

USE OF SCHOOL FACILITIES

The use of school District buildings, grounds, and equipment under Board Policy 1330 and this regulation shall be under the following terms and conditions, and subject to limitations, requirements, and restrictions set forth in Education Code 10900-10916, 38082 and 38130-38138.

1. Use or occupancy of school facilities shall be primarily for public school purposes. Any authorized use or occupancy of the facilities for other than public school purposes shall be secondary and subordinate to this primary purpose. The second priority of use is for youth sports and other youth organizations.
2. The term "organization" as used in these regulations is defined to mean and include the person or group of persons applying for the use of school facilities.
3. All applications from outside organizations for the use of school facilities shall be submitted to the District business office and shall be signed by an officer of the organization. These applications should be filed at least two weeks in advance of the time the use of school facilities is desired.
4. All approved user groups must submit a certificate of insurance to Business Services prior to their use. The certificate of insurance must name the Brea Olinda Unified School District as an additional insured with combined limits of \$1,000,000 for liability and property damage.
5. Requests for facilities for the conduct of religious services may be approved provided the requests are for temporary periods, on a one-time or renewable basis, by a church or religious organization which has no suitable meeting place for the conduct of services. Church or religious organizations will be charged an amount at least equal to the District's direct costs as required by Education Code 38130-38138.
6. No use or occupancy of any school facility will be permitted if the Board of Education, in the exercise of its discretion, determines that such use or occupancy is prohibited by law, or that such use or occupancy will interfere with the use of the facility for school purposes, or that it will result in rioting, or other disturbance of the peace, or in damage to the facility which will render it unfit for, or will interfere with, its proper use for school purposes.
7. Organizations using school facilities shall comply with all applicable laws, rules and regulations. Any use contrary to or in violation of any law, rule, or regulation shall be grounds for cancellation of the permit and removal of the users from the facilities. The District may bar such organizations from further uses thereof.

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8. Use of tobacco, alcohol, intoxicants, or narcotics shall be cause for immediate revocation of the authorization to use the facility, including shows or activities in progress. Gambling, profane language, or fighting are also causes for immediate cancellation.
9. Whenever the free use of school facilities is permitted, it is understood that there will be no admission fee charged, no soliciting of funds, no free-will offering, nor sale of literature by the organization using school facilities.
10. Permission to use school facilities will be granted in accordance with a schedule of charges, established by the District business office. The District may require a security deposit in addition to any rental charges or personnel costs if the District representative approving the application believes there is a reasonable expectation that some damage to District facilities or grounds may result from the activity.
11. Use of the Performing Arts Center at Brea Olinda High School requires at least one District theater technician. The District can provide additional trained theater personnel depending on user group requirements. User groups will be billed for all District theater personnel based on hours actually worked supporting the production/activity. User groups may provide stage hands in lieu of using District personnel but may not replace all District technical personnel operating lighting and sound equipment.
12. Organizations using school facilities which include a stage and stage equipment shall not be permitted to remove or displace furniture or apparatus, including lights, curtains, ceiling pieces or cycloramas.
13. Service or sale of food or refreshments will not be permitted in auditoriums or gymnasiums, nor will the vending or sale of any articles be permitted at any use or occupancy of the school facilities without prior approval.
14. The school site office shall assume no responsibility for mail and shall not permit the use of the school telephone for long distance calls by members of the organization using school facilities.
15. Authorization for the use of facilities, even on a recurring basis does not include authorization to store equipment and supplies on the school site. They must be removed at the end of each usage.
16. The District may require an employee to be on duty when school facilities are being used by outside groups. It shall be the duty of this employee to see that these rules and regulations are enforced and to report any violation to the proper authorities,

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normally a District administrator. If the District administrator determines that these rules and regulations have been violated, he/she may revoke such permit or permits to use as have been given and may refuse to give further permits to the organization.

- 17. Use of District personal property, such as chairs and tables, by or under the supervision of a qualified operator may be authorized, but such equipment shall not be loaned to individuals or community groups for use off District premises, except that chairs and tables may be used by community groups for activities which are conducted for the benefit of District students or student organizations (see Policy 1330.1 for exceptions). Damage costs generated as a result of off-campus use under this provision shall be borne by the using organization.

(cf. 1330.1 – Use of Furniture and Equipment)

- 18. The District has adopted a policy prohibiting the use of tobacco products of any kind on any of its school facilities. Violation of this policy will result in termination of the organizations use of District facilities.

FEE SCHEDULE

The District has adopted three schedules of fees for use of District facilities.

- 1. **FREE USE**

Free use of facilities shall be granted to the following groups:

- a. Non-profit organizations that promote youth and school activities or that provide for the public good (as defined under the "Civic Center Use" and "Mass Care and Welfare Shelters") if an alternative site is not available. Examples of such organizations are scouting groups, parent-school organizations, community advisory councils, ad hoc board committees, etc.
- b. Depending upon the availability of space and the District's funds, a group may have continuing use of facilities on a continuing basis. Other groups may have free use for a limited amount of time, after which a fee may be assessed. If an alternate location is available, the District may grant the use of school facilities and charge the direct cost for such use.

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2. FEE USE

For groups and organizations listed below, use shall be granted with a fee not to exceed the following:

- a. The cost of opening and closing the facilities, if no school employees would otherwise be available to perform that function as a part of their normal duties;
- b. The cost of a school employee's presence during the use of the facilities if it is determined that supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties;
- c. The cost of custodial services, if the services are necessary, and would not have otherwise been performed as part of the custodian's normal duties; and
- d. The cost of utilities.

The following groups shall be charged direct costs:

- a. Religious groups;
- b. Charitable fundraising groups that do not provide benefits to youth or the public schools, as determined by the Board or designee;
- c. City sponsored community activities for both youths and adults. (Currently fees are negotiated with the city through a separate agreement.) In the absence of the approved Supplemental Agreement between the City of Brea and the Brea Olinda Unified School District, the fee schedule will be used.
- d. Activities approved for youth and adults which are not sponsored by the District or the city of Brea will be charged user fees based on the District's approved fee schedule. Proof of insurance naming the District as an additional insured will also be required.
- e. Governmental agencies when the specific use is for conducting local, county, state, or national elections; and
- f. Other groups that do not meet the qualifications listed under "Civic Center Use," above, and as determined by the Board or designee.

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- 3. Fair rental value fees shall be charged those groups that engage in activities for which there is an admission fee or a solicited contribution, the net receipts of which are not appropriate charitable purposes or for the welfare or benefit of the District's students.

The following groups will be charged fair market value:

- a. Users intending to utilize facilities for profit making activities;
- b. Users intending to utilize facilities for private or exclusive meetings or other activities where the general public is not invited to participate;
- c. Users intending to utilize facilities for commercial purposes when such facilities are not needed on a continuing basis for school or District purposes; and
- d. Other groups as determined by the Board or its designee.

DAMAGE AND LIABILITY

Groups or persons using school District facilities shall be liable for any property damage caused buy the activity. The Board or its designee shall charge the amount necessary to repair damages and may deny the group further use of school facilities.

Any group using 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.

REVOCAATION

Permission to use school District facilities may be revoked at any time if the user fails to obtain proper permission, abuses the facilities in any way, or misrepresents intended use.