

USE OF SCHOOL FACILITIES

Application for Use of Facilities

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Anyone applying to use school facilities shall do so as specified in district procedures and in accordance with law.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131, 51860)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities for youth that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

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10. Bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction for district students by local law enforcement, public agencies, nonprofit associations, or organizations specified in Education Code 38134
11. Other purposes deemed appropriate by the Governing Board

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco
4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the Superintendent or designee pursuant to Business and Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

When permitted by law, the Superintendent or designee shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

State:

5 CCR 14037-14042: Proportionate direct costs for use of school facilities and grounds
Bus. Code 25608: Alcohol on school property; use in connection with instruction
Ed. Code 10900-10914.5: Community recreation programs
Ed. Code 32280-32289.5: School safety plans
Ed. Code 37220: School holidays
Ed. Code 38130-38138: Civic Center Act; use of school property for public purposes
Ed. Code 51860: Time and facilities for bicycle and scooter safety instruction
Elec. Code 12283: Polling places: schools
Gov. Code 54950-54963: The Ralph M. Brown Act
M&V Code 1800: Definitions

Federal:

20 USC 7905: Equal access to public school facilities
40 CFR 141.1-141.723: Drinking water standards

Management Resources:

Attorney General Opinion: 79 Ops.Cal.Atty.Gen. 248 (1996)
Attorney General Opinion: 82 Ops.Cal.Atty.Gen 90 (1999)
Court Decision: Ellis v. Board of Education, (1945) 27 Cal.2d 322
Court Decision: Good News Club v. Milford Central School, (2001) 533 U.S. 98
Court Decision: Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384
Court Decision: ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167
Court Decision: Cole v. Richardson, (1972) 405 U.S. 676
Court Decision: Connell v. Higgenbotham, (1971) 403 U.S. 207
CSBA Publication: Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
CSBA Publication: Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010
Website: CSBA District and County Office of Education Legal Services
Website: California Department of Education
Website: CSBA

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ORCUTT UNION SCHOOL DISTRICT
Orcutt, California