

Use of School FacilitiesA. GENERAL INFORMATION

The Governing Board of the Long Beach Unified School District encourages the use of District facilities by community groups for purposes other than the conduct of the instructional program. The use must not interfere with the educational programs of the District and must be in compliance with all laws, rules and regulations as established by the State of California and restrictions as appropriate when determined by the District. In general, such use shall be for the recreational, educational, scientific, literary, economic, political, artistic, or moral interests of the community, or for the discussion of matters of general or public interest.

Authority

California law permits the governing board of a school district to grant the use of school buildings or grounds for public use. The Board may also establish such terms and conditions of usage, as it deems proper, subject to the limitations, requirements and restrictions set forth in the Education Code of the State of California.

Use of school property shall be under the supervision and control of a duly appointed representative of the District.

It is the duty of the representative of the District to see that District rules and regulations are enforced and to report any violations or attempted violations to the Director, Purchasing and Contracts Branch.

Conditions stipulated/related to consideration or allowance of an event, e.g., security, supervision, etc., are totally at the discretion of District staff.

Basic Guidelines For The Use Of School Facilities by Groups

Basic guidelines are set by law and the District to ensure that all individuals and groups receive equal consideration in the determination of access to school facilities and appropriate fees charged. Basic to this consideration is an obligation on the part of the District to review the following:

- a. Determine whether a proposed activity or meeting is one within the purview of the Civic Center Act.
- b. Determine whether a group requesting use of school facilities is organized for general character building or welfare purposes.
- c. Determine whether the applicant will charge admission, collect money or solicit dues.

B. TYPES OF USE

Free Use

The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

Direct Costs

The Board believes that the use of school facilities or grounds by organizations that are not school-related should not result in costs to the District. At a minimum, direct charges will be assessed for the use of school facilities to any entity, including non-profit community groups that are not school-related but expend their net receipts solely for the benefit of pupils of the District, religious organizations as defined under the Civic Center Act, and certain groups that would otherwise qualify for free use, but their use falls at times when the school facility is not open.

Fair Rental Value

Fair rental value fees shall apply to those organizations or groups requesting to use school facilities for the purpose of advertising or selling any product or service and for events or meetings where admission is charged or contributions are solicited and the net proceeds of which are not used for (1) welfare of the pupils of the District or (2) charitable purposes. It shall be considered fair rental value use for all groups other than those covered by the two categories above.

Use by Other Governmental Agencies

Use by other governmental agencies shall be by agreement between the Board of Education and the requesting agency.

C. PROHIBITED USE

State laws prohibit the use of school facilities for subversive, immoral, offensive or harmful purposes.

The use of school facilities shall not be granted to persons, forums, operations, groups, clubs or associations which:

- a. May, by such use, be reasonably expected to expose the property of the District to damage through excessive wear and tear, riot, mob action, or violence of any kind;
- b. Would use the property in a manner which would be contrary to the best interests of the District; or

- c. Desires the use of facilities not consistent with the Civic Center Act or adopted Board policies.

No person, group or activity may engage in the following:

- a. Consumption of alcoholic beverages.
- b. Use of narcotics or drugs for purposes other than medical, and then only under the direct supervision of a duly licensed medical physician.
- c. Fighting, quarreling, abusive language or noise of any kind which may be offensive to other activities of the neighborhood.
- d. Activities which disrupt the daily operations of the District or the instructional program.

Violations of any of the conditions noted above shall be grounds for immediate revocation of the permit for use of such facilities. In the event of such revocation, all persons so affected shall immediately vacate the school facility.

D. DISCLAIMER REQUIREMENT

All groups or organizations not connected to the District or its schools shall include a disclaimer in all its promotional literature specifying that the District neither sponsors nor endorses the pertinent activity, program or event. The font size of the disclaimer shall be the same size as the majority of the language in the promotional item. At minimum, the disclaimer shall include the following statement: "This event is neither sponsored nor endorsed by the Long Beach Unified School District or any of its schools."

E. APPROVAL PROCESS

The Superintendent, or designee, will approve applications for the use of facilities as to the appropriateness of the request after initial review of the application by the site administrator of the facility desired.

Outside events will not be scheduled in conflict with school activities.

Use of school facilities may be denied for any activity which might be considered dangerous or presents significant safety issues. The District may request an agency, e.g. Fire Department, Health Department, to review facilities requests, assuring compliance with all conditions of sanitation and potential fire hazards.

F. ELIGIBILITY AND FEE CATEGORIES

Groups eligible for use of school property are identified as follows:

Group 1 – Free Use

Organizations shall be granted free use of facilities at a time convenient to school operations whose activities are directly related to or for the benefit of District schools.

This free-use category shall apply to, but not be limited to, District/school-related meetings or functions, school sponsored groups or clubs, booster clubs, in-service programs, periodic meetings of community organizations such as Boy Scouts, Girl Scouts, PTA, parks and recreation department, local youth groups and senior citizen's groups. Such use is to be scheduled during regular District working hours so the District will not incur any additional labor costs per the event and/or meeting.

Public agencies, including the American Red Cross shall be granted free use of the facilities for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

Group II – Direct Cost Fee

A direct cost fee shall be charged to an entity, including a religious organization or church, which arranges for supervised recreational activities for youths and in which youths may participate regardless of religious belief or denomination.

A direct cost fee shall be charged to any entity, including non-profit community groups that are not school-related but expend their net receipts solely for the benefit of pupils of the District, and groups that would otherwise qualify for free use, but their use falls at times when the school facility is not open.

A direct cost fee shall be charged to any church or religious organization that has no suitable meeting place for the conduct of religious services on a one-time or renewable basis and contributions are accepted where the net proceeds are expended for the benefit of District students.

Group III – Fair-Rental Value Fee

The fair rental value fee includes the direct costs to the District, plus the amortized costs of the school facilities and/or grounds used for the duration of the activity authorized.

A fair rental value shall be charged for the use of school facilities and/or grounds to organizations that do not qualify under the free use or direct cost fee categories above, and are engaged in recreational, educational, political, economic, artistic, civic or moral activities, and which conduct their meetings for their own membership only and/or that charge admission fees, and spend the money for other than charitable or welfare purposes.

This category includes but is not limited to private dance groups, private educational agencies or institutions, local business or industrial organizations, service clubs, churches with other suitable meeting place available, and adult sport leagues.

For activities of exceptional nature when large numbers of people will attend or a substantial profit is anticipated to accrue, additional fees may be established by the Board for such use. The fee amount shall be established prior to the granting of approval and communicated in writing to the applicant. This type of use may include but is not limited to:

- a. Adult league play and use of District facilities are restricted to school sites appropriate for such use.

- b. Each school facility used for adult league play shall be determined by the District; and, the number of playing fields permitted for use on each site shall be specified and scheduled play restricted to only those fields.

G. PRIORITY FOR FACILITY USE

Facilities utilization will be prioritized in the following manner (listed in order of priority):

1. Activities and programs directly related to the instructional and educational program(s) of the District.
2. Events or activities:
 - a. Designed to serve the youth of the community which are planned and directed by school related groups and connected with community recreational programs.
 - b. Community organizations that exist only to benefit youth.
3. Use by community organizations whose primary purpose is service to youth or the improvement of the general welfare of the community.
4. Use by groups who are eligible per the Civic Center Act.

H. APPLICATION PROCEDURE

All applications from organizations or groups for the use of school premises shall be made on official forms provided by the Long Beach Unified School District.

Organizations are not permitted to pay any District employee or site directly. All compensation will be paid to the employee by the school district.

In the event of a change of plans or a cancellation, notice must be given to the Facilities Use Office 120 hours (five days) in writing before the intended use in order to avoid financial obligation for any changes involved. Reimbursement, for advanced deposits may be made upon written request by the applicant.

All applications will be approved for specific facilities/rooms and specific hours. It shall be the responsibility of the organization to see that the unauthorized portions of the building are not used by members of their group and that the premises are vacated as scheduled.

It shall be the responsibility of the applicant to furnish the school district with a Certificate of Insurance for a minimum of \$1,000,000 liability coverage (additional insurance may be required for particular uses) by January 1st of each year. Said certificate will name the school district as an additional insured. The District shall be notified at least 30 days prior to the cancellation/termination of such policy. The applicant shall execute a written agreement in the form provided by the District whereby the applicant promises to indemnify, defend and hold harmless the District, its elected officials, officers and employees with respect to any liability (including attorney's fees, expenses and cost) for personal injury or property damage sustained by any person as a result of the permitted activity.

I. AUTHORITY FOR APPROVING USE OF FACILITIES

The administrator assigned to the site has full responsibility for supervision and management of all property of that site during normal hours of operation. He/she is authorized to assign use and occupancy of the property without charge during these hours for meetings of groups qualifying for free use under the provisions of the Civic Center Act, provided that such meetings are not inconsistent with and do not interfere with the use of the property for school purposes.

The Director, Purchasing and Contracts Branch of the Long Beach Unified School District, or his/her designated representative, is authorized to approve all applications for the use and occupancy of school property by authorized individuals, groups or organizations during non-school hours.

J. PAYMENTS FOR USE OF FACILITIES

1. Schedule of Fees for the Use of School Facilities shall be established by Administrative Regulation. The Schedule of Fees is subject to change.
2. Charges shall be determined from the Schedule of Fees at the time the application is approved. Fees must be paid to the District in advance of the date of intended use of the school property, unless other arrangements have been made.
3. Each applicant shall comply with all terms and conditions, set forth in the application for the event.
4. Failure to make payment for use of district facilities shall be grounds for denying the organization future use of the district facilities.

K. GENERAL RULES (USE OF FACILITIES)

Any use of school facilities for non-school purposes shall comply with all federal, state, county, and local fire, health and safety laws and ordinances. Persons or groups to whom permits, leases or other authorizations for the use of school property are granted shall insure that all activities carried on, all equipment used or placed upon school property and all foods or other items of personal property used or distributed shall comply with applicable federal, state, county, and local fire, parking, noise, land use, signage, special event filming, sales tax, municipal revenue, health and safety laws and regulations.

Any individual, group or organization using school property for Civic Center or other purposes hold the Long Beach Unified School District, its Governing Board, the individual members thereof and all district officers, agents and employees free and harmless from any loss, damage, liability, cost or expense that may arise during, or be caused in any way by such use or occupancy of school property. School property shall be protected from any damage or mistreatment, and applicants shall be responsible for the condition in which they leave the school facility.

Groups must observe the ordinary rules of cleanliness and shall not leave any facility littered with paper or trash. If facilities are left littered and unsanitary, the using organization will be invoiced for the cost necessary to clean the facility.

Any use contrary to or in violation of any law, ordinance or of these rules and regulations, shall be grounds for denial and/or cancellation of the permit and for removing the users from the property and may be grounds for barring such group or organization from further use of the facilities of this district.

All meetings and functions must close by 10:00 PM and all members of the group vacate the premises no later than 10:00 PM unless pre-authorized due to special circumstances.

Per Board Policy, the Governing Board prohibits the use of tobacco products at all times on district property and in district vehicles. This prohibition applies to all employees, students, visitors, and other persons at any school-sponsored activity or athletic event. It also applies to any meeting on any property owned, leased or rented by or from the district.

There shall not be profane language, quarreling, fighting, gambling or use of intoxicants, hallucinatory drugs or narcotics in or about the school buildings or premises. Violation of this rule shall be sufficient cause for immediate removal and denying further use of school premises to the organization.

All applicants will be required to certify under penalty of perjury that the school property will not be used for the commission of any act, which is prohibited by law, ordinance or for the commission of any crime including, but not limited to those specified in Sections 11400 and 11401 of the California Penal Code.

All youth organizations or groups seeking use of school premises must have adequate adult supervision. Sponsors and supervisors of such groups shall at all times exercise control and maintain a high standard of conduct with all members of the group. The school district may require an organization to provide adequate security to maintain control and safeguard property.

Any approved Application for Use of School Facilities may be revoked where conflicting dates have resulted or where need of the property for public school purposes have subsequently developed.

School premises shall not be used by any person or group as a political campaign headquarters.

Any facility for which a permit has been issued shall be held available for the permittee until one hour after the time designated on the permit for that meeting to begin. At that time, assigned personnel will vacate the site.

No use may be granted in such a manner as to constitute a monopoly for the benefit of any one person or organization.

No gratuities or gifts of any significant value shall be given to or accepted by any district employees at school sites during any and all use as permitted under this policy.

The Board of Education may require groups or organizations to submit, in writing, the nature and purpose of the organization and the nature and purpose of the proposed use. Such information may be in addition to information requested on the Use of School Facilities Application, and, may be considered an additional District application requirement.

The Board of Education may require an applicant to provide the District with copies of films, literature or other material, which are to be present at a proposed meeting held on school premises. Review of such material shall help to determine conditions under which school property is to be used as authorized by the Civic Center Act.

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 Schools, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 113 S.Ct. 2141

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

ACLU of So. Calif. V. Board of Education of Los Angeles, (1961) 55 Cal.2d 167

Ellis v. Board of Education, (1945) 27 Ca.2d 322

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen 90 (1999)

79 Ops.Cal.Atty.Gen 248 (1996)

Management Resources:

CDE 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>

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