

Los Gatos-Saratoga Union HSD

Board Policy

Use Of School Facilities

BP 1330

Community Relations

The Board of Trustees recognizes that district facilities are a community resource whose primary purpose is to meet the needs of school educational 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 educational programs and school activities. (Education Code 38130-38137) Civic Center uses are listed in Administrative Regulation 1330. Rental of district facilities by for-profit organizations and for personal use shall be at the discretion of the district and such uses may not interfere with educational programs and school activities.

(cf. 6145.5 - Student Organizations and Equal Access)

Priorities for use have been established as follows and are reflected in AR 1330:

1. Activities and programs of the district directly related to the instructional and educational program of the district, including the district's Adult Education program, Independent Study and extra and co-curricular programs.
2. Events or activities designated to serve the youth and citizens of the district which are planned and directed by school attached groups, including the Parent-Teacher-Student Association and Home and School Club.
3. Programs sponsored by the Los Gatos-Saratoga Department of Community Education and Recreation and the Saratoga Recreation Department.
4. Those uses by non-profit community organizations serving district youth who reside within our attendance area
5. Those uses by non-profit community organizations serving students living in the broader Santa Clara County area
6. Use by groups who don't qualify under the provisions of the Civic Center Act, but to whom the district may make facilities available on a commercial rental basis.

NOTE: Before the use of a facility is granted, rental of school facilities to outside organizations/groups may be given special consideration if:

1. A long-term renter.

2. A renter with a significant number of our high school students in their organization.
3. A renter with an existing campus-based, district-approved coaching relationship with a significant number of our high school students in their organization.
4. A renter with a significant number of students from our feeder schools.

The district shall grant the use of school facilities without charge to district 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, according to a Facility Use Fee Schedule adopted by the Board. Rental of District facilities by for-profit organizations and for personal use shall be at the discretion of the District and fair market value shall be charged. Unless specifically waived, associated indirect overhead costs shall be calculated into the fees charged.

Use of District facilities must be by approved application and must adhere to established regulations as defined in Administrative Regulation 1330.

The Superintendent or designee shall be responsible for the coordination and interpretation of policies and procedures and the development and annual review of a standard fee schedule.

The Board of Trustees shall provide public review of major uses or multi-year agreements through public Board meeting agendas and the Board approval process.

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 not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work.

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 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:

CALIFORNIA DEPARTMENT OF EDUCATION 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 LOS GATOS-SARATOGA UNION HIGH SCHOOL DISTRICT

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