

USE OF SCHOOL FACILITIES

Application Procedures for Use of Facilities

The district requires all individuals, persons, groups, societies, organizations, clubs, associations, entities, agencies, or other persons or entities (collectively referred to as "Applicant(s)" and/or "User(s)" herein) who apply for use of school facilities or grounds to complete, sign, and submit the following:

1. Completed Application and Agreement for Use of School Facilities and Grounds (Use Agreement), which includes User's acknowledgement of, and agreement to, the Terms and Conditions of Use.
2. Current and valid Certificate of Insurance naming the district and its Board as additional insureds, and otherwise complying with the requirements set forth below.
3. Any person applying for the use of any school facilities or grounds on behalf of any society, group, organization, or other entity must be an officer or duly authorized representative of the Applicant entity and shall present written authorization from the Applicant entity to make the application and enter into the Use Agreement on Applicant's behalf.
4. Written facilities use statement ("Facilities Use Statement") assuring that the Applicant upholds the state and federal constitutions and does not intend to use school premises or facilities to commit unlawful acts. The written Facilities Use Statement shall be submitted using the district's Facilities Use Statement form.
5. Current proof of 501(c)(3) non-profit status, if applicable.

The foregoing items are collectively referred to herein as the "Application", and must be submitted together in order for an Application to be deemed complete. All appropriate blanks and questions on the Application must be completed prior to submission. District may require Applicant to submit additional documentation that provides sufficient proof, in district's discretion, that Applicant meets the applicable Category of Use qualifications as set forth in Board Policy 1330.

All Applicants must create an online civic center user account and all Applications shall be submitted using the district's online Application system (available at <https://mesd.civicpermits.com>), and shall be completed in accordance with district Board Policy 1330 and this Regulation. In the event the district's online Application system is not available, all Applications for use of district facilities shall be submitted to the district Business Office in person or by mail. Applicant must submit a separate Application for each school facility or grounds which Applicant is requesting to use. Applications are due at least 4 weeks in advance of the requested use.

Applicants and duly authorized representatives submitting Applications on an Applicant's behalf must be over the age of 18. The Application submitted must be for the Applicant's direct use of school facilities or grounds (no third-party beneficiaries).

A copy of the Board's policy and regulations governing use of school facilities and grounds, including the Terms and Conditions, is incorporated in as part of the Use Agreement and is made

available to all Applicants requesting use of school facilities or grounds via the district's Board website (<http://www.millbraeschooldistrict.org/Board>), the district's online application page (<https://mesd.civicpermits.com>), and shall also be provided to Applicants upon request.

Incomplete Applications will be rejected or returned to the Applicant for completion, and late Applications may be denied. Applicant is solely responsible for the timeliness and completeness of its Application.

District Review of Application

1. Application Review

Upon submission of a complete and properly submitted Application, a preliminary review shall be performed by district's facilities office, who shall contact Applicant with any questions or if additional information is needed. If the Application is preliminarily deemed complete and in compliance with district policy, the district's facilities office will forward the Application to the site principal, and any other applicable site, facilities, or personnel administrator, including the applicable facilities/grounds supervisor, food supervisor, head custodian, head of security, etc.

Upon receipt of all required approvals from the site principal and other applicable site, facilities, or personnel administrators, the Application shall be returned to the district facilities office for approval or denial. The district's facilities office shall make a recommendation to approve or deny the Application based on the information contained in the Application, discussions with, and recommendations by, the site principal or other applicable site, facilities, or personnel administrator(s), as applicable. The District's superintendent or designee shall approve or deny the Application. The district's facilities office shall promptly notify the Applicant of the approval, or if denied, the reason for denial. Applications shall be reviewed and a decision issued within a reasonable time of receiving the complete submitted Application.

If a requested use of a school facility or grounds exceeds availability, use shall be granted on a first-come, first-serve basis and in accordance with the district's Priority of Use, and district shall have no obligation to make the facility or grounds available for all requested uses. Use of district facilities and grounds is subject to availability. Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220).

(cf. 6115 - Ceremonies and Observances)

2. Additional Conditions

In accordance with Education Code sections 38131 and 38133, the district may, at the district's discretion, include written conditions of approval as deemed necessary, including, without limitation, at the user's expense, additional insurance requirements, special or additional labor or services requirements (such as on-site security, district personnel attendants or supervision, additional custodial, and/or parking attendants, etc.), and other requirements and conditions of approval as deemed necessary by the district in order to protect school facilities, grounds, and

equipment from damage, vandalism, or abuse, ensure the safety of participants, students, neighbors, and community members, preserve order in school facilities and on school grounds, and ensure the regular conduct of schoolwork and district programs are not infringed upon or interfered with.

If the Application is approved with additional conditions, district's facilities office shall notify Applicant of the conditions of approval. The Application shall not be deemed approved, and a Use Permit shall not be issued without Applicant's written consent to the conditions of approval.

Payment of Fees

Fees shall be charged in accordance with Board Policy 1330 at the rates set forth in the district's Civic Center Use Schedule of Fees ("Fee Schedule"). The district facilities office shall calculate the fees owed and issue an invoice or estimate of charges to the Applicant prior to Applicant's requested use. Applicant's payment of fees is due immediately upon receipt of invoice. The district reserves the right to cancel any use Permit or deny future applications for use of facilities or grounds due to Applicant's failure to pay fees in full when due.

No refunds shall be issued for cancellations made by Applicant within ten (10) days of the scheduled use. For cancellations that occur more than ten (10) days before the scheduled use, the district shall retain twenty-five percent (25%) of the fee paid.

Use Permit

Upon receipt of payment of fees from Applicant, district will issue a Use Permit to Applicant for the Applicant's use of school facilities and grounds for the activity, date(s), and time(s) approved by district, and shall provide a copy of the issued Use Permit to the site principal and other applicable site, facilities, or personnel administrator(s), as applicable. The terms and conditions of the approved Application, Use Agreement and Terms and Conditions of Use, district's Fee Schedule, Board Policies, and Administrative Regulations are incorporated into, and are a part of, the Use Permit.

Use Permits expire on the date specified in the Use Permit, which shall be no later than six (6) months after issuance or June 30th of each academic year, whichever occurs first. Under no circumstances shall permits be valid for a period exceeding six (6) months in duration without approval of the District's superintendent or designee.

Users are required to submit a new Application each academic year (July 1st – June 30th) to request use of school facilities and grounds during such academic year.

A Use Permit is non-transferable from one User to another or to any third-party or other organization, group, entity, or person.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens, residents, 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. Licensed and registered 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 Board of Trustees.

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by a User, a participant of User, or other 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 or grounds for school purposes, or which interferes with the regular conduct of school or school work. No activity

which may interfere with the educational program or activities of a school or the district will be approved or permitted.

3. Any use which involves the acquisition, possession, consumption, or sale of alcoholic beverages or any restricted substances, including, without limitation tobacco, vaporized or e-cigarettes, narcotics, marijuana, illegal drugs, intoxicants, or which would otherwise violate law or district policy.

(cf. 3513.3 - Tobacco-Free Schools)

Any such use of school facilities shall be subject to any limitations or additional conditions 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 Use Agreement, and a Use Permit shall not be issued without Applicant's written consent to such limitations and additional conditions.

4. Any use that is specifically prohibited by the district or school (e.g., without limitation, possession or use of weapons, firearms, imitation firearms, dangerous instruments, etc.), or that violates the district's Board Policies, Administrative Regulations, Use Agreement and Terms and Conditions of Use, or applicable federal, state, or local law, rule, regulation, requirement, or ordinance, including, without limitation, applicable noise ordinances and fire codes.
5. Any use which, in the district's sole determination, may cause injury or damage to school facilities, grounds, equipment, or other district property, or which creates a safety risk on district property or dangerous condition of public property.
6. Any use which, in the district's sole determination, jeopardizes the safety of the district's students, employees, and/or the activity's participants.
7. Any use that may cause an increase in the existing rate of insurance or cause the cancellation of any insurance policy covering district and school facilities and property.
8. There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

While the district encourages civic center use of school facilities and grounds, the Board or the Superintendent may, in the district's sole discretion, exclude certain facilities from non-school use for safety and security reasons, or as otherwise necessary as authorized by law.

Damage and Liability

Any User using school facilities, grounds, or equipment shall be liable for any property damage (real or personal) caused by the activity, including any damage caused by User's participants during such use. The district shall charge the User the amount necessary to repair the damages or the direct replacement costs, and may cancel and terminate the Use Permit on such grounds and/or deny the User further use of school facilities or grounds. (Education Code 38134).

Any User using school facilities, grounds, or equipment shall be liable for any injuries resulting from the negligence of User or User's participants during the use of district facilities, grounds, or

equipment. The User shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

All Users of school facilities, grounds, or equipment must, at their sole cost and expense, furnish and maintain at all times during the duration of the Use Permit insurance coverage as described herein against claims arising out of the group's own negligence when using school facilities, and shall provide the district with evidence of such insurance. (Education Code 38134). The certificate holder must be: Millbrae School District (555 Richmond Drive, Millbrae, CA 94030). The Certificate of Insurance must name the Millbrae School District and its Board as additional insureds, and must contain the following minimum coverage:

1. General Liability coverage in the amount of \$1,000,000.00 per occurrence, \$2,000,000.00 aggregate, with no exclusion for molestation or abuse;
2. Workers Compensation coverage in the amount of \$1,000,000.00 per occurrence; **and**
3. Automobile Liability coverage in the amount of \$1,000,000.00 per occurrence.

The Certificate of Insurance must be accompanied by an Additional Insured Endorsement naming the Millbrae School District and its Board as additional insureds and must be in the form of an actual endorsement to the policy. The endorsement is part of the policy and must be attached to the Certificate of Insurance. The endorsement must be effective on the inception date of the policy unless otherwise stated therein. The Certificate of Insurance and Additional Insured Endorsement must be uploaded to the civic permits website by Applicant when requesting use of school facilities or grounds.

As permitted by law, the Superintendent or designee shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities or grounds being used.