

### Use of School Facilities

01 The Governing Board believes that school facilities, properties, and  
02 grounds are a vital community resource that may be used to foster  
03 community involvement and development.

04

05 District and school activities as well as other school-related uses of  
06 District-owned facilities shall take precedence over the use of school or  
07 District facilities by any school-connected organization, booster clubs,  
08 San Marino community user groups, District residents or others.

09

10 The Board may authorize the use of school facilities by District residents  
11 and community groups for purposes specified in the Civic Center Act, to  
12 the extent that such use does not interfere with school activities or other  
13 school-related uses.

14

15 The Superintendent shall establish a use of facility fee schedule, use of  
16 District facilities application and other requirements as necessary.

17

#### 18 Procedures and Regulations

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20 For the effective management and control of school facilities and  
21 grounds, the Superintendent or designee shall maintain procedures and  
22 regulations that: (Education Code 38133)

23

24 1. Ensure that the use of school facilities or grounds is not  
25 inconsistent with their use for school purposes and does not  
26 interfere with the regular conduct of school work.

27

28 2. Aid, encourage, and assist groups desiring to use school facilities  
29 for approved activities;

30

31 3. Preserve order in school buildings and on school grounds and  
32 protect school facilities, designating a person to supervise this  
33 task, if necessary.

34

#### 35 Approved Use of Facilities

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37 Subject to prior approval by the Board, the Superintendent or designee  
38 may grant the use of school facilities on those days on which the school  
39 is closed. (Education Code 37220)

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41 There shall be no advertising on school facilities and grounds except as  
42 allowed by District Board Policy.

43

44 Organizations, such as PTA's, PTSA, and other school-connected  
45 organizations, desiring to use District facilities for school-related  
46 activities shall have priority in the use of school facilities and grounds.  
47 Other uses authorized under the Civic Center Act shall be on a  
48 first-come, first-served basis.

49

50 As necessary to ensure efficient use of school facilities, the  
51 Superintendent or designee may, with the Board's approval, enter into an  
52 agreement for the joint use of any school facilities or grounds. The Board  
53 shall approve any such agreement only if it determines that it is in the  
54 best interest of the District and the community.

55

56 District employees, volunteers, or subcontractors who wish to use District  
57 facilities for activities other than those which are school-related or for the  
58 benefit of the District must apply for facilities use in the same manner as  
59 other members of the community.

60

61

62 Pursuant to the provisions of the Education Code 38082, the following  
63 persons and groups are permitted to use the District's food service  
64 facilities:

65

66 1. Members of the staff of the State Department of Education and  
67 the office of the County Superintendent of Schools;

68

69 2. Members of parent-teacher organizations; and

70

71 3. Persons entitled to use school facilities under the Civic Center  
72 Act.

73

74 The Board, the Superintendent or a designee is authorized to approve  
75 and arrange for scheduling the use of school facilities by applicants  
76 satisfying the above purposes and limitations.

77

78 Approval of District facilities usage is contingent upon the individual,  
79 group or organization completing and submitting the facilities use  
80 application, waiver of liability agreement, facilities use statement, proof of

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82 insurance naming the District as additional insured, payment of  
83 applicable fees, and any other documentation that may be requested.

84

85 Damage and Liability

86

87 a) Groups or persons using facilities under the provisions of  
88 this policy shall be liable for any property damages caused  
89 by the activity.

90

91 b) The Board shall charge the amount necessary to repair the  
92 damages and may deny the group further use of school  
93 facilities. (Education Code 40043)

94

95 c) Any group using school facilities shall be liable for any  
96 injuries resulting from its negligence during such use. The  
97 group shall bear the cost of insuring against this risk and  
98 defending itself against claims arising from this risk.

99

100 Fees

101

102 The Board shall adopt a comprehensive schedule of fees to be charged  
103 for community use of school facilities and grounds, including, but not  
104 limited to, the multipurpose room(s), gymnasium(s), playing or athletic  
105 field(s), track and field venue(s), tennis court(s), and outdoor basketball  
106 court(s). The schedule of fees shall be prepared in accordance with 5  
107 CCR 14037-14041. (5 CCR 14041)

108

109 In determining direct costs to be charged for community use of each, or  
110 each type of, school facility or grounds, the Superintendent or designee  
111 shall calculate, in accordance with 5 CCR 14038, the community's  
112 proportionate share of the following costs: (Education Code 38134; 5  
113 CCR 14038-14041)

114

115 1. Capital direct costs calculated in accordance with 5 CCR  
116 14039, including the estimated costs of maintenance, repair,  
117 restoration, and refurbishment of non-classroom space  
118 school facilities or grounds. Capital direct costs, however,  
119 shall not be charged to organizations retained by the District  
120 or school to provide instruction or instructional activities to  
121 District students during school hours or for classroom-based  
122 programs that operate after school hours, including, but not

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123 limited to, after-school, tutoring, and child care programs. (5  
124 CCR 14037)

125

126 2. Operational direct costs calculated in accordance with 5 CCR  
127 14040, including estimated costs of supplies, utilities,  
128 custodial services, other services of District employees  
129 and/or contracted workers, and salaries and benefits paid to  
130 District employees directly associated with the administration  
131 of the Civic Center Act to operate and maintain school  
132 facilities and grounds.

133

134 Direct cost fees shall not be discounted to any group or organization  
135 except when the discount is specifically authorized in the adopted fee  
136 schedule. (5 CCR 14041)

137

138 The Board shall grant the use of school facilities or grounds without  
139 charge to school organizations, parent-teacher associations, and school  
140 advisory councils whose activities are directly related to or for the benefit  
141 of District schools. All other groups requesting the use of school facilities  
142 under the Civic Center Act shall be charged an amount not exceeding  
143 direct costs determined in accordance with 5 CCR 14037-14041.

144

145 When any use of school facilities or grounds is for religious services, the  
146 District shall charge an amount at least equal to the District's direct costs.  
147 (Education Code 38134)

148

149 The Board authorizes the use of school facilities or grounds at a reduced  
150 cost by nonprofit organizations, clubs, or associations organized to  
151 promote youth activities. Consistent with Education Code 38134(a),  
152 these groups include, but are not limited to, Girl Scouts, Boy Scouts, and  
153 YMCA.

154

155 The Board may authorize the use of school facilities or grounds at a  
156 further reduced cost by the San Marino Community Athletic Association  
157 (SMCAA) and the San Marino Community Services (City Recreation)  
158 Department.

159

160 Nonprofit groups not organized to promote youth and school activities,  
161 and other groups under the Civic Center Act, shall be charged an amount  
162 not to exceed direct costs.

163

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164 All other groups, including for-profit groups shall be charged the fair  
165 rental value of the facilities.

166

167 Groups shall be charged fair rental value when using school facilities or  
168 grounds for entertainment or meetings where admission is charged or  
169 contributions solicited and net receipts are not to be expended for  
170 charitable purposes or for the welfare of the District's students.  
171 (Education Code 38134)

172

173 Expending Funds Collected as Capital Direct Costs

174

175 Any funds collected as capital direct costs shall be deposited into a  
176 special fund to be used only for capital maintenance, repair, restoration,  
177 and refurbishment of school facilities and grounds. (5 CCR 14042)

178

179 Operational Hours

180

181 Operational hours for District athletic facilities are based on the District's  
182 school/academic calendar. Any use times outside of the calendar are  
183 considered non-operational hours and usage fees for non-operational  
184 use will apply.

185

186 School Days (based on the District school/academic calendar): Monday  
187 through Friday, 7:00 a.m. – 9:30 p.m. All athletic facilities will be closed  
188 at 9:30 p.m.

189

190 Summer Months Weekdays: Monday through Friday, 7:00 a.m. – 2:00  
191 p.m., with blackout dates for gym floor cleaning and field maintenance  
192 (after 2:00 p.m. non-operational usage fees will apply).

193

194 Non-Operational Hours

195

196 School Year Weekend Use (excluding holiday periods): Saturdays and  
197 Sundays, 7:00 a.m. – 7:00 p.m. (non-operational usage fees will apply).  
198 A two (2) hour minimum usage period will apply during non-operational  
199 hours. Usage will be scheduled in hourly increments.

200

201 Summer Months Weekdays: Monday through Friday, 2:00 p.m. – 9:30  
202 p.m. (non-operational usage fees will apply).

203

204 Summer Months Weekend Use: Saturdays and Sundays, 7:00 a.m. -

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205 7:00 p.m. (non-operational usage fees will apply).

206

207 There will be blackout dates for gym floor refinishing, field maintenance  
208 and most holiday periods. Specifically, all school facilities, property and  
209 grounds shall be closed and not available for school, school-related or  
210 community activities or use during the week, from Saturday through  
211 Sunday, subsequent to the conclusion of District summer school  
212 programs.

213

214 Weekends, professional development days, minimum days, holidays,  
215 and winter and spring breaks will also be considered non-operational  
216 hours.

217

218 Rules and Regulations

219

220 1. All user groups must ensure that an adult (21 years or older)  
221 be responsible for the organization, clinic or group and be  
222 present at all times during facility usage. S/he must have a  
223 copy of the group's approved facility user permit in his/her  
224 possession. Failure to present this permit will lead to  
225 removal from the facility.

226

227 2. District custodial and/or athletics maintenance staff must be  
228 present at all times during usage of the gyms and restroom  
229 facilities. If community usage is outside of operational hours,  
230 non-operational fees will apply.

231

232 3. If the gyms are not being used by community youth sports  
233 groups on Saturdays and Sundays between 7:00 a.m. and  
234 7:00 p.m., San Marino community adult user groups may  
235 apply for a facility use permit. Such groups will be charged a  
236 fee consistent with the applicable fee schedule. Those  
237 groups with the highest percentage of residents will be  
238 considered to have first priority. If the percentage of  
239 residents is equal then a lottery system will be used to  
240 determine use.

241

242 4. Community use of gym and field facilities will be scheduled  
243 outside of the regular school day hours. No community use  
244 will be approved during school operational hours.

245

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- 246 5. Fields: Field usage will end on or before 9:30 p.m. daily.  
247  
248 6. Gyms: Gym usage will end on or before 9:30 p.m. on  
249 weekdays and 7:00 p.m. on weekends.  
250  
251 7. No games or practices will be scheduled on school holidays  
252 and/or blackout dates.  
253  
254 8. Organizations/groups utilizing lighted facilities are  
255 responsible for ensuring the proper use of the lights.  
256  
257 9. Alcoholic beverages and tobacco use are prohibited on  
258 school grounds.  
259  
260 10. At the conclusion of games, practices, and activities,  
261 organizations must leave the facilities quickly, quietly, and  
262 clean and clear of debris and trash. Failure to do so will  
263 result in a maintenance- cleaning fee or revocation of their  
264 facility permit.  
265  
266 11. Non-school users (community youth sports, coaching clinics,  
267 and community adult users) must provide M&O with a  
268 current certificate of insurance and hold harmless  
269 agreement prior to the allocation and use of fields and  
270 gymnasiums.  
271  
272 12. Community use of the gymnasiums and field facilities does  
273 not include use of any District equipment. The District is not  
274 responsible for any loss or damage that may occur to  
275 community equipment brought on or into the facilities.  
276  
277 13. Approval of District facilities usage is contingent upon the  
278 individual, group or organization completing and submitting  
279 the facilities use application, waiver of liability agreement,  
280 facilities use statement, proof of insurance, payment of  
281 applicable fees, and any other documentation that may be  
282 requested.  
283  
284 14. Approved users of District facilities cannot assign or  
285 sub-lease District facilities to another user group. Failure to  
286 comply with these rules may result in denial of future

### Use of School Facilities

- 287 facilities usage.  
288  
289 Legal References  
290 Education Code  
291 10900-10914.5 Community Recreation Programs  
292 32282 School Safety Plan  
293 37220 School Holidays  
294 38130-38138 Civic Center Act: use of school property for public  
295 purposes  
296  
297 Business and Professions Code  
298 25608 Alcoholic beverages on school premises  
299  
300 Military and Veterans Code  
301 1800 Definitions  
302 UNITED STATES CODE, TITLE 20  
303 7905 Equal access to public school facilities  
304  
305 Court Cases  
306 ACLU of So. Calif. v. Board of Education of Los Angeles  
307 (1961), 55 Cal 2nd 167  
308 Cole v. Richardson  
309 (1972), 405 US 676, 92 S. Ct. 1332  
310 Good News Club v. Milford Central School  
311 (2001), 533 US 98  
312 Lamb's Chapel v. Center Moriches Union Free School District  
313 (1993), 508 US 384  
314 Connell v. Higgenbotham, (1971) 403 U.S. 207  
315 ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167  
316 Ellis v. Board of Education, (1945) 27 Cal.2d 322  
317 ATTORNEY GENERAL OPINIONS  
318 82 Ops.Cal.Atty.Gen. 90 (1999)  
319 79 Ops.Cal.Atty.Gen. 248 (1996)  
320  
321 Management Resources: Legal Advisory  
322 1101.89 School District Liability and "Hold Harmless" Agreements, LO:  
323 4-89  
324  
325 CSBA PUBLICATIONS  
326 Maximizing Opportunities for Physical Activity Through Joint Use of  
Facilities, Policy Brief, February 2010



### **Use of School Facilities**

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

#### **WEB SITES**

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

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