

USE OF SCHOOL FACILITIES

General Policy

The Board of Trustees encourages the use of any and all school facilities for community activities eligible under the *California Civic Center Act, Education Code Section 38130 et. seq.* Applications for uses not covered by the Civic Center Act shall be rejected.

Use of the school facilities under the *Civic Center Act* shall be available to organizations, including but not limited to, parent-teacher associations, Camp Fire Girls, Boy Scout troops, farmers' organizations, and groups or clubs of students or citizens formed for recreational, educational, political, economic, artistic, or moral activities.

No use of school facilities shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization, and no privilege of using the building or grounds shall be granted for a period exceeding one year. The Use of Facilities Permit is nontransferable from one organization to another organization.

All permits will be issued for specific rooms and for specific hours. It shall be the responsibility of the organization using the building to see that the unauthorized portions of the buildings are not disturbed.

No privilege of using buildings by groups will be granted:

- On such occasions or during such hours as interfere with the regular functions of the school.
- For a period exceeding one year.
- On January 1 and July 4, Thanksgiving or Christmas.

Use of Playground and Athletic Fields:

Playgrounds shall generally be open and available for community use every day after regular school hours. No use of school grounds shall be granted:

- During hours which interfere with the regular functions of the school (including maintenance of the fields and playgrounds).
- For a period exceeding one year.

The Superintendent or designee is authorized to approve all applications for use of school facilities as provided in the *Civic Center Act*.

The use of products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, in charter school or school district-owned or leased buildings, on school or district property, and in school or district vehicles is prohibited. However, this section does not

prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.

Facility Fee Categories

When no admission fees are charged and no contributions are solicited, the use of facilities, with the exception of the gyms, shall be granted free of charge to groups which are directly related to youth attending the Orcutt Union School District. Meetings qualifying under these provisions shall be non-exclusive, open to the public, free of charge, and scheduled on school days to end no later than 9:30 p.m. The conditions under which an organization is charged for use of school facilities are dependent upon the type of organization and the nature of the activities to be conducted. These factors are considered in the following categories:

| GROUP FEE CATEGORIES | |
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| CATEGORY A | Organizations that exist to serve youth groups or whose activities are related to Orcutt Union School District age youth shall be allowed to use school facilities (with the exception of gyms) at no cost provided their activities are scheduled on regular school days and end by 9:30 pm. i.e., PTAs, Boy Scouts, 4H, Orcutt Youth Leagues |
| CATEGORY B | Organizations qualifying for civic center use who are engaged in a fund raising activity shall be required to pay fees under Schedule B which is designed to return direct costs for the use of the facility. i.e., K-12 Educational Institutions, and same groups in Category A. |
| CATEGORY C | Organizations or groups of adults formed for character building, recreation, educational, scientific, or artistic activities shall pay fees as set forth in Category C which is established at "fair rental value." i.e., Hancock College, Cultural Associations, Community (Church) Pot Lucks |
| CATEGORY D | Organizations or groups formed for political, economic or religious activities, or other groups not open to the general public, shall pay fees as set forth in Category D which are commercial rates. i.e., Church services, for profit businesses. |

Staff and Facility Fee Charges

All charges must be paid in advance. In cases where the exact amount is not known, an adequate deposit will be collected and adjustments made as soon as the exact charge is determined.

Use of the facility may be denied unless the applicant brings a copy of the approved application to the facility on the date of the scheduled activity. School personnel shall not open or allow access to any facilities until such authorization is presented. Staff time rates will be revised annually to reflect costs.

Legal Reference:

Education Code

10900-10914.5

38130-38138

Community Recreation Programs

Civic Center Act: use of school property for public purposes

Court Decisions:

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

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

ACLU of So. Calif. v. Board of Education of San Diego (1961) 55 Cal .2d 906

ACLU of So. Calif. v. Board of Education of Los Angeles (1963) 59 Cal .2d 203

ACLU of So. Calif. v. Board of Education of San Diego (1963) 59 Cal .2d 224

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

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

Lamb's Chapel v. Center Moriches Union Free School District (1963) 113 S.Ct 2141

Attorney General's Opinion No. 63-248

Policy Adopted: 1/15/2014 ORCUTT UNION SCHOOL DISTRICT
Orcutt, California