

USE OF SCHOOL FACILITIES

The Board of Trustees recognizes that district facilities and grounds are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act.

The Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds that:

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

The Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities provided such organizations do not charge any fees to participants. Such use shall not result in any additional expense to the district. In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. Other groups, including nonprofit groups not organized to promote youth and school activities, nonprofit groups organized to promote youth and school activities and who charge participation fees, and for-profit groups, shall be charged at least direct costs.

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. Fair rental value are fees assessed to organizations which consist of direct costs plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized.

Legal Reference: (see next page)

USE OF SCHOOL FACILITIES (continued)

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)

USE OF SCHOOL FACILITIES

The Board of Trustees of district supports the use of school buildings and grounds for literary, artistic, scientific, recreational, educational or public interest upon such terms and conditions as set forth by board policy and administrative regulation in accordance with limitations, requirements, and restrictions contained in the Education Code. The Superintendent has delegated authority to the Chief Business Officer to approve applications for the use of facilities.

Application for use of a school site's facility must be approved first by the site principal and then approved by the Director of Operations Support Services.

Eligibility and Priority for Use

1. Group A

The Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities provided such organizations do not charge any fees to participants. Such use shall not result in any additional expense to the district. All nonprofit groups must provide a copy of IRS Form 501c (Certificate of Exempt Status or other acceptable documentation as determined by the district). These groups include, but are not limited to:

- a. Community advisory councils
- b. Youth sports groups such as Youth Baseball, Youth Soccer, Youth Football
- c. Boy Scouts, Girl Scouts and affiliated organizations
- d. Evergreen Elementary Education Foundation/Evergreen United Education Foundation
- e. Other similar groups at the discretion of district administration

2. Group B

Other groups, including nonprofit groups not organized to promote youth and school activities, nonprofit groups organized to promote youth and school activities and who charge participation fees, or for profit groups organized to promote youth and school activities and who charge participation fees may be charged fair rental value. The following are examples of users that fall into the Group B fee category (but not limited to):

After School Program Providers (i.e. YMCA, Chess Programs, Music Programs, Language Programs)

USE OF SCHOOL FACILITIES (continued)**Fee Schedule**

**Evergreen School District
Use of School Facilities
Schedule of Fees**

Facility Use Fee	Group	
Rate at Per Hour	A	B
2-Hour Minimum Charge	No	Yes
Classroom	No charge	23.15
Multi-Purpose Room	No charge	46.30
Gym	No charge	69.45
Kitchen	46.30	92.61
Field (Per Day)*	No charge	92.61
Parking Lot (Per Day)*	No charge	13.89
Basketball Court/Black Top (Per Day)*	No Charge	13.89
Restrooms (Plus Custodian Cost – see below)	No Charge	6.82

Staff Costs	Group	
Employee Costs Per Hour	A	B
2 hours minimum	Yes	Yes
Custodian (range 32)		
Regular	No Charge	34.72
Overtime	52.09	52.09
Food Service (range 34)		
Regular	37.04	37.04
Overtime	54.40	54.40
Maintenance (range 36)		
Regular	No Charge	40.50
Overtime	61.35	61.35

Group A: Non-profit Pupil Related Event with no fee charge to participant, Community Pupil Related Event (including but not limited to ASB, PTA, Girl /Boy/Cub Scout regular meeting)

Group B: Profit or Non-profit with fee charge to participant, Community Non-pupil related Meeting

*The use of a field, parking lot, basketball court/black top does not include the use of restrooms at the site. It is the responsibility of the facility user to provide portable toilets to its participants. If facility user is unable to provide portable toilets, a restroom rental fee of \$6.82/hour and custodial fee of \$52.09/hour will apply.

Updated Fees Effective 7-1-15

USE OF SCHOOL FACILITIES (continued)

Rules and Regulations for the Use of Facilities for Non-School Purposes

Forms to be left with principal: Completed applications forms shall be left with the site principal. The requested dates shall be entered on the school's events calendar. When there is question in regard to the use of school facilities the principal will leave the application unsigned and send a note of explanation with it to the district office for final disposition.

Filing dates and cancellations: Applications should be filed at the school at least three weeks in advance of the time of the use of the facility. In the event there is a cancellation, a 24-hour notice by cancellation must be given to the school involved either by telephone or in writing

Protection of school property: School property must be protected from damage and mistreatment and ordinary precaution for cleanliness maintained. Groups shall be responsible for the condition in which they leave the building or premises. In cases where school property has been damaged or abused beyond normal wear, the costs of repair or replacement shall be paid for by the organization involved.

Adult sponsorship: All juvenile organizations and groups seeking use of school premises must have adequate adult sponsorship and supervision of all facilities used including the lavatories.

Assignment of accommodations: Groups will be assigned accommodations suitable to the size of the group.

Summer-use permits: Summer-use permits will be cancelled as of the opening day of school.

Precedence of school functions: School functions will take precedence over previously scheduled meetings of outside organizations. In such cases, the organizations will be so notified by the building principal.

Supervision of cafeteria facilities: A cafeteria employee may be assigned the responsibilities of supervising the use and care of cafeteria equipment where cafeteria facilities are used and the number of adults in the kitchen shall be determined by the cafeteria employee in charge.

Restricted use of school facilities: Use of school facilities for religious or sectarian purpose is permitted by law for temporary use. (Education Code 40040)

Accepted use of school facilities: Public use of school property is available to parent-teacher organizations, character building organizations, and group or clubs of citizens formed for educational, recreational, political, economic, artistic or moral activities.

USE OF SCHOOL FACILITIES (continued)

Operation of school equipment: Specialized equipment such as movie projectors, etc., owned by the district shall be approved for use at the discretion of the site administrator.

Denial of use: Organizations not complying with the aforementioned rules will be denied further use of school facilities.

Square dance groups: Square dance groups are to be operated by officers of their own membership and shall engage callers of their own choice.

Presence of district personnel: All civic center activities shall require the presence of authorized personnel at all times. (Education Code 40048, 40050)

Assignment of district personnel: Civic center activities held during regularly assigned hours of district personnel shall be conducted in the presence of employees designated by the principal or district administration.

Duties of assigned personnel: Civic center activities held at times other than hours covered by regular employee assignments may be conducted on the presence of an employee assigned for this purpose. The employee so assigned shall arrange to conduct other school work (cleaning, etc.) in proximity of activities so as to be able to assist when needed and to protect school property.

Setting up facilities: Employees assigned to civic center functions are to properly clean up facilities for use for regular school purpose before the next school day.

Activities requiring additional time: Civic center activities that require additional time in excess of that authorized or those showing improper use of the school facilities should be brought promptly to the attention of the district administration.

Activities of Employee Organizations: Employee organizations shall have the right of access at reasonable times to areas in which the employee works, the right to use institutional bulletin boards, mailboxes and other means of communication, subject to reasonable regulation, and the right to use institutional facilities at reasonable times for the purpose of meetings concerned with the exercise of the rights guaranteed by this chapter. (Government Code 3543.1 (b))

See ETA /district Collective Bargaining Agreement, Article III, Association Rights.

Approval of requests: Request for authorization for work beyond the regularly assigned hours must be approved by the district office.

Board approved: September 12, 2013
Regulation revised: July 1, 2013
Regulation
approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California