

Los Gatos-Saratoga Union HSD

Board Policy

Use Of School Facilities

BP 1330

Community Relations

The Board of Trustees recognizes that district facilities are a community resource whose primary purpose is to meet the needs of school educational 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 educational programs and school activities. (Education Code 38130-38137) Civic Center uses are listed in Administrative Regulation 1330. Rental of district facilities by for-profit organizations and for personal use shall be at the discretion of the district and such uses may not interfere with educational programs and school activities.

(cf. 6145.5 - Student Organizations and Equal Access)

Priorities for use have been established as follows and are reflected in AR 1330:

1. Activities and programs of the district directly related to the instructional and educational program of the district, including the district's Adult Education program, Independent Study and extra and co-curricular programs.
2. Events or activities designated to serve the youth and citizens of the district which are planned and directed by school attached groups, including the Parent-Teacher-Student Association and Home and School Club.
3. Programs sponsored by the Los Gatos-Saratoga Department of Community Education and Recreation and the Saratoga Recreation Department.
4. Those uses by non-profit community organizations serving district youth who reside within our attendance area
5. Those uses by non-profit community organizations serving students living in the broader Santa Clara County area
6. Use by groups who don't qualify under the provisions of the Civic Center Act, but to whom the district may make facilities available on a commercial rental basis.

NOTE: Before the use of a facility is granted, rental of school facilities to outside organizations/groups may be given special consideration if:

1. A long-term renter.

2. A renter with a significant number of our high school students in their organization.
3. A renter with an existing campus-based, district-approved coaching relationship with a significant number of our high school students in their organization.
4. A renter with a significant number of students from our feeder schools.

The district shall grant the use of school facilities without charge to district 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, according to a Facility Use Fee Schedule adopted by the Board. Rental of District facilities by for-profit organizations and for personal use shall be at the discretion of the District and fair market value shall be charged. Unless specifically waived, associated indirect overhead costs shall be calculated into the fees charged.

Use of District facilities must be by approved application and must adhere to established regulations as defined in Administrative Regulation 1330.

The Superintendent or designee shall be responsible for the coordination and interpretation of policies and procedures and the development and annual review of a standard fee schedule.

The Board of Trustees shall provide public review of major uses or multi-year agreements through public Board meeting agendas and the Board approval process.

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.

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 LOS GATOS-SARATOGA UNION HIGH SCHOOL DISTRICT

adopted: June 19, 2007 Los Gatos, California

revised: November 6, 2007

adopted: March 28, 2017

Los Gatos-Saratoga Union HSD

Administrative Regulation

Use Of School Facilities

AR 1330

Community Relations

Application for Use of Facilities and Facility Use Fees

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

1. Assist groups desiring to use school facilities for approved activities
2. Preserve order in school buildings and on school grounds and protect school facilities
3. Ensure that the use of school 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 schoolwork

Persons or organizations applying for the use of school facilities or grounds shall indicate on the use request form that the organization does not intend to use school premises to commit unlawful acts.

The school principal shall designate an assistant principal to be responsible for scheduling facility use, subject to availability and consistent with district policies and procedures.

Facilities may not be booked for community or for-profit use until the schedule for school use has been determined for the school year.

In granting permission for use of facilities, the district shall consider the impact on the surrounding neighborhood and may include conditions that minimize neighborhood impact.

While school fields and other outdoor athletic facilities are generally open to all citizens, only groups with an approved use permit have exclusive and reserved use of school property. All organized activities are required to obtain approval for facility use.

The use of district facilities for fee-based tutoring, private instruction, coaching, or other commercial activities, whether for district students or others, shall require an approved Facility Use Application, evidence of insurance, and payment of facility use. This applies to coaches and district full-time and part-time employees as well as outside parties. Individuals coming onto school property to work with district students are subject to fingerprinting requirements.

All use agreements must be reviewed annually. July 1, each year, begins a new permit year.

The use of school facilities should not result in costs to the district. Therefore, the Board shall adopt a fee schedule for community uses that reflects direct costs for facility operation including custodians, maintenance, utilities and insurance, plus an allowance for wear and tear on facilities and equipment. This fee schedule shall be adjusted annually, effective July 1, by the change in the Bay Area Consumer Price Index. Every two years the fee schedule shall be compared with a survey of comparable facilities and adjustments made as appropriate. (See E (1) 1330)

The fee schedule for community use of the theaters shall reflect the operating costs plus an allowance for equipment replacement and staffing costs to supervise facility use and/or operate theater equipment. (See E (2) 1330)

Commercial use of district facilities, by for-profit organizations and individuals requesting to use district facilities for organization or personal use, shall be charged fair market value. Such rentals are at the discretion of the district.

A refundable security deposit may be required for use of district facilities and equipment. Pre- and post-inspection of facilities may be required.

In-kind agreements for facility use in lieu of fees must be in writing and require the signature of the Superintendent, (e.g. use of facilities based on a memorandum of understanding such as those in force for the City of Saratoga Recreation Department and the Los Gatos-Saratoga Department of Community Education and Recreation). No staff member has the authority to authorize free use of district facilities without an approved use permit.

Yearlong, multi-year, major event agreements and agreements with annual fees of \$5000 or more must have public review via a publicly posted Board agenda. Board approval is required.

Keys will be issued only to authorized district staff or registered volunteers who have been cleared by the district's Human Resources Office. A key deposit of \$100.00 is required of volunteers. The volunteer's check for \$100.00 will be returned upon return of the key.

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)

1. Public, literary, scientific, recreational, educational, or other 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 that has no suitable meeting place
4. Childcare 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. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare (Education Code 38132)
9. Other purposes deemed appropriate by the Board

Use Restrictions

In granting permission for use of facilities, the district recognizes that residents of the district are entitled to the reasonable use and enjoyment of their property without exposure to unnecessary, excessive and disturbing noise. Therefore, the district shall consider the impact on the surrounding neighborhood and in approving uses may include conditions that minimize neighborhood impact.

The district reserves the right to restrict the use of Public Address systems, amplified music or other amplified sound. In general, community sports leagues will be allowed to use PA systems outdoors only to introduce the game/competition and its players. Only play off games may include play-by-play amplified announcing. These restrictions do not apply to school-sponsored activities.

Facility use agreements shall not be approved for uses that include noise-producing disturbances outside the hours listed as follows:

Los Gatos High School			Saratoga High School		
Day	Start	End	Day	Start	End
M-F	8:00am	9:00pm	M-F	8:00 a.m.	9:00pm
Saturday	8:00am	9:00pm	Saturday	8:00 a.m.	9:00pm
Sunday	9:00am	8:00pm	Sunday	9:00 a.m.	9:00pm

Exceptions must be approved by the site principal and the Superintendent or designee.

An approved application may be revoked to any organization or person not abiding by use guidelines and restrictions.

An approved facility use agreement may be revoked if a school group needs the facility. Every

good faith effort will be made to schedule facility uses to avoid changes in schedules or "bumping." Any organization or person whose facility use is revoked due to priority school use will not suffer a loss of fees due to the unavoidable cancellation of use.

Users may not alter facilities nor place any permanent structure on school property without express written prior permission from the district's Chief Business Officer.

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 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 unlawfully discriminates against an individual or group of individuals
4. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances on school property (All district facilities are tobacco-free.)
5. Any use which may violate the canons of good morals, manners or taste, or be injurious to the buildings, grounds or equipment

The district may exclude certain school facilities from non-school use for safety or security reasons.

Damage and Liability

Groups or persons using school facilities shall be liable for any property damage 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.

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 using school facilities, including community/school support groups, shall provide verification of liability insurance prior to use. A certificate of insurance shall be submitted with an endorsement naming the Los Gatos-Saratoga Joint Union High School District as an additional insured party to the policy. The minimum limits of liability per occurrence shall be as follows:

No physical activity involved and/or small groups: \$500,000
Physical activity involved and/or larger groups: \$1,000,000

In certain circumstances where the liability exposure is determined to be minimal (e.g. a

meeting), a signed hold harmless agreement may be accepted in lieu of a certificate of insurance.

Certain facilities (e.g. offices, computer labs, science laboratories and libraries) may be excluded from community use for safety, security, or liability reasons).

Community and for-profit uses of facilities shall require the presence of authorized district personnel on site.

All youth organizations using district facilities and grounds shall provide adequate supervision at all times.

The presence of a district employee is generally not required for use of school grounds.

Generally the use of specialized facilities and equipment including, but not limited to, the theaters and kitchens, shall be approved for use only when district personnel trained to operate such facilities and/or equipment are present. Exceptions may be approved by the principal in certain cases when trained, non-district personnel are present.

The user group shall be charged for the cost of any set-ups or takedowns, field marking, or other special preparations provided by district staff. Prior approval is required for a user group to line the fields.

All facility use agreements, including athletic fields, must include provisions for the use of restroom facilities. A fee will be charged for restroom access.

Priority for Use

1. Activities and programs of the district directly related to the instructional and educational program of the district, including the district's Adult Education program, Independent Study and extra and co-curricular programs.
2. Events or activities designated to serve the youth and citizens of the district which are planned and directed by school attached groups, including the Parent-Teacher-Student Association and Home and School Club.
3. Programs sponsored by the Los Gatos-Saratoga Department of Community Education and Recreation and the Saratoga Recreation Department.
4. Those uses by non-profit community based organizations which serve the district youth (grades 9-12) or the improvement of the general welfare of community.
5. Those non-profit uses by community based organizations serving non-secondary school students, i.e. children younger than ninth-grade age or adults.
6. Use by groups who don't qualify under the provisions of the Civic Center Act, but to whom the district may make facilities available on a commercial rental basis.

NOTE: Before the use of a facility is granted, rental of school facilities to outside organizations/groups may be given special consideration if:

1. A long-term renter.
2. A renter with a significant number of our high school students in their organization.
3. A renter with an existing campus-based, district-approved coaching relationship with a significant number of our high school students in their organization.
4. A renter with a significant number of students from our feeder schools.

Regulation LOS GATOS-SARATOGA UNION HIGH SCHOOL DISTRICT
approved: November 6, 2007 Los Gatos, California
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