

Upland USD

Board Policy

Use Of School Facilities

BP 1330

Community Relations

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

(cf. 6145.5 - Student Organizations and Equal Access)

School-related activities shall have priority in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

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

(cf. 1330.1 - Joint Use Agreements)

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

(cf. 6115 - Ceremonies and Observances)

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:** The Board shall not charge any fees for the use of school facilities or grounds under its control, for groups that meet after a school day, when an alternative location is not available, for activities of non-profit organizations, and clubs or associations, with a participation of at least 50% Upland youth, which promote youth and school activities and do not otherwise qualify for the Fair Rental Value Fee.

Should any of the above groups prefer to use school facilities at a time when custodial services are not normally available, the District may charge a fee not to exceed the direct costs. The Principal or designee shall first ensure the availability of other times during the week when the

facility could be provided without charge, and this availability shall be pointed out to the free-use group.

The free use policy does not apply to use of the pool, stadium, kitchens or Upland High School auditorium.

2. Direct Costs Fee: Activities other than those specified for free use or fair rental value and which are included herein through subsequent Board action shall be charged a fee not to exceed direct costs to the district, for groups that use school facilities or grounds under its control on a Saturday, Sunday or Holiday.

In determining direct costs to be charged for community use of school facilities or grounds, including, but not limited to, playing or athletic fields, track and field venues, tennis courts, and outdoor basketball courts, the Superintendent or designee shall include a proportionate share of the costs of the following: (Education Code 38134)

1. Supplies, utilities, janitorial services, other services of district employees, and salaries of district employees directly associated with operation and maintenance of the school facilities or grounds involved

2. Maintenance, repair, restoration, and refurbishment of the school facilities or grounds

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (Education Code 38134)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

Summer and after-school youth recreation programs under the direction of the Upland City Parks and Recreation Department, the direct cost fee may be charged. Custodial fees shall be waived provided the city furnishes all the necessary supplies, equipment, supervision, and adequately cleans and secures premises upon completion of daily activity.

3. Fair Rental Value Fee: Groups which use school facilities or grounds for the following activities shall be charged fair rental value:

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

Priority of Users

Applications for use of school facilities should be given preference in the following order:

1. In-school uses (clubs, class events, etc.).
2. School support groups, youth and senior citizens groups.
3. Public agencies and public affairs groups.
4. Community recreational and cultural groups (non-profit).
5. Non-profit special interest groups (Audubon Society, etc.).
6. Private, non-school-connected classes and educational events.
7. Profit-making or commercial events, out-of-town groups, etc.

Damage to School Property

Groups or persons using school facilities under the provisions of this policy shall be liable for any cleaning or repairs to damaged property caused by the activity. Further use of school facilities may be denied the responsible party.

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

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school buildings and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

(cf. 0450 - Comprehensive School Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

Member Group

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 and, unless he/she is an officer of the group, must present written authorization from the applicant group to make the application.

Hold Harmless

All persons or organizations applying for the use of school facilities shall complete and place on file the district's "Hold Harmless" agreement.

Regulations

A copy of the Board's policy and regulations governing use of school facilities shall be issued to those persons or groups requesting use of district facilities or grounds.

Authority

The Superintendent or designee may grant the use of school facilities subject to the provisions of this policy and following conditions:

Charges

Charges levied for use of school facilities and grounds shall be according to the hourly fee schedule and begin when the facilities are opened, by qualified district staff, until completion of the activity, including stand-by time of school employees assigned to cover the use period.

Payment

All payments for use of school facilities shall be submitted to the district's business office seven days prior to use. All monies paid in advance are refundable if cancellation notice is given to the school in which the facilities have been reserved at least 24 hours before the scheduled activity.

Insurance

Organizations granted use of school facilities may be required to file with the district business office prior to use, a Certificate of Insurance naming the district as an additional insured on the organization's liability insurance policy.

City/County Ordinances

Any city or county ordinances governing such group activities are considered applicable to activities under these rules and regulations.

Illegal Activities

Gambling, illegal drugs, alcoholic beverages, and/or tobacco products are not allowed on school facilities or grounds.

Furniture Set-up

Removal of furniture from rooms and/or changes of any kind other than simple room furniture arrangements are not permitted. Special furniture arrangements, setting up chairs, tables, etc., will be charged for at the hourly personnel rate.

Custodian

There shall be a custodian in charge at each activity whose duties shall include opening and closing the buildings and grounds. A four hour minimum, possibly including overtime costs, will be levied during non-regular work hours. Set-up charges may be added to rental fees.

Use of Kitchen Facilities

If the use of the cafeteria equipment or dishes is involved, the kitchen and equipment must be left in a clean and ready condition for normal school operation. The Director of Food Services shall be consulted and arrangements made for a district cafeteria employee to be in supervision of any cafeteria usage. A four-hour minimum, which may include overtime costs, will be levied.

Limited Usage

The custodian assigned to the activity shall make no other facility or equipment available other than that specifically set forth in the approved application.

Tips/Compensation

Under no circumstances is the custodian to be compensated directly by the persons or organizations using the facilities. Gratuitous tips in any form to school employees when performing services for the district are specifically prohibited.

Non Available Days

On holidays, it may be necessary to deny use of the facilities if a qualified district employee is not available on that date.

Availability of District Personnel

Use of school facilities by community groups on days other than the above shall be dependent upon the availability of school personnel to assume the responsibility of supervision of school equipment and buildings.

Restroom Facilities

For non-school-sponsored activities likely to involve a large number of participants and/or spectators and for which the school playgrounds are in use for a period approximating one-half day or more, restroom facilities shall be rented and made available, and remain open, during the hours of the scheduled activity.

Security/Clean Up

Costs of providing security and cleanup shall be charged to using organizations on a pro-rata basis to be agreed upon by school district officials and the reserving organizations.

Restroom Keys

In lieu of the above, organizations may, upon advance payment of a \$100.00 deposit, secure a restroom key. By the use of this option, the organization agrees to accept full responsibility for the opening, security and reasonable cleanup of the premises. Deposit, less any costs of major cleanup or repairs, will be refunded upon return of key. Keys must be returned within 48 hours of event completion.

Shared Use

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

One Year Maximum Per Permit

No privilege of using the buildings or grounds shall be granted for a period exceeding one year. The privilege is renewable and revocable at the discretion of the Board at any time.

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:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

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>

Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: October 10, 1987 Upland, California

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