

**USE OF SCHOOL FACILITIES****General Statement**

The Board of Education recognizes that district facilities are a community resource whose primary purpose and use is for school programs and activities. The district permits the use of school facilities by groups and organizations whose purpose and objectives contribute to the development and welfare of the community when such use does not interfere with school activities, or result in undue cost to the district. Certain uses are subject to charge, as provided below. Such charges depend upon group categorization, with different charge levels generally ranging from Category 1 (exemption from charges) to Category II (direct cost) to Category III (fair rental charges).

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

*(cf. 0450 — Comprehensive School Safety Plan)*  
*(cf. 3516 — Emergencies and Disaster Preparedness Plan)*

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.

**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 Section 38131).

1. Public, literary, scientific, recreation, education, 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, provided the

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governing board charges the church or religious organization using the school facilities or grounds an amount at least equal to the district's direct costs (Category II).

4. Childcare or day 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 youths 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. Other purposes deemed appropriate by the Board.

**Fees**

If use of a facility occurs at a time when custodial staff or other district employee who is required to be present is on duty, charges will include the actual number of hours of use, with a minimum charge of 1 hour plus 1/2 hour.

If use of a facility occurs during the time when custodial staff or other district employee who is required to be present are not scheduled to work, overtime fees will include the actual number of hours of use with a minimum charge of 1 hour overtime.

When an auditorium or multi-purpose room is used for instruction, charges will be assessed at the classroom rate. When an auditorium or multi-purpose room is used for a performance (audience is present), charges will be assessed at the performance rate.

Rates in the Facility Fee Schedule shall be increased annually, effective September 1, based on the increase in the Consumer Price Index (CPI) for the prior fiscal year July 1 to June 30.

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**Category I (exemption from charges)**

1. Exemption from charges is granted to non-profit organizations whose primary purpose and activities are in direct support of school or district programs, and groups that have been identified in Board Policy 1230, as school-connected organizations (e.g. PTA's, School Foundations and other parent support groups), and recognized employee organizations/associations (hereinafter referred to as "School Affiliated Groups"). When direct costs are incurred by the district, the organization shall be charged costs of supplies, equipment, utilities, custodial and other services provided by district employees necessitated by the organization's use of the school facilities and/or grounds of the district. Category I (exemption from charges) does not permit the approved organization to allow a for-profit individual or organization that charges a fee to operate within its exemption from charges.
2. Exemption from charges (Category I) may also be granted by the district to nonprofit, civic, and religious- organizations that promote school and youth activities (hereinafter referred to as "Nonprofit Groups". When such usage is frequent or of longer duration, or the organization charges participants for the activity, the organization shall be subject to charges for direct costs (Category II rate).
3. The City of Pasadena, as part of the Joint Use Agreement, is exempted from most facility use charges. This provision may be extended to other governmental agencies as deemed appropriate (hereinafter referred to as "Government Groups").

**Category II (direct costs)**

1. A nonprofit group is defined as an organization that has been granted 501(c) (3) status under the Internal Revenue Code and/or school-connected organizations that meet the conditions and are approved by the Board pursuant to PUSD Administrative Regulation 1230.
2. All nonprofit groups providing activities for adults shall be charged direct costs (Category II rate). Direct costs are defined as the cost of supplies, utilities, janitorial services, services of any other district employees, and salaries necessitated by the organization's use of the facilities and grounds.

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3. If the use of facilities is during the time when custodial staff or other district employee who is required to be present is on duty, salary costs will be calculated at the number of hours of actual overtime with a minimum of 1 hour.

All nonprofit youth-based groups shall be charged direct costs (Category II rate) when they charge a fee to participate in the activity.

4. All Western Association of Schools and Colleges (WASC) accredited institutions of higher education providing courses that directly benefit district students and/or staff members shall be charged direct costs (Category II rate).

**Category III (fair rental charges)**

1. Where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the district or for charitable purposes, fair market value must be charged
2. Commercial entertainment programs do not qualify as community programs for civic center use. Use of school facilities for such purposes may be granted at the discretion of the district, with uses subject to the fair rental charges and fees established by the district in its discretion. Commercial filming and television activities and resulting film or broadcast product shall not specifically identify the school facilities, staff or students. In addition, the organizations will be responsible for obtaining necessary permits (hereinafter referred to as "Commercial Entertainment Groups").

A youth-based group is defined as a not-for-profit organization whose primary purpose is to support activities for youth.

"Fair Rental Charges" means the direct costs to the district, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized. Both fair direct cost and fair rental value are, for convenience, estimated and charged to users on a uniform hourly basis.

Users in any Category are to be subject to additional charges if their use causes damage to or loss of district/school-site supplies and/or equipment, special maintenance or special accommodations, or if their use requires additional district personnel or work hours to be assigned (e.g., weekend, holidays, or other days when the facility may otherwise be closed).

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No groups shall be allowed to use district facilities until an Application for Use of School Facilities has been approved by the district, and, if applicable, the group has agreed to pay assessed charges.

No Application for Use of School Facilities permit will be issued when it has been determined that approval of the use of facilities would not be in the best interest of the district. Therefore, no group providing activities for school age children shall be granted a permit to use district facilities during instructional time.

Additionally, an Application for Use of School Facilities may be revoked at any time that the district believes that the permittee is not using district facilities in a responsible manner or in accordance with district policy.

Prior to the issuance of a facility use permit, the requesting organization must provide an original certificate of insurance, in the minimum amount of \$500,000.00 or \$1 million, if the intended use involves physical activities, and a separate specific endorsement which names the district as an additional insured on the organization's liability policy. Additionally, a Hold Harmless Agreement (indemnification) must be completed and signed by a duly authorized representative of the organization and received by the district at the time the Application for Use of School Facilities is submitted to the district for approval.

Any not- for-profit or for profit groups or organizations are not authorized to fundraise on school District facilities or grounds without prior approval from the Chief of Facilities, Planning and Contruction, Maintenance and Operations or his or her designee.

**Priority of Users**

1. All school related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Pasadena Unified Scholl District’s (PUSD) priority when approving applications for facility use permits, takes into consideration both current PUSD policy and a reciprocal use agreement between PUSD and the City of Pasadena. Therefore, PUSD will continue to observe the following order of priority when considering applications for approval:

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- a. PUSD and PUSD sponsored activities and community partners. Pasadena, Sierra Madre and Altadena school support groups, such as PTA's and Parent Support Groups or Booster Organizations.
- b. City of Pasadena activities and City sponsored activities or other municipalities with whom PUSD has entered into a Memorandum of Understanding.
- c. Non profit/tax exempt youth-based groups/organizations, with rosters indicating residency of 65% within the PUSD boundaries, enrollment at PUSD of 50%.
- d. Other youth groups/organizations.
- e. Civic and related organizations (adult participants) Public agencies, other than the City of Pasadena, the City of Sierra Madre and the community of Altadena, public officials, government commissions, Pasadena, Sierra Madre and Altadena community service groups and/or organizations
- f. All charging groups as defined in Category III.

*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 of So. Calif. 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)

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*Management Resources:*

CDE LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements,

LO: 4-89 WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

**Policy**

adopted: September 12, 1995

Revised: March 29, 2005; February 23, 2010

**PASADENA UNIFIED SCHOOL DISTRICT**

Pasadena, California