

USE OF FACILITIES

The Civic Center Act states that the governing board of any school district may grant the use of school facilities or grounds as a civic center upon the terms and conditions the board deems appropriate, subject to the limitations, requirements, and restrictions set forth in Article 38130-38138.

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 Milpitas community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

All school- related activities (clubs, class events, etc.) shall be given priority in the use of facilities under the Civic Center Act.

The Board believes that the use of school facilities should not result in costs to the district.

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.

The Superintendent and staff shall develop district regulations, including a schedule of fees, governing community use of district facilities.

Legal References:

Education Code Sections 10900-10914.5 and 38130-38138

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USE OF FACILITIES

Subject to District policies and regulations, facilities may be made available to responsible organizations, associations, and individuals of the Milpitas community for the following appropriate civic, cultural, welfare, or recreational activities which do not infringe upon nor interfere with the regular conduct of school work and are in the best interests of the District.

1. Public, literary, scientific, recreational, educational, or public agency meetings.
2. The discussion of matters of general or public interest.
3. Child care programs to provide supervision and activities for children of pre-school and elementary school age.
4. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
5. Supervised recreational activities.
6. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, and shall cooperate in furnishing and maintaining such services, as it deems necessary to meet community needs.
7. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization, provided the Board imposes a charge at least equal to the District's direct cost.
8. A community youth group center.
9. Other purposes deemed appropriate by the Board.

The Board shall not grant the use of school facilities 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 school purposes or which interferes with the regular conduct of school or school work.
3. Any use which is discriminatory in the legal sense.
4. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances on school property.

USE OF FACILITIES

5. Any use which involves the use or smoking of tobacco products on school property.

Priority of Users

Applications for use of facilities shall be given preferences in the following order:

1. In-school uses (clubs, class events, etc.)
2. School support groups
3. City of Milpitas Leisure Services for the conduct of community recreational programs
4. Milpitas youth groups
5. Public agencies and public affairs groups
6. Community recreational and cultural groups
7. Community special interest groups
8. Private, non-school-connected classes and educational events
9. Profit-making or commercial events, out-of-town groups, etc.

Fees for Use of Facilities

Fees for the use of facilities and grounds shall be charged in accordance with the District schedule of fees. Copies of the fee schedule can be obtained from the Office of the Assistant Superintendent of Business Services.

1. **Application Processing Fee:** All applications, other than Class 1 - Free-use, shall be submitted with a twenty-five dollars (\$25.00) non-refundable processing fee.
2. **Class 1 - Free Use:** District sponsored activities directly related to the educational program or activities sponsored by any other approved Milpitas youth group. These groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, parent-teacher associations, and school/community advisory councils.

Should any free-use group prefer to use facilities at a time when custodial services are not normally available, the District will charge a fee equal to the cost of the custodial services and other actual added costs. The principal or designee shall first ensure the availability of other times when the facility could be provided without charge, and this availability shall be pointed out to the free-use group.

3. **Class 2 - Direct Costs Fee:** Non-profit organizations not directly related to the District's educational programs and/or charge admission, fees, dues, or contributions. Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed direct costs to the District. Direct costs include supplies, utilities, janitorial services, services of other District employees and salaries paid to District employees necessitated by the organization's use of facilities.

USE OF FACILITIES

The following activities shall be charged at direct costs:

- a. Services conducted by religious groups.
 - b. Charitable fund-raising activities, which are not beneficial to youth or public school activities of the District, as determined by the Board.
 - c. Events sponsored by religious or community groups, except those which qualify for free use.
 - d. Public agencies
 - 1] In lieu of direct costs, the District may enter into a written joint-powers agreement with local public agencies.
 - e. Activities not previously identified which do not fall within the free-use or fair-rental value classifications and which are included here through subsequent Board action.
4. Class 3 - Fair-Rental-Value Fee: Organizations, groups, or individuals engaged in major fund-raising or profit-making activities of any kind where admission is charged or contributions solicited of which the net proceeds are not to be expended for the welfare of the District's students or charitable purposes. Groups, organizations, or individuals shall be charged a fair rental value fee which includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity.

Damage and Liability

1. Groups or persons using facilities under the provisions of this policy shall be liable for any property damages caused by the activity. The Board shall charge the amount necessary to repair the damages and may deny the group further use of the facilities.
 - a. District property must be protected from damage and mistreatment and ordinary precautions for cleanliness maintained. Groups are responsible for the condition in which they leave the property.
 - b. On the day following the use of facilities, the employee designated to have care of the facility shall complete a report if any damage or misuse of the facility has taken place. This report is to be filed with the Office of the Assistant Superintendent of Business Services in order to levy any penalty due for damage.
2. 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 the risk and defending itself against claims arising from this risk.
 - a. The District requires groups using facilities to have bodily injury and property damage liability insurance coverage with a minimum limit of one million dollars (\$1,000,000).

USE OF FACILITIES

- b. The following must be on file:
- 1] Certificate of Insurance naming the District as an additional insured;
 - 2] Additional Insured Endorsement; and
 - 3] Mutual Hold harmless agreement.

Conditions of Use

1. Use of facilities of the District is contingent upon the availability and presence of a duly authorized employee whose duty is to open, exercise care over, clean, and close such facilities. When kitchen facilities are used, a food service employee must also be present. Employees shall be present due to health department regulations for the handling of food.
2. Groups with activities involving children in an audience or as event participants shall provide adequate supervision.
3. Activities open to the general public shall require the employment of security personnel by the individual or organization using the facility. The level of security required shall be determined by the Office of the Assistant Superintendent of Business Services, and approval for security employed must be obtained through the Office of the Assistant Superintendent of Business Services. The Milpitas Police Department will be informed of any activity with 500 or more participants. If the Milpitas Police Department is participating and will assume security responsibilities, a letter from the Department must be provided to the District 15 days prior to use.
4. Any person applying for use of school property on behalf of any society, group, or organization shall be a member of the applicant group. Unless he/she is an officer of the group, the applicant shall present a written authorization from an officer of the group to make application behalf of the group.
5. If more than one group is sponsoring the activity, one group will assume the total responsibility for the facility.
6. 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 the premises to commit unlawful acts.
7. Any use of facilities of the District by any individual, society, group, or organization whose membership requirements, written or implied, exclude any individual because of race, creed, or national origin, shall not be permitted.
8. Any use of facilities of the District by any individual, society, group, or organization for the purpose of holding closed or secret meetings shall not be permitted.

USE OF FACILITIES

Application for Use of Facilities

1. Application forms can be obtained from:
 - a. the Office of the Assistant Superintendent of Business Services, or
 - b. the school at which the facilities desired is located.
2. Applications for Use of Facilities shall be submitted for scheduling and approval to the principal/designee of the school in which the facility desired is located not less than thirty (30) business days prior to the date of the use of the facility.
3. Applications approved by the principal/designee must be submitted for approval to the Office of the Assistant Superintendent of Business Services not less than twenty-four (24) business days prior to the date of the use of the facility. All necessary documents must be provided 15 days prior to the use of the facility.
4. All applications, other than Class 1 - Free-use applications, shall be submitted with a twenty-five dollars (\$25) non-refundable processing fee. Checks shall be made payable to Milpitas Unified School District.
5. Payment of fees and charges, if any, must be made prior to the use of the facilities. The district will bill the organization for any additional costs.
6. The following insurance documents shall be submitted to the Office of the Assistant Superintendent of Business Services not less than fifteen (15) business days prior to the use of the facilities:
 - a] Certificate of Insurance naming the District as an additional insured;
 - b] Additional Insured Endorsement; and
 - c] Mutual Hold harmless agreement.
7. The District reserves the right to cancel any and all agreements for the use of facilities up to twenty-four (24) hours before the scheduled use.

Legal References:

California Education Code Sections 40040 et seq.

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