

USE OF SCHOOL FACILITIES

The Board of Trustees of the Northern Humboldt Union High School District acknowledges the desirability of making school facilities available for community use when such use does not conflict with district programs and operations.

District buildings, grounds, and equipment shall be made available to public agencies, including the Red Cross, for mass care and welfare shelters in the event of disaster or other emergency.

Priority for use of district facilities shall be as follows:

Priority 1: Northern Humboldt Union High School District schools and school-sponsored groups, clubs and student body organizations.

Priority 2: School-related groups (e.g., PTAs, Booster Clubs, Safe and Sober Committees, parent organizations, and employee bargaining units.)

Priority 3: Departments and agencies of local government entities.

Priority 4: District-based community organizations formed for education, political, economic, artistic and moral interests of the community.

Priority 5: Other approved groups.

Organizations using school facilities shall be assessed fees/costs according to the following classifications and definitions (note: these assessed fees are only for the use of the specific facility while administrative/custodial fees may be necessary to be charged to all groups):

All groups that are not district sponsored shall provide proof of insurance in the manner and amounts as outlined in AR 1330.

Group I – Free Use – Northern Humboldt Union High School District’s use of facilities shall be granted without charge to officially recognized Northern Humboldt Union High School District student and staff groups, parent club organizations, and school community advisory councils. In accordance with Education Code 38134(a), Community organizations, including youth and adult groups committed to community services (Camp Fire Girls, Boy Scouts, Girl Scouts, etc.), senior citizen organizations, and other community public agencies shall be included in the free use classification. Free use may also be granted for fund-raising entertainment or meetings where admission fee charges, or contributions solicited, are expended for the welfare of school programs. The district shall establish charges for services (clean up, lock up) required or requested beyond that normally furnished in the day-to-day business of the district.

Group II – Direct Cost Charge – Organizations, clubs or associations organized for cultural activities, recreational activities, general character building or welfare purposes of citizens shall pay direct cost charges. Direct cost charges are listed in the adopted fee schedule. (Direct costs include utilities.)

USE OF SCHOOL FACILITIES (continued)

Group III – Fair Rental Value – Where admission fees are charged or contributions solicited, and the net proceeds are not expended for the welfare of district students or bona fide charitable purposes groups shall be charged in accordance with the adopted fee schedule.

In addition, profit-making organizations which do not qualify for free rates shall be charged fair rental value. Included in this category might be independent dance, theater or musical groups, private instruction, and private businesses, assuming these groups would satisfy city zoning and business ordinances. Also, there may be non-profit organizations that provide benefit to our community's youth that can receive up to a 50% discount for facility use. Included in this category may be AAU Teams, Little League and Babe Ruth Baseball Teams, and Youth Football Teams. To secure potential savings of 50%, each group must prove their non-profit status.

Damage and Liability

Groups or persons using school facilities under the provisions of this policy shall be liable for any property damages caused by the activity. The Board shall charge the amount necessary to repair the damages and may deny the group further use of school facilities (Education Code 38134).

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 this risk and defending itself against claims arising from this risk.

Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities. Regulations shall include, but not be limited to:

1. Providing encouragement and assistance for any of the activities listed above.
2. Preserving order in school buildings and on school grounds, and protecting school facilities. If necessary, a district employee may be designated to supervise this task.
3. Ensuring that the use of facilities or grounds under this policy are not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work (Education Code 38133).

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

Persons or organizations applying for the use of school facilities shall submit a statement of information indicating that the organization does not intend to use the premises to commit unlawful acts.

USE OF SCHOOL FACILITIES (continued)

(cf. 6145.5 Organization/Association)

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>