

Use Of School Facilities

Civic Center Act Policy

The Governing Board establishes the following policies for the use of facilities and grounds pursuant to the Civic Center Act, California Education Code 40040-40047.

The management, direction and control of school facilities is vested in the Governing Board which may grant the use of school facilities and grounds as a civic center upon the terms and conditions set forth in this policy and any accompanying administrative regulation to:

1. Provide aid, encouragement and assistance for any of the activities listed below which are in conformity with the policies and administrative regulations of this Board and the District.
2. Preserve order in school facilities and on school grounds, and protect school facilities and school grounds. If necessary, a person or persons may be designated to supervise the protection and preservation of school grounds and facilities.
3. Ensure that the use of facilities or grounds under this policy 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.

Subject to the terms and conditions set forth in this Policy and any applicable District administrative regulations, the Governing Board shall make school facilities and grounds under its jurisdiction available as a civic center to community groups for the following purposes:

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 for temporary periods on a one-time or renewable basis, but any church or religious organization which has no suitable meeting place for the conduct of services.
4. Child care or daycare programs to provide supervision and activities for children or preschool and elementary school age.
5. The administration of examination 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 for youths 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. (Education Code Sections 38131 and 38132)

The Board also recognizes that there are costs involved in non-school related use of facilities and that charges are necessary so that school monies will not be used in support of non-school related activities.

The Board shall not grant the use of school facilities 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. Any violation of Board Policy, Administrative Regulation, or other law by any organization during use shall be sufficient cause for denying further or continued use of school or District facilities or grounds by the organization.

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. No activity which may interfere with the educational program of a school or the District will be approved or permitted.

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

4. Any use of tobacco products on district or 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: When an alternative location is not available, the Board shall not charge any fees for the use of school facilities or grounds by organizations falling within the classification defined below.

Pursuant to Education Code 35010(b) the free use classification is defined by the Board to include nonprofit organizations affiliated with the District or a particular school site and created for the purpose of benefiting or supporting the District as an entity, a specific school site, and/or the students enrolled in any of the District's schools or educational programs. This classification is further defined to include educational activities or programs created by other educational institutions or law enforcement agencies for the exclusive benefit of the District, its employees or its students. Examples of this classification include, but are not limited to: school booster clubs, Parent-Teachers' Associations, school/community advisory councils, life-saving programs and other school affiliated groups for the exclusive benefit of the District, its students, employees, or educational programs.

Should any of the above free-use groups prefer to use school facilities at a time when custodial services are not normally available (for example, on a Saturday, Sunday, or holiday or if special facilities or services are required, such as personnel or equipment), the District may charge a fee equal to the direct cost of those services.

Free use of facilities shall be limited to available classrooms or other meeting places where a minimal use of equipment and personnel are involved. Charges shall be made for use of all other building facilities in accordance with the Schedule of Use Charges for use of school facilities.

2. Reduced charge to nonprofit youth-oriented organizations: The Board authorizes the use of school facilities or grounds by nonprofit organizations, clubs, or associations organized to promote youth and school activities. In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, church youth and school-community advisory councils. Other groups, including nonprofit groups not organized to promote youth and school activities or for-profit groups that request the use of school facilities under the Civic Center Act, shall be charged at least direct costs.

3. Direct Cost Fees: Activities other than those specified for free use of fair rental value shall be charged a fee not to exceed the direct costs to the District. Direct costs shall include supplies, utilities, janitorial services, services of other District employees and salaries paid to District employees necessitated by the organization's use of school facilities. Pursuant to Education Code 35010(b) the Board further defines direct costs necessitated by an organization's use of school facilities or grounds to mean the organization's proportionate share of those costs, identified in the California School Accounting Manual (1992 Edition) as associated with the community services program of the District, incurred by the District, and required in order to make the facility or grounds suitable for the groups intended use.

Pursuant to Education Code 40043(b), the activities of all organizations not entitled to free use, or required to pay fair rental value, shall be charged the direct costs necessitated by their use, as defined above.

The Superintendent or designee shall be responsible for calculating direct costs for facilities use in a manner consistent with this policy and Administrative Regulation 1330.1.

4. Fair Rental Value Fee: Organizations shall be charged fair rental value when using school facilities or grounds for functions, entertainment's or meetings where admission fees are charged, or contributions are solicited and net receipts are not to be expended for the welfare of the students or a particular school or of the District as an entity or for charitable purposes. If any portion of the net receipts inures to the benefit of any private shareholder of the organization or to any individual, then the organization shall be charged fair rental value. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity.

The Superintendent or designee shall be responsible for calculating fair rental value for facilities use in a manner consistent with this Policy and Administrative Regulation 1330.1.

Priorities of Users

Applications for use of school facilities and grounds shall be given preference in the following order:

1. Educational programs of the District (clubs, class events, etc.).
2. Contracted uses (leases and licenses pursuant to the Education Code).
3. School and District affiliated groups (PTA, Booster clubs).
4. Community recreational and cultural groups (nonprofit).
5. Public agencies and public affairs groups.
6. Private, nonschool-connected classes and educational events.
7. Profit-making or commercial events, out-of-District groups, etc.

Damage and Liability

Organizations using school facilities under the provisions of this policy shall be liable for any damage caused by the activity. The Board shall charge the amount necessary to repair the damage and may deny the group further use of school facilities, in addition to pursuing any other available legal remedies. (Education Code Sections 38132 and 38133)

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.

All organizations using facilities under the Civic Center Act shall be required to include the District as an additional insured on their policies.

Application and Scheduling for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities and grounds in accordance with this, and any other applicable Policy or Administrative regulation. A copy of these procedures and regulations shall be available at each school site and the District Office and shall be provided upon request to all persons or organizations requesting use of District facilities or grounds.

Any person applying for the use of school property on behalf of any organization shall be a member of the applicant organization. Unless he/she is an officer of the organization, the applicant shall present written authorization from the organization to make the application.

The District reserves the right to determine the appropriate location for uses of its facilities and retains the ability to change the location of a use in the event such change is necessary for the benefit of the District, its schools, students or educational programs.

All persons or organizations applying for the use of school facilities shall complete a hold harmless agreement with the District.

No organization may obtain a Use Agreement of more than one year in duration. Unless otherwise stated on the Use Agreement, all Agreements for the use of District facilities shall expire on June 30. Such Agreements may be renewed.

Appeal Procedures

Any individual or group may appeal the administrative decision of the Superintendent or his/her designee to the Board. Upon written request by the applicant, the appeal will be presented at the next possible board meeting for consideration. The appellant will be provided an opportunity to present testimony prior to Board action.

Legal Reference

EDUCATION CODE

10900-10916 Community Recreation Programs

35010 Control of District; Prescription and enforcement of rules

38082 Persons entitled to purchase food; nonschool use of cafeteria facilities

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

Policy HEMET UNIFIED SCHOOL DISTRICT

adopted: June 16, 2009 Hemet, California

revised: December 7, 2018

Use Of School Facilities

Civic Center Act Policy

The Education Code, together with Board Policy 1330.1, establishes a civic center at each public school facility. Please refer to Policy 1330.1 regarding who may, or may not, use District facilities and grounds. It is the intent of these regulations to establish the guidelines necessary to preserve order in, and to provide protection for, such school facilities and grounds. These regulations are also intended to ensure that the use of school facilities and grounds is neither inconsistent with school purposes nor interferes with the regular conduct of school work.

Application to Use School Facilities

The District requires all individuals, groups, organizations, clubs, or associations (collectively referred to in this Regulation as "organizations") applying for the use of school facilities or grounds to submit the following documents at least three weeks prior to the scheduled event:

1. Application for Use of School Facilities

The District requires all applications to be submitted online on the district website by an officer or other authorized member of the organization.

2. Certificate of Insurance

Applicant/User agrees to be solely responsible for any and all liability, claims, loss, demands, damages, costs and expenses, including attorney's fees, arising out of or resulting from any injury to persons or damage to property which arise out of its uses of District's facilities. Applicant/User agrees to defend, indemnify and hold harmless District, its officers, agents, employees, and causes of action, suits and expenses, whether or not any such claim or action is alleged to have been caused in part by District as a party indemnified hereunder. Hemet Unified School District must be named as additional insured on the Applicants/Users insurance policy. (\$1 million minimum, \$3 million general aggregate) A binder must be provided to the District with the use of facilities form along with a copy of the entire policy. Address: Hemet USD, Attn: Business Services, 1791 W Acacia Ave., Hemet, CA 92545

3. Use Agreement

Applications for the use of school facilities and grounds shall be submitted online on the district website and will be approved by the site with final approval by the Assistant Superintendent of Business Services. No school site administrator has the authority to make the final decision approving or denying use of District facilities

Fees for Use of School Facilities

Fees for the use of school facilities and grounds shall be charged in accordance with the following classifications.

Free Use: When an alternative location is not available, the Board shall not charge any fees for the use of school facilities or grounds by organizations falling within the classification defined below.

Pursuant to Education Code 35010(b) the free use classification is defined by the Board to include non-profit organizations affiliated with the district or a particular school site and created for the purpose of benefiting or supporting the District as an entity, a specific school site, and/or the students enrolled in any of the District's schools or educational programs. This classification is further defined to include educational activities or programs created by other educational institutions or law enforcement agencies for the exclusive benefit of the District, its employees or its students. Examples of this classification include, but are not limited to: school

booster clubs, Parent-Teachers' Associations, school/community advisory councils, life-saving programs and other school affiliated groups created for the exclusive benefit of the District, its students, employees, or educational programs.

Should any of the above free-use groups prefer to use school facilities at a time when custodial services are not normally available (for example, on a Saturday, Sunday, or holiday or if special facilities or services are required, such as personnel or equipment), the District may charge a fee equal to the direct cost of those services.

Free use of facilities shall be limited to available classrooms or other meeting places where a minimal use of equipment and personnel are involved. Charges shall be made for use of all other building facilities in accordance with the Schedule of Use Charges for use of school facilities.

Reduced charge to nonprofit youth-oriented organizations: The Board authorizes the use of school facilities or grounds by nonprofit organizations, clubs, or associations organized to promote youth and school activities. In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., Parent-Teacher Associations, church youth and school-community advisory councils. Other groups, including nonprofit groups not organized to promote youth and school activities or for-profit groups that request the use of school facilities under the Civic Center Act, shall be charged at least direct costs.

Direct Cost Fees: Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed the direct costs to the District. Direct costs shall include supplies, utilities, janitorial services, services of other District employees and salaries paid to District employees necessitated by the organization's use of school facilities. Pursuant to Education Code 35010(b) the Board further defines direct costs necessitated by an organization's use of school facilities or grounds to mean the organization's proportionate share of those costs, identified in the California School Accounting Manual (1992 Edition) as associated with the community services program of the District, and required in order to make the facility or grounds suitable for the groups intended use.

Pursuant to Education Code 40043(b), the activities of all organizations not entitled to free use, or required to pay fair rental value, shall be charged the direct costs necessitated by their use, as defined above.

Fair Rental Value Fee: Organizations shall be charged fair rental value when using school facilities or grounds for functions, entertainment or meetings where admission fees are charged, or contributions are solicited and net receipts are not to be expended for the welfare of the students of a particular school or of the District as an entity or for charitable purpose. If any portion of the net receipts insures to the benefit of any private shareholder of the organization or to any individual, then the organization shall be charged fair rental value.

As used in this section, fair rental value means the direct costs as defined above, plus the amortized costs of the school facilities or structures used for the duration of the activity. Any individual or group may appeal the administrative decision of the Superintendent or his/her designee to the Governing Board. Upon written request by the applicant, the appeal will be presented at the next possible Board meeting for consideration. The appellant will be provided an opportunity to present testimony prior to Board action.

Scheduling Use of Facilities

Scheduling of civic center use may initially be made through the site administrator at the facility requested, but is not final until the Assistant Superintendent of Business Services approves the usage. Organizations appealing the decision of the Assistant Superintendent of Business Services shall adhere to the time lines and procedures set forth in Board Policy 1312.

Consistent with the District's educational programs, the District has sole discretion to determine what facilities shall be available under the Civic Center Act.

Terms and Conditions for Use of School Facilities

General

1. No activity which may interfere with the educational program of a school or the District will be approved or permitted. Any violation of these Administrative Regulations, Board Policies, or other state law by an organization during use shall be sufficient cause for denying further or continued use of school or District facilities or grounds by the organization. No organization may obtain a Use Agreement of more than one year in duration. Pursuant to Education Code 38132 and 38133, all organizations using District facilities must certify that no suitable alternative location is available for the conduct of their activities. Such Agreements may be renewed.

2. Alcohol is prohibited on any district property.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, and on district property. The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and any other vapor-emitting devices, with or without nicotine content.

3. Juvenile organizations must have adequate adult sponsorship and supervision. Adequate supervision shall be not less than one adult per 20 children at the elementary level (K-6) and one adult per 30 children at the secondary level (7-12).

4. All functions shall close by 11:00 p.m. unless special permission is secured in advance. All premises shall be vacated at the time shown on the application. Deviations or departures from this rule shall be cause for cancellation of all future meetings or functions.

5. School facilities and grounds shall not be available at any time which might interfere with regular functions of the school, and said time will be determined by the Superintendent or person designated by him/her. Use shall be limited to the specific hours and rooms listed on the approved application. Users groups shall not enter unauthorized rooms, facilities or grounds.

6. Charges for ongoing monthly civic center use of facilities shall be assessed and paid in full five days prior to each month of scheduled use. For one-time civic center users, payment shall be made at five days prior to the scheduled event. Failure to pay for use in accordance with this provision shall result in cancellation of the scheduled use and potential denial of future use.

7. When an application is filed and approved, it is considered to be in effect for the period stated on the Use Agreement. No Use Agreement may be for a period of more than one year.

8. School property must be protected from damage and mistreatment, and ordinary precautions must be maintained. Organizations shall be responsible for the condition in which school facilities and grounds are left. Should school property be damaged or abused beyond normal wear, such damage will be paid for by the group involved and shall be sufficient cause for cancellation of future meetings or functions.

9. In addition to pursuing any other legal remedies, non-payment of any fees, charges, or costs incurred due to destruction or damage of school property, will result in cancellation of future meetings or functions of the organization.

10. Only furniture already present in the facility requested shall be available for use.

11. No alterations shall be made to any school building, nor shall furniture, pianos or District equipment be moved except by the assigned custodians.

12. No alterations or additions shall be made to any District facility or grounds without first submitting a written request describing in detail the proposed change and receiving written approval from the District to proceed. If approval is given, it is the responsibility of the organization to return the facility or grounds to its original

condition. Failure to do so will result in the District billing the organization for the costs incurred by the District in restoring the facility or grounds to its original condition and is cause to cancel future meetings or functions of the organization.

13. All draperies, hangings, curtains, drops and all decorative materials used within or upon the school building or grounds shall be made from a nonflammable material or shall be treated and maintained in a flame-retardant solution or process approved by the State Fire Marshal.

14. Any facility approved for use shall only be held for one-half hour after the time designated on the approval application for that meeting or activity to begin. Failure to give the Facilities Office notice of the intent not to use approved facilities within 24 hours of the scheduled event shall result in the approved applicant being charged all costs necessitated by the anticipated use and incurred by the District.

15. The District reserves the right to deny use or revoke the approval of use to any applicant the District has determined to have misrepresented its purposes, identity or any other information the District deems to have an impact upon the approval of use.

Buildings

1. No preparation of any kind shall be used on school floors by groups using the buildings for dancing or any other purposes.

2. Shoes with cleats or plates, or rubber soles or heels which mar or mark the floor are not permitted in school buildings.

3. Beverages and food are not permitted in the gyms, theaters, athletic fields or related facilities.

Grounds

1. No firearms or weapons as described in Penal Code 626.9, 626.10, 653k, 12001, 12020(a), 12276, 12402, or 12580 whether concealed or in plain view shall be carried on school grounds or within 1000 feet of any school grounds.

2. Activities that involve constant physical contact (tackle football, karate, boxing, etc.) shall not be engaged in on school property without specific authorization from District administration.

3. Hardball playing shall not be permitted unless direct supervision of an organized youth baseball team is provided.

4. Horseback riding shall not be permitted.

5. Skating and skate boards on school premises are prohibited.

6. Climbing on buildings, fences or other facilities not intended for climbing is prohibited.

7. Archery shall not be permitted on school premises.

8. Riding of bicycles (other than supervised bicycle activities), tricycles, scooters, motor scooters, go-carts and automobiles (except where specifically authorized) is not permitted on school premises.

9. School playground shall not be available at any time for any activity which might interfere with the regular functions of the school.

10. Running of model cars or flying of model planes is not permitted.

11. Grounds shall be left in good order at the conclusion of any activity and property shall not be misused or destroyed.

12. Golfing on school property is prohibited.

13. Vehicles are not permitted on artificial turf or track surfaces.

Furniture and Equipment

No electrical, mechanical, or other equipment may be brought on to a school site without the prior approval of the Assistant Superintendent of Business Services. In the event equipment is allowed to be brought onto District facilities, the District shall not be liable for any damage to the equipment or to the facilities by use of such equipment.

District-owned equipment and furniture may be used by organization on the following conditions:

1. Request for use of furniture and equipment shall be included on the facilities use application form.

2. The person who has jurisdiction over the equipment shall review all applications requesting use and shall recommend approval or denial of the requested use.

3. Use of equipment and furniture constitutes a direct cost to the District. Users shall pay for personnel needed to set up furniture and equipment.

4. The organization assumes the responsibility for such equipment supplied and agrees to repair or replace any equipment which might be damaged, lost or stolen while under the control of the organization.

5. The group or organization requesting the use of equipment certifies that a qualified person will operate it. Operation of projectors must be a qualified person, subject to approval of the Coordinator of Community Relations and Facilities Planning. The District may require the user to pay for personnel needed to operate certain specialized equipment.

6. Groups using facilities which include a stage shall not remove or displace any furniture, pianos, or other stage equipment or make changes in curtains, lights, ceiling pieces, backdrops or other props without prior approval, and then, only under the direct supervision of the school employee in charge.

7. Furniture and equipment available for use will be only that which is already available at the site requested. School furniture and/or equipment is not available for use off District sites.

Special Equipment

Special equipment owned by the District may be used by organizations on the following conditions:

1. Permission is secured from the person who has jurisdiction over the equipment. Use of such equipment constitutes a direct cost to the District.

2. The organization assumes the responsibility for such equipment supplied and agrees to repair or replace any equipment which might be damaged, lost or stolen while under its jurisdiction.

3. The group or organization requesting the use of equipment certifies that a qualified person will operate it. Operation of projectors must be a qualified person, subject to approval of the site administrator.

4. Computer laboratories shall not be available for use under the Civic Center Act.

Custodial Services

The assigned custodian, at the direction of the site administrator shall be responsible for making the necessary arrangements to accommodate the meeting, cleaning and returning the facility to proper condition for school use, reporting any deviations or departures from the established rules, regulations and policies, and performing all services necessary for the intended use.

Cafeteria Services and Use of Kitchen Facilities

All such requests are subject to the review and approval of the Director of Nutrition Services; however, the Assistant Superintendent of Business Services shall make the final determination approving or denying the requested use.

Kitchen facilities are available under limited circumstances by organized groups subject to the following condition:

1. The use shall cause no interference with the school food services program.
2. All food and supplies shall be furnished by said group. No food or supplies may be purchased from cafeteria stock. Unless permission is granted by the Director of Nutrition Services, organizations using kitchen facilities may not use dishes, cooking and eating utensils, dish towels and cloths or any other supplies owned by the District.
3. A cafeteria employee, assigned by the Director of Nutrition Services, shall be on duty at all times. The chargeable personnel costs associated with this personnel assignment shall be based on current daily/hourly rates, including fringe benefit costs and overtime rates may apply.
4. The cafeteria employee assigned to the kitchen shall be responsible for advising the group of the proper use of cafeteria equipment and shall see that district property is protected and that District supplies are not used.
5. Cafeteria personnel shall not assume responsibility for the preparation or serving of food or any of the cleaning duties.
6. Regulations set by the Riverside County health Department and the California Health and Safety Code and the Restaurant Act of California shall govern food handlers when using school facilities.
- 7 Use of kitchen facilities shall be confined to adults.
- 8 Kitchen facilities shall be left in a clean and orderly condition. Failure to do so is sufficient cause for denying future use to that organization and the organization shall be charged for the labor involved in returning the kitchen to District standards.

Swimming Pool Use

1. No person, including a lifeguard, may enter the pool without another person present. Immediate access to the telephone in the pool office/area is mandatory.
2. Whenever the pool is in use, one lifeguard must be on duty, present in the pool area and serving primarily as a lifeguard rather than involved in instruction and/or maintenance.
3. Employees with other position titles are recognized for purposes of this policy as lifeguards when they meet state and District requirements.
4. Prior to serving as a lifeguard, individuals must have their qualifications verified and recorded by the Personnel Department of the District.
5. For swimming practice, there shall be a ratio of one lifeguard or trained observer for every 25 participants.

6. For swim meets, there shall be a ratio of one coach, lifeguard, or trained observer for every 25 participants.
7. Lifeguards shall hold the following licenses/certificates: lifeguards training and Standard First Aid.
8. Trained observers' qualifications shall be: Standard First Aid and Water Safety Instructor.

Regulation HEMET UNIFIED SCHOOL DISTRICT

approved: October 3, 1995 Hemet, California

revised: December 7, 2018