



# Request for Use of School Facilities

## Process Checklist

**All documents referenced below are included in this packet.**

**This packet is available online at**

<http://www.sbsd.k12.ca.us/District/Facilities/Facilities.htm>

- Prior to completing the forms included here, be certain to verify the availability of any facility you are requesting by contacting the school site directly
- Read the Solana Beach School District [Board Policy 1330](#) and [Administrative Regulation 1330](#) for *Use of School Facilities*
- Review the [Facilities Fee Schedule](#) (Exhibit 1330-C)
- Print and complete the [Request for Use of Facilities and/or Grounds](#) (Exhibit 1330-A)
- Print and complete (initial and sign where indicated) the [Rules and Regulations Governing Use of School Facilities and Grounds](#) (Exhibit 1330-B)
- Submit the three exhibits along with proof of comprehensive liability insurance in the amount of \$1,000,000 to the Solana Beach School District Maintenance & Operations Office

### **Contacts:**

Solana Beach School District – M & O  
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Solana Beach School District

## **Board Policy 1330**

### **Use of School Facilities**

**Type:** Community Relations

**Department:** Superintendent

**Adopted:** 11/17/2003

**Revised:** 4/17/2008

The Governing Board recognizes that District facilities and grounds are a community resource and 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. Thereafter, the use shall be on a first-come, first-served basis.

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

#### **Fees**

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. 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 or for-profit groups that request the use of school facilities under the Civic Center Act, 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. (Education Code 38134)

## **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 beverages 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)

Solana Beach School District

## **Administrative Regulation 1330**

### **Use of School Facilities**

**Type:** Community Relations

**Department:** Superintendent

**Adopted:** 11/17/2003

**Revised:** 4/17/2008

#### **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)

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 that are arranged for and supervised by entities, including religious organizations or churches, and in which youths 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).*
10. Other purposes deemed appropriate by the Governing Board

The District may grant the use of school facilities on those days on which the public school is closed. (Education Code 37220)

## **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 the school facility 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 alcoholic beverages or any restricted substances, including tobacco use

The District may exclude certain school facilities from non-school use for safety or security reasons.

The District expressly prohibits any organization that has been granted use of school facilities to transfer such use, or grant permission for concurrent use to any other organization, entity or individual.

## **Fees for Use of District Facilities**

Fees for the use of District facilities and grounds shall be charged in accordance with the following classifications:

### Free Civic Center Use

Only recognized non-profit organizations, clubs or associations organized to promote youth and school activities, including, but not limited to: Girl Scouts, Boy Scouts, Camp Fire, Inc., parent/teacher's associations, and school/community advisory councils, may obtain free use of school premises. The term "free use" refers to normal use of the facility as it exists and when a custodian is normally on duty. A fee will be established for those cases requiring special set-ups, additional clean-up, or use of a custodian at a time when one is not normally on duty. The Superintendent or designee shall have the discretion to determine which meetings and programs not specifically covered in this regulation are entitled to free use.

Should any free use group prefer to use District facilities at a time when custodial services are not normally available, the District may charge a fee equal to the cost of those services. The Superintendent or designee shall first ensure the availability of other times when the facility could be provided without charge, and this availability shall be pointed out to the free use group.

### Direct Costs Fee

Activities other than those specified for free use or fair rental value shall be charged fees at a rate consistent with the direct cost. The term "direct cost" is defined in the Civic Center Act (Education Code section 38134(g)) as "those supplies, utilities, janitorial services, services of any other District employees, and salaries paid school District employees necessitated by the organizations use of the District facilities and grounds of the District." The following activities shall be charged direct costs:

1. Use of facilities by religious groups
2. Charitable fund raising activities which are not beneficial to youth or public school activities of the District, as determined by the Board
3. Events sponsored by religious or community groups, except those which qualify for free use
4. Public agencies, however, in lieu of direct costs, the District may enter into a joint powers agreement with local public agencies for use of facilities
5. Activities not previously identified which do not fall within the free use or fair rental value classifications and which are included, as determined by the Superintendent or designee

### Fair Rental Value

Groups shall be charged fair rental value when using District 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, as defined in the Civic Center Act, includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity authorized.

### **Damage and Liability**

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

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. Groups or organizations shall also be required to include the District as an additional insured on their liability policies for

claims arising out of the negligence of the group. Accordingly, the District requires that all applicants, unless specifically exempted by the superintendent, comply with the following:

1. Personal Injury, Bodily Injury, and Property Damage Insurance  
Prior to the approval of the *Request for Use of School Facilities and/or Grounds* (Exhibit 1330-A), the applicant shall submit to the Superintendent or designee, a certificate of insurance along with the insurance company's policy endorsement of comprehensive general liability in the amount of \$1,000,000.
  - a. Such document shall name the Solana Beach School District as an additional insured and shall be signed by an authorized officer of the insurance company.
  - b. The insurance carrier's policy coverage shall also contain provisions which include:
    - (1) Primary coverage before the District's policy
    - (2) Any aggregate limits shall apply separately to each insured
    - (3) Carrier agrees not to call on the District for any contribution in the settlement of a claim
    - (4) No other contribution by the District is required
2. The following shall apply when the loss, damage, or destruction of school property is not covered under the provisions of the certificate of insurance and the policy endorsement:
  - a. Applicant, individually and/or jointly with the group, agrees to be responsible for all liabilities arising out of the activity and agrees that the applicant's liability for injuries and property loss, damage, or destruction shall be primary to any applicable coverage owned or held by the District, its successors, assignees or nominees
  - b. Applicant shall be provided with an invoice for an amount necessary to repay the loss, damage, or destruction
  - c. Applicant's failure to pay said damages shall constitute sufficient cause for the District to take whatever legal action the District considers appropriate against the applicant
  - d. Such action may include, but is not limited to, immediate cancellation of the application, disapproval of future applications to use District facilities and grounds, and legal action to recover damages

As permitted, the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facility being used.

## **Application for Use of Facilities**

Any persons applying for the use of District property on behalf of any society, group or organization shall present written authorization from the group to make the application. Persons or organizations applying for the use of District facilities shall submit a statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use District premises to commit unlawful acts.

Applicants for a permit to use District facilities and grounds shall sign and submit to the statement of information integrated as part of the application (Exhibit 1330-A) which assures the Board that the operative provisions of Education Code sections 38131-38138 are met. Specific provisions for the Conditions and Rules and Regulations Governing the Use of District Facilities and Grounds are integrated as Exhibit 1330-B, which forms part of the application and permit for Request For Use of District Facilities and/or Grounds. Exhibit 1330-C details the Facilities Fee Schedule.

Upon receipt of an application from a requesting organization for use of facilities, the District will complete an estimate of charges for such use (Exhibit 1330-C) and provide this information to the organization for acceptance (Exhibit 1330-A). These estimated fees will be based upon a combination of the information provided in the application coupled with the appropriate fee schedule.

(2/98 3/04 11/06 4/08)

Solana Beach School District  
**Facilities Fee Schedule**

<b>Facility</b>	<b>Free Use</b>	<b>Direct Cost</b> <i>Per Hour</i> <i>Per Room/Field</i>	<b>Rental Value</b> <i>Per Hour</i> <i>Per Room/Field</i>
Large Group Meeting Room <i>(25 people or more; must not exceed Fire Marshall regulations)</i>	Exempt	\$75.00	\$100.00
Designated Classroom <i>(40 people or less)</i>	Exempt	\$45.00	\$75.00
Athletic Fields	Exempt	\$25.00	\$35.00
<b>Equipment and Custodial Surcharge</b>		<b>Cost Per Meeting</b>	
Overhead/Opaque Projector and Screen		\$25.00	
Projection System DVD/Safari (SP Theater)		\$25.00	
Sound System		\$100.00	
Stage Lighting (SP Theater)		\$100.00	
Piano		\$25.00	
Portable Sound System		\$50.00	
Custodial Surcharge for Additional Time		\$35.00 per hour	

The District requires that all applicant's, unless specifically exempted by the Superintendent, procure adequate insurance coverage as stipulated in Administrative Regulation 1330.

The District may negotiate contributions for maintenance and/or enhancement of fields in lieu of fees to local teams within the Solana Beach School District boundaries.

The District shall charge 10% of gross receipts for after-school enrichment programs. The after-school enrichment program must serve Solana Beach School District students and be approved by the site principal and Superintendent or designee.

The Superintendent reserves the right to determine which fee schedules are appropriate to applicant's request in congruence with Board Policy and Administrative Regulation 1330.

The District will identify yearly designated spaces at each site for purpose of Civic Center Act use. The charges do not include the cost for removal of trash and damages from normal wear and tear. Permittee will be billed for extra wear for each occurrence, based on the cost of repairs to the district, plus a charge for the time the facility or field/game area could not be used.



Solana Beach School District

**Rules and Regulations Governing  
Use of School Facilities and Grounds**

*This form must be initialed and signed by a representative of the organization  
requesting use of School Facilities and Grounds*

The rules and regulations governing use of District facilities are generally set forth in Board Policy, Administrative Regulation 1330 and Exhibits 1330-A, 1330-C, and this form (Exhibit 1330-B), all of which are incorporated into these rules and regulations by reference.

All applications for use of District facilities shall be made on Exhibit 1330-A, provided by the Solana Beach School District. This form may be obtained at the school sites or at the District Office. The completed form must be returned to the school site principal (for use of school facilities) or Director of Maintenance & Operations (for District facilities and fields).

**General Rules Applicable to All Organizations for School Facilities and Grounds**

- 1. Groups requesting use of District facilities on a continuing basis shall be required to reapply every six (6) months. No use shall be granted in such manner as to constitute a monopoly for the benefit of any person or organization. The District reserves the right to deny use of District facilities if the proposed use is inconsistent with the proper and regular use of the facilities, if custodial personnel are not available at the time use is requested, or if the use of District property in any way violates Board Policy and Administrative Regulation 1330.

Initial: \_\_\_\_\_

- 2. All permits will be issued for specific rooms or areas and for specific hours. It shall be the responsibility of the organization or person in charge to ensure that unauthorized portions of the buildings or grounds are not accessed and that the premises are vacated as scheduled on the request.

Initial: \_\_\_\_\_

- 3. The District expressly prohibits any organization that has been granted use of school facilities to transfer such use, or grant permission for concurrent use to any other organization, entity or individual.

Initial: \_\_\_\_\_

- 4. District property must be protected at all times from damage and mistreatment and ordinary precautions for cleanliness maintained. Use of consumable materials (i.e., food, art supplies, etc.) containing red or yellow food dye, or use of tape on surface areas is specifically prohibited. Cooking or baking is not allowed. Groups shall be responsible for putting rooms in order when they leave the District buildings or grounds. In the event District property is abused or damaged beyond normal wear, or if additional custodial care is necessary, the cost thereof shall be billed to the permittee.

Initial: \_\_\_\_\_

5. There will be no tobacco use or smoking in any District building or on District premises. Alcoholic beverages, illegal drugs, intoxicants of any kind or firearms are not permitted on District premises.

Initial: \_\_\_\_\_

6. Profane language, quarreling, fighting, gambling, or any illegal activity is prohibited. Violation of this rule by any organization or any person during the occupancy shall be sufficient cause for immediate revocation of the existing permit and for denying further use of District property to said organization and/or person.

Initial: \_\_\_\_\_

7. Except in the case of public emergencies, for security and protection of District assets, not every room in every facility will be available for Civic Center Act use. The Superintendent or designee shall determine the availability of rooms for Civic Center Act purposes. Permittees shall not be allowed to use any room or part of the facility that is not designated on a permit issued by the District.

Initial: \_\_\_\_\_

8. If, at any time, either before or subsequent to the granting of the permit and prior to the use of District facilities, the District is advised by the San Diego County Sheriff's office or by another law enforcement agency that, in the opinion of said office or agency, the requested use of District facilities will necessitate the presence of a larger than ordinary number of law enforcement personnel, the Superintendent or designee may deny, revoke, or cancel the permit.

Initial: \_\_\_\_\_

9. The Governing Board of the District may enter into an agreement stipulating certain responsibilities to be required of the permittee (or group) in lieu of fees whether in full or in part. With regard to use of athletic fields and asphalt game areas, the rules set forth in The Use of Outdoor Playground Fields, shall apply.

Initial: \_\_\_\_\_

10. The permittee is responsible for the conduct of all adults and children on the premises. All juvenile organizations or groups seeking use of District facilities shall have adult sponsorship and adult supervision. Any group, club or organization that includes minors shall have an adult present to supervise its use of District facilities or grounds.

Initial: \_\_\_\_\_

11. Persons or organization using District premises, including a stage or stage equipment, shall not be permitted to remove or displace furniture, apparatus, or equipment, except when premises are under supervision of the District employee in charge. Full details of equipment and personnel required must be furnished in advance on the Request For Use of Facilities and/or Grounds (Exhibit 1330-A). District furniture or equipment may not be removed or displaced by any permittee without prior permission from the Superintendent or designee and must be under the supervision of a District employee in charge.

Initial: \_\_\_\_\_

12. District property must be protected from any loss, damage, or destruction. Each user is responsible for the condition in which school property is left. If District property is lost, damaged, or destroyed, the permittee will be charged an amount necessary to replace or repair the property, and further use of District facilities may be denied.

Initial: \_\_\_\_\_

13. Upon receipt of notice that a permit has been issued to non-school groups for use, a regular employee will be assigned to open the building, be in charge during the use, and to close the building after use. If no employee is available to perform this duty, the District shall not be obligated to issue the permit. The District employee in charge of the building or ground within or upon which any meeting may be held is empowered to take all necessary means to enforce these rules.

Initial: \_\_\_\_\_

14. The District does not assume responsibility for claims of personal injury, bodily injury or property damage liability cost or expense, which does or may arise out of the use of District facilities or grounds.

Initial: \_\_\_\_\_

15. Facilities normally shall not be in use later than 10:00 p.m. on any night.

Initial: \_\_\_\_\_

16. The school District will not be liable for any property left or stored on the premises.

Initial: \_\_\_\_\_

17. All charges will be determined from the Facilities Fee Schedule (Exhibit 1330-C) at the time a permit is issued. Fees must be paid to the Solana Beach School District within ten (10) days from the date the permit is issued.

Initial: \_\_\_\_\_

18. The Solana Beach School District participates in the We Tip program. Please report any observed vandalism or criminal activity on school grounds by calling 1-800-78-CRIME

Initial: \_\_\_\_\_

**19. No animals (other than for assistive or educational purposes) are allowed on District property.**

Initial: \_\_\_\_\_

*Violation of these rules or other terms of use by any organization or any person during the occupancy may be cause for immediate revocation of the existing permit and for denying further use of District property to said organization and/or person.*

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Signature of Requesting Organization Representative

Date

**Contacts:**

Solana Beach School District – M & O  
Attn: Cindy Musella  
309 N. Rios Avenue  
Solana Beach, CA 92075

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