

USE OF SCHOOL FACILITIES

A. Purpose

The Superintendent shall maintain application procedures and regulations for Civic Center use of school facilities and grounds, which:

1. Preserve order in school buildings and on school grounds, and protect school facilities. If necessary, a person may be designated to supervise this task.
2. Ensure that the Civic Center 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.
3. Encourage and assist groups desiring to use school facilities and groups for approved Civic Center activities.

B. Application Procedures for Use of Facilities

The district requires all individuals, groups, societies, organizations, clubs, associations, or other persons or entities (collectively referred to as "Applicants" and/or "Users" in this Administrative Regulation) 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, and Written Statement of Information, as described below
2. Original Certificate of Insurance
3. Written authorization from Applicant for Applicant's duly authorized representative to submit the Application and enter into the Use Agreement on behalf of Applicant if Applicant is a group, society, organization, club, association, or other entity, as described below.

The foregoing items are collectively referred to as the "Application" in this Administrative Regulation.

All Applications for use of district facilities shall be submitted to the District Facilities Specialist via the district's online Application system (available at www.srca.org (Facilities Use)), 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 Facilities Specialist at the district's Facilities office in person or by mail.

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Applicants, and duly authorized representatives of Applicants applying on their behalf, must be over the age of 18. Any person applying for use of school property on behalf of any society, group, organization, club, association, or other entity shall be an officer or authorized representative of the Applicant group and shall present written authorization from the Applicant group to submit the Application and enter into the Use Agreement on behalf of Applicant. Applicants applying for use of school facilities or grounds shall submit a facilities use statement of information which assures the Board that the Applicant upholds the state and federal constitutions and does not intend to use school facilities or grounds to commit unlawful acts. The written "statement of information" shall be submitted on a form (Application and Agreement for Use of School Facilities and Grounds) provided by the district no less than 30 days and no more than six months in advance of the requested use. Applicants must submit a separate Application for each district facility or grounds the Applicant is requesting to use. Applicants must also submit the required Certificate of Insurance with their Application and all appropriate questions and blanks on the Application must be completed. District shall require Applicant to submit documentation providing sufficient proof, in district's discretion, that Applicant meets the required Category of Use qualifications applicable, as set forth in Board Policy 1330.

A copy of the Board's policy and regulations governing use of school facilities, including the Terms and Conditions of Use, is made available to all persons or groups requesting use of district facilities or grounds via the district's Board website at <http://www.srcs.org/board>, the district's online Application page, and shall also be issued to Applicants upon request. Applicants are required to read and agree to district's terms and conditions set forth in the Use Agreement, BP 1230, AR 1230, E 1230, BP 1250, AR 1250, BP 1321, AR 1321, BP 1325, BP 1330, E(1)1330, E(2)1330, E(3)1330, and this Administrative Regulation before submitting a completed Application.

Applicants must contact the District Facilities Specialist for confirmation of receipt of their request. Incomplete Applications will be returned to Applicant for completion. Late Applications may be denied. Applicant is solely responsible for the timeliness and completeness of its Application submitted to district.

C. District Review of Applications

1. Application Review.

- a. The district Facilities Specialist shall perform a preliminary review of the Application, and shall contact Applicant with any questions regarding the Application or if additional information is needed. Additional information may be required from the facilities use Applicant in order to determine, among other factors, the following:
 - If the use includes prohibited activities (noted below)
 - If adequate supervision is planned for the activity
 - If the number of the attendees meets the occupancy requirements

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- If the age group is appropriate for the facility or event
- If the Applicant meets the applicable User Group Category requirements
- If the district's Priority of Users policy is applicable
- Any other factor or issue related to the Application and/or Applicant's use of district facilities or grounds.

b. The Facilities Specialist shall review and preliminarily recommend approval or denial of the Application within a reasonable time of receiving the submitted Application, however additional time may be reasonably necessary depending on the completeness of the Application submitted, the scope of the facility/grounds, equipment, district personnel, use, time, and location requested, and to the extent questions or additional information is needed.

c. Once determined complete and in compliant with district policy, and if preliminarily approved, the Facilities Specialist shall forward the Application to the principal or site administrator of the school or property where the facilities or grounds are located for recommended approval or denial of Applications. The principal or site administrator shall review the Application and recommend approval or denial within a reasonable time of receiving the submitted Application, dependent upon the facility/grounds, equipment, district personnel, use, time, and location requested.

d. Once recommended for approval or denial by the principal or school site administrator, the Application will be forward to the district's Director of Maintenance and Operations ("M&O Director"), who may approve Applications based on discussion with, and recommendations of the Facilities Specialist and principal or site administrator or designee, as necessary. The M&O Director shall approve the Application or recommend denial of the Application within a reasonable time of receiving the submitted Application, dependent upon the facility/grounds, equipment, district personnel, use, time, and location requested.

e. The district's Facilities Specialist shall notify the Applicant of the approval, or if denied, the reasons for denial.

2. Appeal. If the M&O Director recommends denial of the Application, the Applicant may appeal the decision to the Superintendent or administrative designee. The Superintendent or administrative designee may approve or deny the Application, after discussion with, and recommendations of the principal or site administrator, M&O Director, Facilities Specialist and Applicant, as appropriate.

3. Additional Conditions. In accordance with Education Code sections 38131 and 38133, the Facilities Specialist, M&O Director, principal or site administrator, Superintendent, or designee may, at the district's discretion, include written conditions of approval as deemed necessary, including, without limitation, that on-site security, district personnel attendants, additional custodial, and/or parking attendants be provided by SRCS, at the users' expense, in

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order to maintain the health and safety of participants, neighbors and community members, protect school facilities, grounds and equipment from damage or abuse, ensure the regular conduct of schoolwork and district programs are not infringed upon or interfered with, and preserve order in school facilities and on school grounds. This includes ensuring that parking is monitored and violations are prevented, that noise requirements are met, and that district property is not damaged or vandalized. Such additional conditions shall be included as part of the Use Agreement. 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 without Applicant's written consent to the conditions of approval.

4. Availability. If a requested use of a district 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.

D. Payment of Fees

Fees shall be charged in accordance with Board Policy 1330. The actual amount charged will be pursuant to the district's Civic Center Use Schedule of Fees ("Fee Schedule").

The District Facilities Specialist shall provide Applicant with an invoice for cost of use of the facilities or grounds set forth in the approved Application in accordance with district's Fee Schedule. Applicant's payment of fees is due immediately upon receipt of invoice. 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 when due.

There will be no refunds 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.

E. Use Permit

Once Applicant has paid district the required fees for the use of the facilities or grounds, district shall issue a receipt for payment and provide Applicant with a copy of the approved use permit for use of district's facilities or grounds ("Use Permit").

The terms and conditions of the district's Fee Schedule, Board Policies, Administrative Regulations, the approved Application, Use Agreement, Certificate of Insurance, and Terms and Conditions of Use, and the exhibits and attachments thereto, are incorporated into, and are a part of, the Use Permit.

Issuance of a Use Permit for district facilities, grounds, and/or equipment shall not be construed as a representation or warranty by district as to the suitability or fitness of the facility, grounds, and/or equipment for Applicant's particular use or purposes.

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When district's Facilities Specialist issues the Use Permit, she/he shall also provide a copy of the issued Use Permit to the M&O Director and the principal or site administrator of the school site. Approved scheduled uses shall be entered on district's online community use calendar. The principal or school site administrator (and/or M&O Director or Facilities Specialist, if applicable) shall notify involved school personnel and assign staff, as appropriate, to facilitate Applicant's use pursuant to the Use Permit.

F. Expiration/Renewal.

Use Permits expire on the date specified in the approved application, 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.

Users are required to submit a new Application each academic year (July 1st – June 30th) in order to request Use Permit renewal. A Use Permit is nontransferable from one User to another or to any other organization, individual, group, society, club, association, or other entity or person.

G. Prohibited Uses

The Board shall not grant the use of school facilities or grounds for any of the following activities:

1. Any use of district property by a User, or participant of the User, for the commission of any crime or any act prohibited by law.
2. Any use of school facilities or grounds which is inconsistent with the use of the 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 that is specifically prohibited by the school district (e.g. skateboarding, possession or use of weapons, firearms, imitation firearms, dangerous instruments, dogs, or any other animals that create a safety concern for people or property, etc.), or that violates the Terms and Conditions for Use of District Facilities or Grounds [E(1) 1330], the Use Permit, Use Agreement, district's Board Policies, Administrative Regulations, Exhibits thereto, or other applicable federal, state, or local law, rule, regulation, requirement, or ordinance.
4. Any use which would, as determined solely by district, unduly disrupt other activities or the residents in the surrounding neighborhood, or any use that includes disorderly conduct, including fighting, quarreling, loud, threatening, abusive, insulting or indecent language, music, or noise.

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5. Any use which would, as determined solely by district, injure or damage the school facilities, grounds, equipment, or other school or district property, including any use that may cause any hazardous material to be generated, brought onto, used, stored, or disposed of in or about the district facilities or property, which is defined as hazardous under state or federal law. (42 U.S.C. §6901, et seq.; 42 U.S.C. §9601, et seq.; 22 CCR §66261.30, et seq.) Any event that does not provide for adequate supervision to ensure the safety of participants/visitors and protects the district facilities being used is prohibited.

6. Any use which is discriminatory in the legal sense.

7. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including, without limitation, tobacco products, vaporized or e-cigarettes, narcotics, marijuana, illegal drugs, intoxicants, on school property, or which would otherwise violate the district-wide policy prohibiting the use of tobacco or drug or alcohol products is prohibited at all times at all district facilities and property.

8. Any use of buildings, grounds, or time of day not specifically authorized by the use permit.

9. The use of food and beverages is prohibited in classrooms (including special classrooms), libraries, pools and pool areas, gymnasiums, theaters, and office/counseling areas. Any use of food and beverages is restricted to areas specifically authorized.

10. Unauthorized advertisement or solicitation is prohibited unless written approval is provided by the district in advance. Authorized advertising must comply with BP 1325 – Advertising and Promotion.

11. Any event that violates the city or county noise ordinance(s) or fire codes.

12. Any use of school facilities or grounds which, in the district's sole determination, would jeopardize the safety of the children of the school.

13. Any use that may cause an increase in the existing rate of insurance or cause the cancellation of any insurance policy covering district facilities or property.

H. Revocation

Violations of any of the conditions noted above or in the districts Terms and Conditions E(1) 1330 shall be sufficient grounds for immediate revocation of the Use Permit for use of such school facilities, grounds, and/or equipment. In the event of such revocation, all persons so affected shall immediately vacate the school facility. In addition, violations of any of the above conditions may include fee/fines and the suspension or denial of future use of the school facilities, grounds, and/or equipment. Unauthorized use of school facilities, grounds,

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or equipment, as well as any violation of the terms and conditions of the Use Permit, Use Agreement, district's Board Policies, Administrative Regulations, Exhibits thereto, or other applicable federal, state, or local law, rule, regulation, requirement, or ordinance by any User, or participant of the User, during use shall likewise be sufficient cause for cancelation and termination of the Use Permit and denial of future use of school facilities, grounds, or equipment by the User or participant of the User.

While the district encourages community use of district facilities and grounds, the Board or the Superintendent may, in their sole discretion, exclude certain facilities from non-school use for safety and security reasons. Facilities excluded from community use include, without limitation:

1. The district shall not grant use by non-school personnel of school or district offices or computer rooms which may contain confidential records or information.
2. The district shall not grant use of classrooms or other facilities which may contain hazardous chemicals or equipment that cannot be used safely without special knowledge or skills.
3. The district shall not grant use of any food service kitchen.

I. Damage to School Property and Liability

1. Civic Center Users of school facilities, grounds or equipment shall be liable for any damages to property caused by the activity of the User or its participants. The district shall charge User the amount necessary to repair any damages, and may cancel and terminate the Use Permit on such grounds and/or deny the User further use of school facilities, grounds, and/or equipment. The district may require, at its discretion, a deposit for damages.
2. Users of school facilities, grounds, or equipment shall be liable for any injuries resulting from its negligence during such use. The User shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.
3. Users of school facilities, grounds and/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 and in Exhibit (1) 1330 [Terms and Conditions for Use of District Facilities and Grounds]. The district requires Applicants to provide the district with proof of Bodily Injury and Property Damage Liability Coverage or financial responsibility in the amount of \$1 million combined single limit, naming San Rafael City Schools and its Board as an additional insured, and providing indemnification against damages and defense expense. The Board may at any time require more than such minimum coverage. Applicants must provide a separate endorsement: naming district and its Board as additional insureds; stating User's coverage is primary to any insurance

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or self-insurance maintained by district; and stating there shall be a waiver of any subrogation. The policy must provide that in event of cancellation, alternation, or reduction of coverage, a minimum of thirty (30) days prior written notification will be provided to the district by mail with no restrictions. The standard cancellation clause which states that "failure to mail such notice shall impose no obligation or liability" is not acceptable. User's liability for injuries or property damage is not limited to User's insurance policy limits.

4. As permitted by law, the Superintendent or designee shall require a hold harmless agreement and indemnification from User to be signed as part of the Application and Permit for Use of School Facilities form.

5. In the event of any accident, injury, or damage to property, such accident, injury, or damage to property shall be reported immediately to district staff, and an "Incident/Accident Report" shall be completed by the authorized user group within 24 hours and submitted to the SRCS Facilities Use department.