

BISHOP UNION ELEMENTARY SCHOOL DISTRICT
Application for Use of School Property

Application is hereby made for the use of the following property:

Circle One: _____ *Facility Grounds/Fields Equipment*

Property Requested: _____ School: _____

Date(s) of Use _____

Day(s) of the Week _____

Hours: _____

Purpose: _____

Anticipated Number of Participants: _____ and Attendance _____

Will there be a solicitation of funds or a charge for admission? _____

If so, for what purpose will the net proceeds be used? _____

(NOTE: Fair rental value (which includes direct costs plus the amortized costs of the facilities or groups) must be charged to any group that charges admission fees or solicits contributions unless the net receipts are expended for the welfare of pupils or for charitable purposes.)

Please Specify Instructions for Setting up Facilities, if Any:

ACKNOWLEDGEMENT:

We, the undersigned, have received a copy of the "Rules and Regulations" and hereby agree to abide by and enforce all rules and regulations pertaining to the use of school facilities established by the Board of Trustees of the Bishop Union Elementary School District, and to save harmless said school district from any and all claims of liability from the use or damage of such facilities.

Please formally acknowledge one of the two statements below by placing your initials beside the one which is applicable to your organization:

_____ Our organization does possess public liability insurance:

We understand that our organization shall be liable for any damages to District property. We also understand that we are liable for any injuries resulting from our negligence during our use of District facilities and we agree to furnish proof of public liability insurance to cover that risk, naming the District as an additional insured, in the amount of \$300,000 per occurrence and \$1,000,000 aggregate.

_____ Our organization does not possess public liability insurance:

In lieu of insurance, our organization shall obtain from each person using the facilities under the group's auspices a *Waiver and Release* form, a copy of which is attached hereto as Exhibit 1330(c) and made a part of this document.

Name of Organization _____

By _____ Position _____

Address _____ Phone _____

STATEMENT OF INFORMATION

The undersigned states that, to the best of his/her knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement, the purpose of which is to accomplish the overthrow of the Government of the United States, of the State of California by force, violence, or other unlawful means. That _____, the organization on whose behalf he/she is making application for use of school property, does not, to the best of his/her knowledge advocate the overthrow of the Government of the United States or the State of California by force, violence or other unlawful means, and that, to the best of his/her knowledge, it is not a communist-action organization or communist-front organization required by law to be registered with the Attorney General of the United States.

This statement is made under penalty of perjury, per Education Code Section 40057.

Signature: _____

FOR DISTRICT OFFICE USE:

Approval: _____
Superintendent or Designee

Exhibit Adopted: 1984, 6/93, 3/98
Exhibit Revised: 10/18/01

Bishop Union Elementary School District
Use of School Facilities

RULES AND REGULATIONS

Reserved Weeks: The following weeks shall be reserved for school use only:

1. The first and last weeks of school;
2. The last week prior to the Winter Holidays;
3. Public Schools Week;
4. The weeks of group conferences;
5. The weeks of individual conferences.

Precedence of School Functions:

School functions shall take precedence over previously scheduled meetings of outside organizations. In such cases, the organizations shall be so notified by the Principal.

Operation of School Equipment:

Specialized equipment such as movie projectors, etc., owned by the District shall be approved for use only when a professional employee trained in the operation of such equipment is available.

Employee Organizations:

Employee organizations shall have the right of access at reasonable times to areas in which employees work, 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 their organizations.

Denial of Use:

Organizations not specifically authorized to use community facilities per Education Code Section 40048 that are apparently requesting the facilities in order to provide functions and/or services that would financially benefit individuals or an organization through the charging of admissions, fees, membership fees, etc., will be denied usage of school facilities. Organizations not complying with school rules, defacing or damaging the facilities, and/or not maintaining adequate control, will be denied further use of school facilities.

A. Religious Organizations

The Governing Board reserves the right to approve temporary (i.e., 3 months or less) use of school facilities by a religious organization if, because of natural disaster (i.e., fire, flood, explosion, etc.) an organized religious group is temporarily without facilities.

B. Any fees charged for use of facilities are due and payable in advance.

Exhibit Adopted: 2/94, 5/98

Exhibit Revised: 10/18/01

Community Relations

Use Of School Facilities

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

(cf. 6145.5 - Student Organizations and Equal Access)

All school-related activities (clubs, class events etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities shall be on a first-come, first-served basis.

The Board shall grant the use of school facilities without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

Fair Rental Value

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

38130-38138 Civic Center Act: use of school property for public purposes

ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen 248 (1996)

COURT DECISIONS

Lamb's Chapel v. Center Moriches Union Free School District (1993) 113 S.Ct. 2141

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

ACLU of So. Calif. v. Board of Education of San Diego, (1963) 59 Cal. 2d 224

ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal. 2d 203

ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal. 2d 906

ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal. 2d 167

Management Resources:

CDE LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

Policy Adopted: 9/84, 6/93, 2/94, 8/97, 12/97, 9/99

Policy Revised: 10/18/01

Community Relations

Use Of School Facilities

Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which: (Education Code 38133)

1. 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. If necessary, a person may be designated to supervise this task.
3. Ensure that the use of facilities or grounds is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work.

Any persons applying for the use of school 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 school facilities shall submit a statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises 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 38131, 38132)

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

(cf. 1020 - Youth Services)

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

9. Other purposes deemed appropriate by the Governing Board

Restrictions

School facilities 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 of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work

3. Any use which is discriminatory in the legal sense

(cf. 0410 - Nondiscrimination in District Programs and Activities)

4. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances on school property

(cf. 3513.3 - Tobacco-Free Schools)

Damage and Liability

Groups or persons using school facilities 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.

Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.

Bishop Union Elementary School District
Use of School Facilities

WAIVER AND RELEASE

I understand that the meeting or event in which I am participating is sponsored by an organization using school district facilities under the Civic Center Act.

I hereby waive any claim against the Bishop Union Elementary School District, its officers, agents and employees (collectively, the District) for any claim of injury to person or property that I may have arising out of my participation, except as caused directly by the negligence of District.

Signature

Name of Organization

Facility or Property

Date

Exhibit Adopted: 2/94, 3/98
Exhibit Revised: 10/18/01

Groups other than those that promote youth and school activities shall be required to include the district as additional insured on their liability policies.

The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.

Facilities Use Rates:

The following rates are based on use during regular custodial hours:

Facility	Associate Organizations	Service Organizations	Private Organizations
Classroom	\$6/hour	\$8/hour	\$15/hour
Library	\$6/hour	\$8/hour	\$15/hour
Home Street MP Room	\$12/hour	\$24/hour	\$45/hour
Pine St. Multipurpose Bldg.	\$42/hour	\$64/hr	\$100/hour

Facility use outside of regular custodial hours will be charged at the above rates plus the direct cost of custodial services required for the event.

The Superintendent may waive, reduce or modify the charge for non-profit, youth oriented, non-religious organizations serving the students residing in the Bishop Union Elementary School District. Direct custodial costs cannot be waived.

Regulation Adopted: 9/84, 6/93, 2/94, 8/97, 5/98, 9/99, 10/01
Policy Revised: 06/20/02