

Santa Barbara Unified School District

Administrative Regulation

AR 1330

Community Relations

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.

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities to commit unlawful acts.

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

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

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. The Governing Board prohibits 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.

(cf. 3513.3 - Tobacco-Free Schools)

4. Any use which is discriminatory in the legal sense. No permit shall be granted to any individuals for any purpose which would discriminate against persons because of their race, color, or creed.

(cf. 0410 – Non discrimination in district programs and activities)

5. 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 using school facilities pursuant to Education Code 38134 shall sign an agreement acknowledging the risk allocation provisions of Education Code 38134, which states, in pertinent part:

"Any school district authorizing the use of school facilities or grounds under subdivision (a) shall be liable for any injuries resulting from the negligence of the district in the ownership and maintenance of those facilities or grounds. Any group using facilities or grounds under subdivision (a) shall be liable for any injuries resulting from the negligence of that group during the use of those facilities or grounds. The district and groups shall each bear the cost of insuring

against its respective risks and shall each bear the costs of defending itself against claims arising from those risks."

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)

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.

(cf. 3515.21 - Unmanned Aircraft Systems (Drones))

Timelines

The completed Application and Permit for Civic Center Use of Site Property and appropriate proof of insurance should be submitted to the Civic Center Office at least 15 working days prior to the requested use date.

Upon receipt of a completed application, the Civic Center Office will immediately forward the application to the site for confirmation of space availability and identification of required staff hours for the event.

Site administrators shall return the original copy of the Application and Permit for Civic Center Use of Site Property to the Civic Center Office within three working days to confirm the availability of space and the identification of required staff hours for the event.

Upon receipt of the Civic Center permit from the site indicating space availability and required hours, the Civic Center Office shall assign fees and contact the applicant for payment. Upon receipt of payment for all fees an approval letter will be furnished or mailed to the applicant within three working days. Upon receipt of the Civic Center Permit from the site indicating space or staff non-availability, the Civic Center Office shall mail a letter to the applicant within two working days.

Schedule of Fees for Use of School Property

Under the Civic Center Act, fees shall be charged in accordance with the Board adopted Civic Center Rate Schedule. The Civic Center Rate Schedule is based on the following categories of activities:

Free Use (excluding application fee; including applicable custodial fees)

- Meetings of Santa Barbara Unified School District's employee organizations whose membership is composed solely of district employees.
- Agencies covered in a joint use agreement or memorandum of understanding.
- Governmental agency requests for special public meetings and polling.
- PTA/PTO and Board approved fundraisers.
- PTA/PTO-sponsored activities for youth.
- Meetings of Santa Barbara Unified School District parent-teachers' associations, school-community advisory councils, and foundations.

- Santa Barbara Unified School District alumni association meetings.
- Training and testing for law enforcement agency personnel when the agency provides school resource officers.
- Except for uses governed by Education Code 38134, Subdivision (d) and (e) for which mandatory fees are specified, any other special usage judged by the Superintendent to advance the educational goals and/or programs of the district for which fees would not be appropriate.

Direct Cost Use

- Nonprofit organizations, clubs or associations organized to promote activities for school aged children when the activity involves student participation.
- Public, literary, scientific, recreational, educational, or public agency meetings
- The discussion of matters of general or public interest
- Child care or day care programs to provide supervision and activities for children of preschool and elementary school age
- The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
- A community youth center
- Supervised recreational activities including, but not limited to, sports league activities for youths that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious beliefs or denomination
- Conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services
- Nonprofit organizations, clubs or associations organized to promote activities for school aged children and/or adults will be charged 1.5 times the Direct Fee rate (rounded) when the activity involves non school aged children.

Fair Market Value Use

- Use other than the categories described above for free and direct cost use.
- Entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the students of the district.

Schedule of Fees for Use of School Property

- An application fee is required of all permit applications. (Refundable if not approved).
- As a condition of auditorium use for rehearsal and/or a performance which requires the use of stage lighting and sound systems, the applicant must satisfy the site administration that the group has staff or has hired a person or persons with sufficient demonstrated knowledge and expertise to operate the sound and light equipment. At certain sites, as a condition of approval, a site theater manager for specialty services assistance may be required.
- Specialty Services Assistance (kitchen, etc.) is \$36 per hour in addition to fees listed in the fee schedule (refer to Exhibit 1330).
- Applicable custodial fees are \$30 per hour in addition to fees listed in the fee schedule (refer to Exhibit 1330).
- All fees are per hour unless noted otherwise.
- The district does not issue refunds on unused rental hours or services.