

USE OF SCHOOL FACILITIES BP 1330

School facilities are provided primarily for the education of students. However, 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 educational programs, operations, or school activities.

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)

Procedures

1. A facility use permit shall be completed and approved prior to the use of facilities and/or grounds
2. Encourage and assist groups desiring to use school facilities for approved activities
3. Preserve order in school buildings and on school grounds and protect school facilities, designating a person to supervise this task, if necessary
4. 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 schoolwork
5. Applications shall be submitted to the Facilities Department, school site principal or assistant principal. (Site principals or assistant principals shall forward use applications to the Facilities Department which is primarily responsible for scheduling the use of school facilities)
6. Applications for use of facilities shall be submitted at least two weeks in advance of the first date requested
7. All necessary fees must be paid and a certificate of insurance for a minimum limit of two million (\$2,000,000.) for each of the following must be in receipt before any applications are approved.
 - a. General aggregate
 - b. Products - Completed Operations Aggregate
 - c. Personal and Advertising Injury

- d. Each Occurrence (bodily injury and property damage combined)
- e. Fire Damage (any one fire)
- f. Medical Expense (any one person)
- 8. The Superintendent or designee makes final approval
- 9. Copies of approved applications are mailed, e-mailed, faxed, or dropped of to:
 - a. Site
 - b. Organization/group
 - c. Facilities Department
 - d. Accounts Receivable
- 10. The use of District facilities shall not be granted to an individual or unrecognized group, i.e., a group not enumerated in AR 1330
- 11. The District reserves the right to cancel any and all agreements for the use of school facilities

Fees

The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly benefit district schools. Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

- 1. District organizations operating for the benefit of students or for student after-school activities, parents' nights, etc. are considered Group 1.
- 2. District clubs, parent groups, etc. will be charged direct costs only.
- 3. Government agencies will pay direct costs only.
- 4. Non-profit groups operating for the benefit of the youth of the community and community members shall be charged for use of district facilities as listed in Group 2.
- 5. Churches or religious organizations: Use of school facilities or grounds may be granted for the conduct of religious services, for temporary periods on a one-time or renewable basis, to a church or religious organization which has no suitable meeting place for the conduct of services. (EC 40041(b)(3) Churches or religious organizations using District facilities or grounds shall be charged as listed in Group 3. (EC 40043)

6. All other organizations and groups shall be charged fair rental value as indicated in Group 3 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 References:

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

REVISED: April 11, 2006 (Renumbered replacing BP 1610)

Morgan Hill Unified School District Morgan Hill, California