

USE OF SCHOOL FACILITIES

The Board of Trustees recognizes that 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.

All district school-related activities (clubs, class events etc.) shall be given priority in the use of facilities under the Civic Center Act.

The Board authorizes the use of school facilities without charge by non-discriminatory, nonprofit organizations, clubs or associations organized to promote youth and school activities.

Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

Fair Rental Value

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

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

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage 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. Atty. Gen. 90 (1999)

79 Ops. Cal. Atty. Gen. 248 (1996)

USE OF SCHOOL FACILITIES

Management Resources:

CDE LEGAL ADVISORIES

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

USE OF SCHOOL FACILITIES

Application for Short Term Use of Facilities

Short term use of school facilities is defined as the use of school district facilities by non-school district organizations for a period of less than one year.

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which: (Education Code 38133)

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 the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work.

Any persons applying for the use of school property on behalf of any society, group or organization shall present written authorization from the group to make the application.

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 per the Exhibit.

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 38131, 38132)

Category I - Youth and School Associated Non-Profit Organizations

The district may grant, without charge, per the exhibit, the use of any school facilities or grounds to non-discriminatory, non-profit organizations and clubs or associations organized to promote youth and school activities, subject to the provisions of this regulation, to include:

USE OF SCHOOL FACILITIES (continued)

1. Parent Teacher Clubs/Associations/YES Foundation
2. School Community Advisory Councils
3. Enrichment programs provided for Ross Valley attendance area students and sponsored by Parent Club/PTA/YES Foundation/San Anselmo Rec.
4. Non-profit, non-discriminatory youth organizations
5. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

Organizations may be charged a deposit fee to handle additional cleaning/damage.

(BP 3516 - Emergencies and Disaster Preparedness Plan)

Category II - Other Non-Profit Organizations

The district, superintendent or his/her designee, per the Exhibit, may grant, with direct cost rental and/or in kind services at the discretion of the district, the use of any school facilities or grounds to non-profit organizations and clubs or associations, subject to the provisions of this regulation, to include:

1. Public, literary, scientific, recreational, educational or public agency meetings
2. The discussion of matters of general or public interest
3. The administration of examinations for the selection of personnel or the instruction of precinct Board members by public agencies
4. 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.
5. A community youth center
6. Other purposes deemed appropriate by the Board of Trustees prohibited by law

USE OF SCHOOL FACILITIES (continued)

Category III - For Profit Activities

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)

Activities or events for profit will be charged fair rental value.

Restrictions

School facilities 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
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

(BP 0410 - Nondiscrimination in District Programs and Activities)

4. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances on school property

(BP 3513.3 - Tobacco-Free Schools)

Scheduling

Activities are scheduled in time blocks throughout the year or on a priority basis. Facilities may be reserved for one time block per group per day:

Weekdays 3:30pm - 6:00pm and 6:30pm - 9:30pm

Weekends/School Holidays 8:00am - 12:00am and 12:30pm - 4:30pm

Additional hours may be approved by the district on a case by case basis.

USE OF SCHOOL FACILITIES (continued)

Damage and Liability

Groups or persons using school facilities 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.

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. The Exhibit, a hold harmless agreement, will be signed and the district shall be named as additional insured on the group insurance policy. Coverage shall include general liability insurance for \$1,000,000 for each occurrence.

Priority Use of District Facilities And Grounds

The priority use of district facilities and grounds shall be as follows, with priorities ranked from highest to lowest. Priority groups #6 and lower must show a roster of 65% district attendance area residents.

1. Government use for Public Elections
2. The district sponsored groups, school athletics, clubs, enrichment groups.
3. District employee bargaining groups, school foundation, parent organizations
4. Non-profit, non-discriminatory youth organizations (non sports related)
5. Enrichment programs provided for Ross Valley attendance area students
6. San Anselmo and Fairfax Park and Recreation activities
7. San Anselmo Baseball Association
8. West Marin Little League and Soccer
9. San Anselmo and Fairfax CYO
10. Tamalpais Union High School District

USE OF SCHOOL FACILITIES (continued)

11. Community Groups

The district reserves the right to limit any user group from reserving a majority of applicable facilities to the exclusion of other groups.

Procedures And Other Regulations

The "Rules and Procedures for Use of School Facilities" (Exhibit 1) will be enforced. The health and safety of children will be the top priority. The user must review and agree to abide by the "Rules and Procedures for Use of School Facilities" before the use of said facility will be granted.

The district reserves the right to withhold or cancel bookings for weather, over usage or maintenance needs. The district reserves the rights to cancel bookings with as much prior notice as possible when the district (including user groups 2 & 3 above) has a need to use the facility.

Regulation
approved: October 12, 2006

ROSS VALLEY SCHOOL DISTRICT
San Anselmo, California

**RULES AND PRICEDURES FOR USE OF SCHOOL FACILITIES BY
COMMUNITY ORGANIZATIONS**

Application

1. Request for use of district facilities should be made in writing at least 30 days in advance of the first date of use being requested. Permission to use facilities shall be granted by the district designee, subject to approval of the Site Administrator. Late applications may be denied.
2. The individual or group signing the Application for Use of District Facilities shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to district property.
3. Applicants for use of district facilities (Exhibit 3) shall be notified in writing, within 30 days of submittal, whether the request is approved or denied. If approved, a completed copy of the application together with special requirements shall be mailed to the applicant.
4. An approved application may be revoked with reasonable notice when district facilities are needed for school purposes.
5. Permission for short-term use of district facilities shall neither be granted for a period exceeding one fiscal year, nor so often during any year as to afford any person or organization a real or implied monopoly.
6. Any person applying for the use of district property on behalf of any group shall be a member of such applicant group.
7. The district will receive and act upon application according to this guideline:

| <u>Season</u> | <u>Deadline</u> |
|---------------|-----------------|
| 12/01-2/28 | October 1 |
| 3/01-5/31 | January 1 |
| 6/01-8/31 | April 1 |
| 9/01-11/30 | July 1 |

Rules of Use

1. Groups using district facilities shall be responsible for the condition in which they leave the facilities. Any abuse or misuse of facilities, including playing fields, shall be reported immediately and where appropriate, charged for damage or loss of district property. Failure to pay for damage shall be grounds for denial of future facility requests. Any abuse or misuse of district facilities may be grounds for refusal of future facility requests.
2. Uses of district facilities approved at no cost under the Civic Center Act shall be non-exclusive and open to the public.
3. The district reserves the right to cancel any activity that may not be in the best interest of the district and community. The use of district facilities shall not be granted to individuals or unrecognized groups for personal or private functions.
4. No alcoholic beverages, tobacco, intoxicant or controlled substance in any form shall be brought onto district property. Any person under the influence of intoxicating liquors or substances shall be denied participation in any activity. Violation of this regulation shall be justification for immediate termination of the event, closing of the facility and denial of future use requests.
5. Applicable fees must be paid five days prior to the scheduled use. Checks should be made payable to "Ross Valley School District". There will be no refunds for cancellations made less than two days before the scheduled event.
6. Applicant is responsible for the setting up and cleaning up of their event. Set up and clean up is included in the hours of use.
7. Use of district playing fields shall not be permitted during periods of rain or when fields remain wet following rain and when use would be harmful to the playing fields.
8. Permission for use of school facilities will be granted upon the condition that all rules governing use of the facilities will be followed. Permission may be revoked at any time for failure to do so, and the group or individual will forfeit all fees paid.
9. Each group using a school district facility must be represented by a responsible adult who will guarantee observance of all established school district rules and regulations.

10. No structures, electrical modifications or mechanical apparatus may be erected or installed on district property without specific written approval by the district. designate. Persons and organizations granted the use of district facilities shall assume full responsibility for compliance with all applicable state and local fire, health and safety laws and regulations.
11. All draperies, hangings, curtains, drops, and all decorative materials used with or upon the district's buildings and grounds, shall be made or treated with flame-retardant process approved by the State Fire Marshall.
12. An adult sponsor must complete Youth group reservations. For every 10 minors using a given facility, one chaperone shall be present and names of such chaperones shall be furnished on Exhibit 3 to the district 48 hours prior to the use of the facility.
13. Horses are not allowed on school grounds
14. There shall be no climbing on fences, backstops or buildings.
15. Golf practice is not allowed at any time on school grounds.
16. Backstops shall not be moved.
17. There shall be no throwing of rocks, dirt or other debris.
18. Users shall pick up all litter before leaving premises.
19. Hardball is allowed only in designated areas and by qualified age groups.
20. Automobiles and motorcycles shall be parked in designated areas only.
21. There shall be no tampering with any sprinkler system. There shall be no damage done to school property.
22. Any groups using the playground facilities will be responsible for payment of damage done to school property.
23. All leaders of organized groups such as Little League, etc., must request the use of facilities, must obtain a receipt from the school, and must show the receipt to any school official upon request.
24. No one shall be allowed on school grounds after sunset unless written permission was obtained through the school principal.

Security

1. There shall be an employee of the district in charge, whose duties shall include the opening and closing of buildings and grounds, the operation of mechanical systems, and the enforcement of regulations and prevention of disturbances. A charge shall be made whenever this requirement results in the district incurring additional expense. This requirement may be waived in the case of playing fields or other facilities not normally secured.
2. Keys required to carry out any and all activities shall remain in the possession of authorized district employees. Keys shall not be turned over to individuals, organizations, clubs, associations, etc. The Superintendent or his/her designee may suspend this requirement when such suspension would serve the best interest of the district.
3. Using organizations shall be responsible for the control and supervision of all persons in attendance during the use of district facilities. The district shall require security as a condition of use whenever it is deemed to be in the best interest of the district.

Insurance

All user groups shall provide a Certificate of Insurance for not less than \$1,000,000 naming Ross Valley School District as Certificate holder and additional insured.

SHORT-TERM USE OF SCHOOL FACILITIES

Scheduling

Activities are scheduled in time blocks throughout the year or on a priority basis. Facilities may be reserved for one time block per group per day:

Weekdays 3:30pm - 6:00pm and 6:30pm - 9:30pm

Weekends/School Holidays 8:00am - 12:00am and 12:30pm - 4:30pm

Additional hours may be approved by the district on a case by case basis.

Category 1- Youth and School Associated Non-Profit Organizations

The district may grant, without charge, the use of any school facilities or grounds to non-profit, non-discriminatory organizations and clubs or associations organized to promote youth and school activities, subject to the provisions of this regulation, to include:

1. Parent Teacher Clubs/Associations/YES Foundation (excluding YES Rec)
2. School Community Advisory Councils
3. Enrichment programs provided for Ross Valley attendance area students and sponsored by Parent Club/PTA /YES Foundation/San Anselmo Rec.
4. Non-profit, non-discriminatory youth organizations
5. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(BP 3516 - Emergencies and Disaster Preparedness Plan)

Organizations may be charged a deposit fee to handle additional cleaning/damage.

Category II - Other Non-Profit Organizations

The district, superintendent or his/her designee may grant, with direct cost rental and/or in kind services at the discretion of the district, the use of any school facilities or grounds to non-profit organizations and clubs or associations, subject to the provisions of this regulation, to include:

1. Public, literary, scientific, recreational, educational or public agency meetings

2. The discussion of matters of general or public interest
3. The administration of examinations for the selection of personnel or the instruction of precinct Board members by public agencies
4. 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.
5. A community youth center
6. Other purposes deemed appropriate by the Board of Trustees

| Facility | Weekday | Weekend/School Holiday |
|-------------------|----------|------------------------|
| Classroom | \$20/use | \$20/hour |
| Library | \$25/use | \$25/hour |
| Multi-Purpose/Gym | \$40/use | \$40/hour |
| Fields | \$50/use | \$50/use |

Category III - For Profit Activities - Fair Rental Value

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)

Activities or events for profit will be charged fair rental value.

| Facility | Weekday | Weekend/School Holiday |
|-------------------|----------|------------------------|
| Classroom | \$30/use | \$30/hour |
| Library | \$35/use | \$35/hour |
| Multi-Purpose/Gym | \$65/use | \$65/hour |
| Fields | \$80/use | \$ 125/use |

PLEASE SEE DISTRICT MATERIAL IN THE DISTRICT OFFICE FOR EXHIBIT
ENTITLED, "FACILITIES USE AGREEMENT APPLICATION."

EXHIBIT C
Facilities Use Agreement Application

This reservation/contract is issued in accordance with the board policies and administrative regulations adopted by the Board of Trustees of the Ross Valley School District. (BP 1330, AR 1330)

| Contact Information | |
|----------------------------|---------------------|
| Name of Organization: | _____ |
| Name of Applicant: | _____ |
| Address: | _____ |
| Phone: | _____ E-mail: _____ |

| Facility Request | |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site(s) Requested: | <input type="checkbox"/> Brookside Upper <input type="checkbox"/> Brookside Lower <input type="checkbox"/> Manor <input type="checkbox"/> Wade Thomas <input type="checkbox"/> White Hill |
| Facilities Requested (rooms, fields etc.): | _____ |
| Equipment or Special Services: | _____ |
| Day(s) Requested: | _____ |
| If Continuous: Start Date: | _____ End Date: _____ |
| Time of Use: | _____ Estimated Attendance _____ |
| Type of Activity: | _____ |

| Classification Information | | |
|-------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| 1. Is this a non-profit, non-discriminatory organization, which promotes youth and school activities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Is event open to public? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Will there be an admission charged? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Will there be fundraising activities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Proceeds to be used for? | _____ | |

| Fees |
|----------------------------------------------------------------------------------------------------------------|
| An appropriate charge may be levied as outlined in the Short-Term Use of School Facilities Policy. (EX 1330 B) |

Please complete both sides.

