

USE OF FACILITIES AGREEMENT

THIS AGREEMENT is made and entered into this on _____, by and between _____ (Representative of User) for _____, hereinafter referred to as User and Mount Shasta Union School District, hereinafter referred to as District.

WHEREAS, user desires to utilize certain property owned by District and District desires to allow such use at times when the property is not needed for school purposes; and

WHEREAS, the Civic Center Act as found in California Education Code Section 40040 et seq. authorizes the use of school property as a civic center upon terms and conditions as District deems proper; and

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Method of Obtaining Use of Facilities: User shall submit a Facilities Use Request Form to the District's on-site administrator. (An example of the request form is attached hereto as Exhibit "A"). User shall submit the request at least ten (10) days prior to the proposed use.

The request shall be granted unless the requested use would be illegal, in violation of District policy or custom, or would present a danger or a substantial risk of danger, to person or property; or if the Facilities Use Request Form is incomplete or contains insufficient information for the school officer to evaluate.

2. Insurance: Each request for use shall be accompanied by a certificate of insurance as required by Education Code Section 40043(h), which certificate shall show that User has adequate comprehensive general liability insurance to cover the event or function described in the Facilities Use Request Form. **NO SCHOOL OFFICER SHALL GRANT OR ACCEPT ANY USE REQUEST WITHOUT FIRST OBTAINING SUCH PROOF OF INSURANCE.** The minimum acceptable liability insurance shall be \$1,000,000.00 per occurrence.

3. Indemnification: It is agreed that User shall defend, hold harmless and indemnify District, its officers and employees from any and all claims against User for injuries and/or damages to persons and/or property which arise out of the use and which result from breach of this agreement or the negligent acts or omission of User, its officers and/or employees.

It is further agreed that District shall defend, hold harmless and indemnify User, its officers and employees, from any and all claims against District for injuries or damage to persons and/or property, which arise out of the use and which result from breach of this agreement or the negligent acts or omissions of District, its officers and/or employees.

4. Duty to Inspect, Repair and Warn: District makes no representations or warranties as to the repair or condition of the facilities, which may be used hereunder, and User takes such facilities AS IS.

5. It shall be User's obligation, not District's, to assure that the property and facilities are in proper and safe condition to be used for User's purpose and it shall be User's duty, not District's, to inspect such property and facilities before they are used, and thereafter, and to take reasonable steps to prevent injury to person or property.
6. Care of Facilities: User agrees that it shall exercise reasonable care in its use of the facilities, shall reasonable maintain those facilities, and shall return the facilities to District in the same condition as they were received. User agrees that it shall be responsible for and shall pay to repair or replace any facilities damaged or destroyed in connection with its use of it.
7. Rental Fee: If applicable, User shall pay to District the sum of _____ for the use of the premises.
8. Use of Alcohol/Smoking/Tobacco: There will be no alcoholic beverages sold, used, consumed or possessed upon the premises and no smoking or tobacco use will be allowed within the District's buildings or grounds.
9. MSUESD has no affiliation and does not endorse any community group or events they may hold on our campuses.
10. If use of a school cafeteria kitchen is requested, arrangements must be made prior to approval for a Food Safety Manager Certification Compliant staff member to be present for the entire duration of use. Staff member wages to be paid by user.

IN WITNESS WHERE OF the parties hereto have executed this agreement the date first above written.

Representative of User

MSUSD Representative

Cafeteria Manager
(If cafeteria kitchen use is requested)

APPLICATION FOR USE OF SCHOOL FACILITY

Person Requesting _____ Phone _____ Date _____

Are You Employed by the District: Yes _____ No _____

School Requested _____

Facilities Needed _____

Date(s) Requested _____

Time(s) Requested _____

Type of Activity _____

Number Participating _____

Name of Eligible Group _____

Admission Charged or Contributions Solicited. Yes _____ No _____

If yes, profit goes to _____

Designate Eligibility (X)

- _____ 1. Local non-profit community organizations, public agencies and local senior citizen organizations, clubs or associations organized for cultural activities (such as folk or square dancing) and general character building or welfare purposes.
- _____ 2. Public school related groups, whose objectives and functions are closely related to and directed toward improving public education (i.e. Site Council and Home and School clubs).
- _____ 3. Non-school public groups, which are primarily of a character building nature (i.e. Scouts, Camp Fire Girls, 4-H Clubs).
- _____ 4. Non-school public groups, which are of a recreational nature, (i.e. Little league, City Recreation Department activities, etc.)
- _____ 5. Student body groups officially approved by the School District and made up of MSUSD students.
- _____ 6. School employee groups which are officially recognized groups of the district.
- _____ 7. Other (describe) _____

I have read MSUSD's Board Policy and Administrative Regulation 1330 and Board Policy 3513.3 Tobacco-Free Schools/Smoking. I understand the responsibility required of myself and the members of the above eligible group to abide by all rules and regulations stated in Board Policy and Administrative Regulation 1330 and Board Policy 3513.3.

Signed _____

Title _____

Address _____

Phone _____

MOUNT SHASTA UNION SCHOOL DISTRICT

FACILITIES USE STATEMENT

The undersigned, _____, is duly authorized by

(name of organization) _____,

to act on its behalf in requesting the use of school facilities, including, but not limited to, executing any agreement or undertaking required by law and district policy and regulations governing the use of the facilities.

The organization shall comply with all restrictions placed on the use of the school facilities by law or district policy or regulations.

The organization recognizes that, in accordance with Education Code 38134, it is liable for any damage to the school facilities or for any injury to any person due to the organization's negligence in using the school facilities.

(Signed)

(Date)

(Organization)

**MOUNT SHASTA UNION SCHOOL DISTRICT
SCHEDULE OF FEES FOR USE OF SCHOOL FACILITIES**

Facility	Hourly Per Hour (Standard Rate- Reduced Rate)	Direct Cost Fee Per Hour (2-hour minimum/ each add'l hour)	Fair Rental Fee Per Hour (2-hour minimum/ each add'l hour)
Classrooms	\$5.50/\$11.00 \$8.25/\$16.50	\$6.60 \$5.50	\$13.20 \$11.00
Multipurpose Rooms	\$16.50 \$8.25	\$16.50 \$11.00	\$33.00 \$22.00
MSE or Sisson Kitchen		22.00* 16.50*	44.00* 33.00*
Sisson Gymnasium (New)		\$22.00 \$16.50	\$44.00 \$33.00
Sisson Cafeteria	\$11/\$16.50	\$16.50 \$11.00	\$33.00 \$22.00
Tables (each)	\$5.50/\$11.00	\$5.50	\$11.00
Chairs (each)	\$5.50/\$5.50	\$0.55	\$1.10

* Plus cafeteria Manager wages.

These charges do not preclude the users of responsibility for removal of trash and damages from other than normal wear.

Custodians or other District personnel shall cooperate with the user organization to open buildings, adjust heat and utilities, REMAIN ON OR NEAR THE PREMISES BEING USED THROUGH THE PERIOD IN USE, supervise the use for the protection of property and elimination of fire hazards, clean the portion used, turn off the lights, lock up, and leave the building ready for occupancy.

Personnel rate of pay shall be the current rate for Saturday, Sunday or a holiday. The time shall be computed from the time the facility is opened to the time the facility is vacated by the user organization.
The cost of personnel, if there is any, may be added to the facility use fee.

USE OF SCHOOL FACILITIES

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

(cf. 6145.5 - Student Organizations and Equal Access)

School-related activities shall have priority in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

(cf. 1330.1 - Joint Use Agreements)

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities on those days on which the school is closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations 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 not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

Use of school facilities does not imply district endorsement of the activities, products, or services of community groups or district residents.

(cf. 1325 - Advertising and Promotion)

BP 1330(b)

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

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 USA, YMCA, parent-teacher associations, and school-community advisory councils. Other groups that request the use of school facilities under the Civic Center Act, including nonprofit groups not organized to promote youth and school activities and for-profit groups, shall be charged an amount not to exceed direct costs. However, if the use of school facilities or grounds is for religious services, the group shall be charged an amount that equals or exceeds direct costs determined in accordance with Education Code 38134.

In determining direct costs to be charged for community use of school facilities or grounds, including, but not limited to, playing or athletic fields, track and field venues, tennis courts, and outdoor basketball courts, the Superintendent or designee shall include a proportionate share of the costs of the following: (Education Code 38134)

1. Supplies, utilities, janitorial services, other services of district employees, and salaries of district employees directly associated with operation and maintenance of the school facilities or grounds involved
2. Maintenance, repair, restoration, and refurbishment of the school facilities or grounds

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (Education Code 38134)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

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

Policy Adopted: 11/12/13

Policy Revised: 11/13/18, 2/14/23

MOUNT SHASTA UNION SCHOOL

Mount Shasta, California

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 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)

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief,
February 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community
Engagement, 2009

WEB SITES

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

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

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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

(cf. 1020 - Youth Services)

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 the 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 alcoholic beverages or any restricted substances, including tobacco

(cf. 3513.3 - Tobacco-Free Schools)

The district may exclude certain school facilities from nonschool use for safety or security reasons.

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. (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)

AR 1330(c)

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.

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Advertising And Promotion

BP 1325 (a)

Community Relations

The Governing Board establishes this policy to ensure effective and consistent standards for advertisements and promotions by nonschool groups in school-sponsored publications, on district and school web sites and social media, and on school facilities and grounds. Student speech shall be regulated in accordance with BP/AR 5145.2 - Freedom of Speech/Expression.

- (cf. 1113 - District and School Web Sites)
- (cf. 1114 - District-Sponsored Social Media)
- (cf. 1330 - Use of School Facilities)
- (cf. 5145.2 - Freedom of Speech/Expression)
- (cf. 6145.5 - Student Organizations and Equal Access)

Limited Public Forum

The Board desires to promote positive relationships between district schools and the community in order to enhance community partnerships, support, and involvement in the schools. The Superintendent or designee may, consistent with the criteria established in this policy, approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings, or other gatherings of interest to students or parents/guardians

- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
- (cf. 6162.8 - Research)

2. Distribution of promotional materials of a commercial nature to students or parents/guardians

- (cf. 1700 - Relations Between Private Industry and the Schools)

3. Paid advertisements on school property, including, but not limited to, advertisements on school buildings, athletic fields, scoreboards, and billboards

4. Paid advertisements in school-sponsored publications, yearbooks, announcements, and other school communications, including web sites and social media

5. Products and materials donated by commercial enterprises for educational use, including those that bear the name and/or logo of the donor, as long as they do not unduly promote the donor or any commercial activity or product

- (cf. 3290 - Gifts, Grants and Bequests)
- (cf. 6161.11 - Supplementary Instructional Materials)

Advertising And Promotion

BP 1325 (b)

Prior to the distribution, posting, or publishing of any nonschool group's promotional materials or advertisement, the Superintendent, principal, or designee shall review the materials or advertisement based on the criteria listed below. He/she may not disapprove materials or advertisement in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that is otherwise allowed by Board policy.

All materials to be distributed shall bear the name and contact information of the sponsoring entity.

As necessary, the Superintendent, principal, or designee shall require a disclaimer on any nonschool group's promotional materials to be distributed, posted, or published, stating that the distribution, posting, or publishing of the materials does not imply district endorsement of the group's activities, products, or services. District- and school-sponsored publications shall include a disclaimer stating that the district or school does not endorse any advertised products or services.

Criteria for Approval

The Superintendent, principal, or designee shall not accept for distribution, or allow on school property, any materials or advertisements that:

1. Are lewd, obscene, libelous, or slanderous
2. Incite students to commit unlawful acts, violate school rules, or disrupt the orderly operation of the schools
3. Promote any particular political interest, candidate, party, or ballot measure, unless the candidates or advocates from all sides are provided the opportunity to present their views to the students during school hours or during events scheduled pursuant to the Civic Center Act

(cf. 1160 - Political Processes)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

4. Contain prayer or proselytizing language
5. Position the district on any side of a controversial issue

(cf. 6144 - Controversial Issues)

6. Discriminate against, attack, or denigrate any group on account of any unlawful consideration

Advertising And Promotion

BP 1325 (c)

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

7. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including, but not limited to, materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

8. Promote during the school day any food or beverage that does not comply with state nutritional standards pursuant to Education Code 49430-49434, including a corporate incentive program that offers free or discounted foods or beverages that do not meet nutritional standards as rewards for students who reach certain academic goals. This prohibition does not include advertising on clothing with brand images worn on school grounds, advertising contained in product packaging, or advertising of infrequent school fundraising events involving food or beverages that do not meet the nutritional standards. (Education Code 49431.9)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

9. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy

(cf. 1321 - Solicitation of Funds from and by Students)

10. Distribute unsolicited merchandise for which an ensuing payment is requested

The Superintendent or designee may also consider the educational value of the materials or advertisements, the age or maturity of the students in the intended audience, and whether the materials or advertisements support the basic educational mission of the district, directly benefit the students, or are of intrinsic value to the students or their parents/guardians.

(cf. 0000 - Vision)

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks, as deemed appropriate by the Superintendent or designee in accordance with law and Board policy.

Advertising And Promotion

BP 1325 (d)

Legal Reference:

EDUCATION CODE

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38139 Civic Center Act

49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001, especially:

49431.9 Advertisement of non-nutritious foods

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

CALIFORNIA CONSTITUTION

Article 1, Section 2 Free speech rights

U.S. CONSTITUTION

Amendment 1, Freedom of speech and expression

UNITED STATES CODE, TITLE 42

1751-1769j School Lunch Program

1773 School Breakfast Program

COURT CASES

Hills v. Scottsdale Unified School District, (2003) 329 F.3d 1044

DiLoreto v. Downey Unified School District, (1999) 196 F.3d 958

Yeo v. Town of Lexington, (1997) 131 F.3d 241

Hemry v. School Board of Colorado Springs, (D.Col. 1991) 760 F.Supp. 856

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 450

Lehman v. Shaker Heights, (1974) 418 U.S. 298

Management Resources:

WEB SITES

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

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FACILITIES USE

Name _____ Organization _____

Date _____ Phone # _____ Site calendar open? Y N

If the event is on a weekend or evening, the site will need to verify if a staff member is available to grant access to the facility.

Description of the event _____

What does the event need as far as- set up, tables, seating (chairs, bleachers, etc)

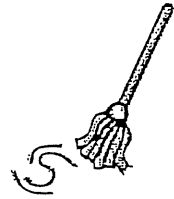
The fee schedule is within the Facilities Use Agreement. If staff is required to open / close on weekends or off-time, an additional fee will be charged to cover their over-time wages.

RULES / INFO

- No food or drink (except water) allowed in the gym (ok in cafeterias).
- INSURANCE is required with a minimum liability of \$1,000,000 per occurrence.
- No smoke (D.J.'s for dances). Smoke will set off our fire alarm.
- Kitchen Use- In order to use the kitchens, at least one person is required to have a FOOD SAFETY CERTIFICATE. Pots and pans are not available.
- No alcohol or smoking/tobacco use.
- Clean shoes on runners in the lobby before getting on the gym floor.
- Clean up any dirt or water on gym floor immediately.
- Sweep floor and pick up the pile before you leave; mop if needed. ☆
- Leave the gym as you found it.
- Check the doors to make sure they're closed and locked.
- Empty garbage into the dumpsters.
- If special attention is needed during or after the event, please notify the school site as soon as possible.

☆ Sisson Gym- Dust mops & vacuum are in the lobby or on the bleacher side of the gym.

GYM USE PROCEDURES



1. No food other than water inside the gym.
2. Clean shoes on runners in lobby before getting on the gym floor.
3. Immediately clean up any dirt or water spilled on the floor.
4. Before you leave- sweep the floor and pick up the pile.
5. Leave the gym as you found it.
6. Check all doors to make sure they are closed and locked.

*Dust mops and vacuum are in the lobby or on the bleacher side of the gym.

Name of person supervising the event _____

PLEASE PRINT

Phone number _____

Signature _____

