall maintain application procedures and regulations for the use of school facilities. Regulations shall include, but not be limited to:

1. Providing assistance for any of the activities listed above
2. Preserving order in school buildings and on school grounds and protecting school facilities. If necessary, a person may be designated to supervise this task.
3. Ensuring that the use of facilities or grounds under this policy is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of schoolwork

Persons or organizations applying for the use of school facilities 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.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

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

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverages on school premises

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 of So. Calif. 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.AttyGen. 90 (1999)

79 Ops.Cal.AttyGen. 248 (1996)

Management Resources:

CDE LEGAL ADVISORIES

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

Policy ROSS SCHOOL DISTRICT

adopted: May 9, 2007, California

revised: December 9, 2015, California