

USE OF SCHOOL FACILITIES

It is the policy of the Board of Education to encourage the fullest reasonable utilization of the public facilities under its control, acting under the authority granted by the statutes of the State of California. Organizations using school facilities shall share in the necessary costs incidental to such use, except where prohibited by law.

Purpose and Scope

1. The primary purpose for school facilities is to support the educational program of the school district. Citizens or associations not a part of the educational program of this district who qualify under the law may use school facilities providing their use does not interfere with school district use. Any permit issued under this policy section is subject to the condition that the school district expressly reserves the right to unilaterally change or revoke the permit in part, or entirely, without notice, should the school facilities for which a permit has been issued be needed for any school purpose. School facilities are not normally available to non-school organizations during school hours.
2. The Board of Education delegates to the district Superintendent the responsibility for ascertaining the purposes of applicant groups, the nature of their use of facilities, and the fees to be charged. The Superintendent shall also have the right of approval for all facility usage. The granting of, or refusing, the use of school facilities shall be subject to review by, and appeal to, the Board of Education. Infractions of the management rules and regulations established by the Superintendent and adopted by the Board of Education may subject the offending group to forfeiture of the privilege of using school facilities for a period to be determined by the Board of Education.
3. The Board of Education recognizes that certain organizations in the community have contributed to the improvement of certain school facilities. Although all organizations shall have an equal opportunity for use of each facility, it is the intent of the Board of Education to cooperate fully with these organizations to make these facilities available to the maximum extent possible. No use shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization.
4. Under the concept of reasonable use for consideration of cost, protection, and conservation of district facilities, public safety, and possible tort liability, the Board of Education specifically reserves the right to prohibit, restrict, or condition the use of any given district facility. Any citizen or organization using school facilities under this policy shall save and hold free and harmless the school district, its Board, the individual members thereof, and all district employees or agents from any loss, damage, liability, cost, or expense that may arise during or be caused in any way by such use of school facilities.

USE OF SCHOOL FACILITIES (continued)

5. Groups permitted to use district facilities must accept responsibility for due care of school property and for the conduct of persons under their supervision. Groups may be required to procure adequate insurance coverage when deemed necessary to provide for possible repair or replacement of school district property.
6. Churches or organizations may be permitted to use school facilities or conduct religious services for temporary periods where such organizations have no suitable meeting place.

The Board of Education shall charge organizations using district property an amount sufficient to pay the cost to the district of supplies, utilities, and salaries paid school district employees necessitated by such use.
7. The use of school facilities for private parties, showers, or receptions honoring private individuals and the like, is not deemed to serve a public purpose and such use is prohibited. The prohibition should not be construed to restrict the use of facilities for recitals or other events of a cultural or educational nature which are free and open to the public.
8. The Board of Education delegates to the district Superintendent the responsibility for preparing and administering rules and regulations including the establishment of a fee schedule for use of school facilities to carry out the intent of the policy stated above.
9. When the district authorizes improvements to athletic areas to be made by an organization (i.e., constructing backstops, dugouts, outfield fences, snack bars, scoreboards, electrical systems, etc.), the maintenance of these improvements will be the responsibility of the organization. All costs will be borne by the organization.

Legal Reference: (see next page)

USE OF SCHOOL FACILITIES (continued)

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*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

MILITARY AND VETERANS CODE

1800 *Definitions*

CODE OF REGULATIONS, TITLE 5

14037-14042 *Proportionate direct costs for use of school facilities and grounds*

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)