

Rialto USD

Board Policy

BP 1330

Community Relations

Use Of School Facilities

The Board of Education shall make school facilities and grounds under its jurisdiction available as a civic center to citizens and community groups for the following purposes subject to district policies and regulations:

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.
4. Child-care or day-care programs to provide supervision and activities for children of preschool and elementary school age.
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. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, including, but not limited to, the American Red Cross. The Board shall cooperate with these agencies in furnishing and maintaining such services as the Board may deem necessary to meet the needs of the community.
8. Other purposes deemed appropriate by the Board.

The Board shall not grant the use of school facilities for any of the following activities:

1. Any use by an individual, society, group or organization for the commission of any act intended to further any program or movement whose purpose is the overthrow of the Government of the United States or of the State of California by force, violence or other unlawful means.
2. Any use of school facilities or ground which is inconsistent with the use of the school facilities or grounds for school purposes or 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 or any restricted substances on school property.

#### 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 room fees for the use of school facilities or grounds under its control, for groups that meet after a school day, when an alternative location is not available, for activities of non-profit organizations, and clubs or associations with a participation of at least 50% Rialto youth which promote youth and school activities and do not otherwise qualify for the Fair Rental Value Fee.

Should any of the above groups prefer to use school facilities at a time when custodial services are not normally available, the district may charge a fee not to exceed the direct costs. The Principal or designee shall first ensure the availability of other times during the week when the facility could be provided without charge, and this availability shall be pointed out to the free-use group.

2. Direct Costs Fee: Activities other than those specified for free use or fair rental value and which are included herein through subsequent Board action shall be charged a fee not to exceed direct costs to the district, for groups that use school facilities or grounds under its control on a Saturday, Sunday or holiday.

The direct cost fee may be waived for summer and after-school recreation programs under the direction of the Rialto City Parks and Recreation Department, provided the City furnishes all the necessary supplies, equipment, supervision, and adequately cleans and secures premises upon completion of daily activity.

3. Fair Rental Value Fee: Groups which use school facilities or grounds for the following activities shall be charged fair rental value:

Entertainment or meetings where admission is charged or contributions solicited and the net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

#### Priorities of Users

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

1. In-school uses (clubs, class events, etc.).
2. School support groups, youth and senior citizens groups.
3. Public agencies and public affairs groups.
4. Community recreational and cultural groups (non-profit).
5. Non-profit special interest groups (Audubon Society, etc.).

6. Private, non-school-connected classes and educational events.

7. Profit-making or commercial events, out-of-town groups, etc.

### Damage to School Property

Groups or persons using school facilities under the provisions of this policy shall be liable for any cleaning or repairs to damaged property caused by the activity. Further use of school facilities may be denied the responsible party.

### Regulations for Application and Use of Facilities

The Superintendent shall establish rules and regulations governing application procedures and the use of school facilities, which shall include, but not be limited to:

1. Providing encouragement and assistance for any of the users listed above.
2. Preserving order and protecting school buildings and school grounds including, as necessary, appointment of a person who shall have charge of the school facilities and grounds for purposes of their preservation and protection.
3. Ensuring that use of facilities or grounds under this policy is consistent with school purposes and does not interfere with the regular conduct of school work.

In accordance with Education Code 38136, and in addition to any other forms required by the district, persons or organizations applying for facilities shall submit a statement of information which assures the Board that:

1. The facility applied for will not be used for any purposes intended to advocate the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
2. The organization applying does not advocate the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
3. The organization is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the United States.

At the Board's discretion, an organization's statement may remain in effect for six months from the date of application.

### Member Group

Any persons applying for the use of school property on behalf of any society, group, or organization shall be a member of the applicant group and, unless he/she is an officer of the group, must present written authorization from the applicant group to make the application.

### Hold Harmless

All persons or organizations applying for the use of school facilities shall complete and place on file the district's "Hold Harmless" agreement.

### Regulations

A copy of the Board's policy and regulations governing use of school facilities shall be issued to those persons or groups requesting use of district facilities or grounds.

### Authority

The Superintendent or designee may grant the use of school facilities subject to the provisions of this policy and following conditions:

### Charges

Charges levied for use of school facilities and ground shall be according to the hourly fee schedule and begin when the facilities are opened, by qualified district staff, until completion of the activity, including stand-by time of school employees assigned to cover the use period.

### Payment

A two-hour minimum deposit shall be submitted to the Facilities Planning Office seven days prior to use. All monies paid in advance are refundable if cancellation notice is given to the Facilities Planning Office at least 48 hours before the scheduled activity.

### Insurance

Organizations granted use of school facilities may be required to file with district Business Services office prior to use, a Certificate of Insurance naming the Rialto Unified School district as an additional insured on the organization's liability insurance policy.

### City/County Ordinances

Any city or county ordinances governing such group activities are considered applicable to activities under these rules and regulations.

### Illegal Activities

Gambling, illegal drugs, alcoholic beverages, and/or tobacco products are not allowed on school facilities or grounds.

### Furniture Set-up

Removal of furniture from rooms and/or changes of any kind other than simple room furniture arrangements are not permitted. Special furniture arrangements, setting up chairs, tables, etc., will be charged at the hourly personnel rate.

### Custodian

There shall be a custodian in charge at each activity whose duties shall include opening and closing the building and grounds. No charge shall be levied during normal custodial work hours. The Direct Cost Fee will be levied during non-regular work hours.

#### Use of Kitchen Facilities

If the use of the cafeteria equipment or dishes is involved, the kitchen and equipment must be left in a clean and ready condition for normal school operation. The Director of Food Services shall be consulted and arrangements made for a district cafeteria employee to be in supervision of any cafeteria usage.

#### Limited Usage

The custodian assigned to the activity shall make no other facility or equipment available other than that specifically set forth in the approved application.

#### Tips/Compensation

Under no circumstances is the custodian to be compensated directly by the persons or organizations using the facilities. Gratuitous tips in any form to school employees when performing services for the district are specifically prohibited.

#### Non-Available Days

On holidays, it may be necessary to deny use of the facilities if a qualified district employee is not available on that date.

#### Availability of District Personnel

Use of school facilities by community groups on days other than the above shall be dependent upon the availability of school personnel to assume the responsibility of supervision of school equipment and buildings.

#### Restroom Facilities

In the case of activities involving a large number of participants, the Facilities Planning Department requires the use of a rented port-a-potty to be maintained by the participants.

#### Security/Clean-Up

Costs of providing security and clean-up shall be charged to using organizations on a pro-rata basis to be agreed upon by district officials and the reserving organizations.

#### Restroom Keys

Access to site restrooms are not permitted. The cost of security and custodial services will apply as needed.

#### Shared Use

No use shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization.

#### Six Month Maximum Per Permit

Rialto Unified School District exercises a six month permit maximum to be renewed upon expiration.

#### 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.AttyGen. 90 (1999)

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

#### Management Resources:

##### CDE LEGAL ADVISORIES

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

Policy RIALTO UNIFIED SCHOOL DISTRICT

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