

Community Relations

USE OF SCHOOL FACILITIES

Civic Center Use

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

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. Childcare 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 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. Other purposes deemed appropriate by the Board of Education.

Restrictions and Limitations on Use of Facilities

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

1. Any organization, group or individual that illegally discriminates on the basis of actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental

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- disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, immigration status, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on association with a person or group with one or more of these actual or perceived characteristics.
2. Any use by an individual or group for the commission of any crime or any act prohibited by law.
 3. A meeting of any group whose purpose is to overthrow the government of the United States or that of the State of California.
 4. Any use which is inconsistent with the use of the school facilities for school purposes or which interferes with the regular conduct of school or school work.
 5. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco.
 6. Aiding any religious purpose or denominational doctrine or instruction.¹
 7. Uses that could result in picketing, rioting, disturbing the peace, or damage to property or that are inherently dangerous. Inherently dangerous activities include, but are not limited to, pyrotechnics, fireworks, open flames, lasers, rocket launchers, skydiving, flyovers and other similar activities. As an exception, civic organizations that have historically held community celebrations on district fields which include fireworks may continue to do so provided district safety and insurance requirements are satisfied. It is the responsibility of the organizer to ensure that all required City and Fire Marshall permits are obtained and provided to the district 14 days prior to the scheduled event. In addition, the fireworks vendor is required to follow safety and clean up procedures regulated by appropriate government agencies.
 - a. The civic organization sponsoring any fireworks display must provide evidence of commercial general liability insurance with limits of at least two million dollars (\$2,000,000) per occurrence/four million dollars (\$4,000,000) aggregate and the district must be named as an additional insured pursuant to an endorsement on the policy; and
 - b. The fireworks vendor must provide evidence of commercial general liability insurance with limits of at least five million dollars (\$5,000,000) per occurrence.

¹ Exception: Temporary use may be granted for the conduct of religious services or classes, upon such terms and conditions as the Board of Education deems proper, including payment of fair rental rates.

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If a policy form with an aggregate is used, the aggregate must be twice the occurrence limit or ten million dollars (\$10,000,000). The district must be named as an additional insured pursuant to an endorsement on the policy. The fireworks vendor must also provide evidence of Workers' Compensation insurance sufficient to satisfy California statutory requirements. A waiver of subrogation endorsement in favor of the district must also be provided.

- c. Under this section, civil or community organizations, including PTA or booster clubs, may **not** sponsor fireworks displays in connection with district or school events, e.g., homecoming games, graduation, prom, or any other school celebration.
- 8. Sale of foodstuffs in competition with, or interfering with, school cafeteria operations.
- 9. Use of rooms and areas by non-school groups are generally allowed for classrooms, assembly rooms and auditoriums, gymnasiums, dining rooms and cafeteria kitchens, playgrounds, athletic fields, and parking areas.
- 10. Use of equipment/furniture by non-school groups: Non-school groups are not authorized to use school audiovisual or instructional equipment without express permission of the school site and payment of appropriate fees. They may use housekeeping furniture such as chairs and tables, however, state law forbids lending or removing furniture, equipment, and other items from the premises. To the extent district support staff is required for use of special equipment, the user shall be required to reimburse the district for the cost of the support staff.
- 11. Use of site kitchen or serving facilities: Cafeteria kitchen and serving facilities in schools are designed primarily for serving hot meals to students. As time and labor permit, facilities may be used by school and community groups. Various types of extra use may be requested depending on service needed and the nature of the group. Additional information regarding use of site kitchens or serving facilities is available from the district's Rentals Office.

Security

The district may exclude certain school facilities from non-school use for safety or security reasons. Civic center users are required to ensure reasonable levels of security and the safety of the campus, protect district property, enforce applicable municipal ordinances and ensure the rules and regulations of the district are enforced. The level and type of security can vary depending upon the event, and the district shall have the sole discretion to determine the level of security needed for each proposed event, including requiring the user to employ School Police Services personnel to monitor adjacent or nearby district property. School Police Services shall be notified of any civic center application that may draw a very large crowd or may be controversial in nature.

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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.

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.

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.

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

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. All school site use requests should be directed to the Rentals Office for communication with site principal/administrator.

The site principal/administrator is authorized and responsible to approve a request for any proposed use of facilities at his or her campus, subject to the limitations and restrictions contained in this Administrative Regulation. The principal shall be further responsible to ensure the event is managed in accordance with district rules and regulations and applicable municipal ordinances pertaining to public gatherings. If the site principal/administrator is not on site when an event held under civic center use is held, he/she may assign a designee to assume full responsibility for all property being used by a school-related or non-school group.

Principal-approved use during normal school hours by faculty or any group approved for free use need not be coordinated with the Rentals Office. School facilities shall be made available after 5:00 p.m. on school days and after 7:00 a.m. on non-school days when the proposed outside use does not interfere with the district's educational program or the maintenance of the facilities. Upon principal approval, school facilities may be made available before 5:00 p.m. on school days, even when school is in session, or before 7:00 a.m. on non-school days for groups and activities eligible for free use of facilities. Upon approval of the Rentals Office, facilities may be made available before 5:00 p.m. on school days after school is out for groups and activities not eligible for free use.

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Principal-approved use of auditoriums after school hours for purposes directly connected with the school program shall be communicated to the Rentals Office to prevent duplicate scheduling.

School-related groups such as the PTA or school foundations using facilities after hours, and any other events beyond the scope of the site principal/administrator's approval, must secure permits for use from the Rentals Office. When an event is approved by the Rentals Office, the site principal/administrator, upon receipt of a copy of the permit from the Rentals Office, shall designate a custodian or other person, if necessary, to supervise the site and to open and secure district property before and after the event.

Determination of Fees

1. **Free Use²:** Activities and groups eligible for free use of district property are listed below. Activities must be scheduled when custodial staffs are normally on duty; otherwise charges will be levied based on the specific facilities used and length of use. Free use groups may also be required to reimburse the district for the cost of other staff needed for the proposed activity or event.
 - a. Associated Student Body (ASB) organizations, school clubs, or groups
 - b. Fundraising events or meetings for which admission or fees charged or contributions solicited are expended solely for the welfare of the district or district students
 - c. Parent Teacher Associations (PTA)
 - d. School community advisory councils
 - e. Senior citizens' organizations
 - f. National Youth Sports programs such as Little League, Pop Warner, and AYSO (subject to district guidelines for use of athletic fields and lighted stadiums)
 - g. Civic organizations, community councils, civic associations, and neighborhood awareness groups for discussion of community governance issues, community development and redevelopment, governmental services issues and community recreational issues

² Note: All groups categorized as free users will be charged the current fair rental rate for any event for which admission is charged, donations are solicited, or a membership fee is charged.

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- h. Organizations whose sole purpose is the provision of free educational programs to all district students and parents
- i. Public polling places (based on annual usage fees established by the San Diego County Registrar of Voters)
- j. School partners with an approved partnership agreement when the activity is noncommercial, does not advertise the business, and is free to the participants
- k. Community youth organizations that provide for athletic, recreational, music and art, and core curriculum educational activities and is free to the participants
- l. Regular business meetings of employee-related organizations, such as:
 - (1) Administrators Association San Diego (AASD)
 - (2) American Federation of Teachers (AFT)
 - (3) California School Employees Association (CSEA)
 - (4) National Education Association (NEA) San Diego support personnel
 - (5) Parent Teacher Associations (PTA)
 - (6) Professional Educators of San Diego
 - (7) San Diego Schools Police Officers Association (POA)
 - (8) San Diego Federation of Teachers
 - (9) San Diego Education Association (SDEA)
 - (10) Other approved employee organizations
- m. Boy Scouts, Girl Scouts, Good News Clubs or similar youth groups. Each child in attendance at these meetings or functions must have written parental permission to attend. The written permission form must describe the purpose of the meeting or function and the activities to be conducted. These permission forms must be kept at the meeting or function and must be available for review by district personnel. Failure to comply with these permission slip requirements may result in loss of meeting privileges.

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2. **Direct cost recovery use.** Applies to groups that are not authorized free use and whose purposes are not in conflict with the educational programs or goals of the district. These groups may be charged for direct cost recovery provided no admission, donation or membership fee is charged for the activity.
3. **Fair rental value use.** Applies to groups that use school facilities or grounds for entertainment, meetings, or classes for which admission is charged or contributions are solicited, and the net receipts are not expended for charitable purposes or for the welfare of district students. Facilities use requested by churches for the purposes of conducting of services are included in the fair rental value use category. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity. Amortized costs are computed on replacement costs per square foot over 40 years based on hours of use per year.
4. **Commercial use.** Applies to users who do not qualify for free use, direct cost recovery, or fair rental rates. These groups are charged commercial rates. Generally, commercial use includes meetings conducted by commercial businesses, entertainment events for which admission is charged and whose proceeds do not benefit students of the district, activities of private individuals or companies without tax-exempt status, and other similar uses.
 - a. Video, movie and television filming. District facilities may be used for filming by private film companies only when the film, video, or television program does not cast the district, school, employees, or students in a negative light and when the film, video, or television program is otherwise consistent with district operating policies. The district or school's actual name may not be used or displayed in the video, movie or film. Any building or facility modifications that are proposed by the production company must be approved in advance by the site principal/administrator and the Rentals Office. The production company must restore to its original condition any building or facility that has been modified. The Rentals Office will contact the Risk Management Department to identify insurance requirements for these activities. Information on filming on public property other than district facilities is available through the City of San Diego, Special Events and Filming Department, 619.685.1340 or film@sandiego.gov.
5. **Use of promoters for fundraising events.** The following requirements apply to commercial firms conducting activities on district property for profit, a portion of which benefits the district and/or its students.
 - a. Promoter must obtain a permit from the Rentals Office and pay an administrative fee.

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- b. Promoter must obtain a letter from the school or booster group that an agreement has been reached between the promoter and the school/booster group regarding a satisfactory percentage of the activity's profits to be donated for the benefit of the district and/or its students. The percentage to be donated should be stated. The promoter must submit this letter to the Rentals Office. When such evidence has been provided, the promoter will not be charged for the use of the facility.
 - c. Promoter must pay the following costs:
 - (1) Any cost incurred by the district as a result of the activity including, but not limited to custodial overtime, extra custodians, cleanup, and repairs not done by the promoter.
 - (2) A refundable damage/cleaning deposit, the amount of which is to be determined by the extent of district facilities utilized and nature of use.
 - (3) The commercial rate, specified in the civic center rate schedule, when admission fees or contributions are not expended for the welfare of the district and/or its students, or for charitable purposes, and a promoter or paid entertainer participates in the proceeds.
 - d. Promoter must provide evidence of liability insurance in the amount specified by the district.
6. Rates for unusual uses of district facilities or activities not described above shall be determined by the Rentals Office using the civic center rate schedule as a guide.

Cancellation of Use

Cancellation of scheduled facility use after school hours must be reported to the Rentals Office in advance as soon as possible, preferably at least seven days in advance, to ensure timely cancellation of custodians or other employees and to release the facility for other use. Cancellation of scheduled facility use within 72 hours of use may incur a cancellation fee plus all included staffing charges on permit, if staff may not be reached for cancellation.

Regulation approved:
July 30, 2019

SAN DIEGO UNIFIED SCHOOL DISTRICT
San Diego, California