



# Santa Barbara School Districts

Date: June 24, 2008  
To: Dr. J. Brian Sarvis, Superintendent  
From: David J. Hetynok, Director of Facilities and Operations  
Subject: Second Reading and Approval of Changes to Administrative Regulation 1330,  
Use of School Facilities

Consent Agenda: XX

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## Background:

On July 10, 2007 the Board adopted a revision to Board Policy and Administrative Regulation 1330. As part of the revision of fees, the direct fee was reduced in conjunction with the elimination of some categories of free use. As discussed on June 17, 2008 during the first reading, the following issues have been addressed:

## Issues:

- Board approved fundraisers are under the free use category. PTA/PTO fundraisers do not come before the board for approval. I recommend these fundraisers be added to the free use category.
- When the board approved revisions to free and direct cost use, part of the intent was to reduce the direct cost rate used by non-profits and others to provide activities for our districts youth. The intent was not to provide non profits and others with a reduced rate (direct cost) for events that were for the financial gain of the organization or an event in which participants were not the youth of our districts. To that end, I recommend the final four words, "...or for charitable purposes", of the last bullet under Fair Market Value Use be eliminated to avoid confusion.
- Timeline for school site return of the Application and Permit for Civic center use of Site Property with signature.
- Clarification of student participation in activities for school age children.

## Fiscal Impact:

N/A

## Funding Source:

N/A

## Recommendation:

That the Board Approve and Adopt the Changes to Administrative Regulation 1330, Use of School Facilities

# Santa Barbara School Districts

## Administrative Regulation

Community Relations

AR 1330

### USE OF SCHOOL FACILITIES

#### Application for Use of Facilities

Any persons applying for the use of any school facility 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 statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises 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. 6300 - 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 youths 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 Education.

The district may grant the use of school facilities on those days on which the public school is closed. (Education Code 37220)

*(cf. 6115 - Ceremonies and Observances)*

### **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 facility 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 use.

*(cf. 3513.3 - Tobacco-Free Schools)*

4. Any use which is discriminatory in the legal sense. No permit shall be granted to any individuals for any purpose which would discriminate against persons because of their race, color, or creed.

*(cf. 0410 – Non discrimination in district programs and activities)*

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

## **Damage and Liability**

Groups using school facilities pursuant to Education Code 38134 shall sign an agreement acknowledging the risk allocation provisions of Education Code 38134, which states, in pertinent part:

"Any school district authorizing the use of school facilities or grounds under subdivision (a) shall be liable for any injuries resulting from the negligence of the district in the ownership and maintenance of those facilities or grounds. Any group using facilities or grounds under subdivision (a) shall be liable for any injuries resulting from the negligence of that group during the use of those facilities or grounds. The district and groups shall each bear the cost of insuring against its respective risks and shall each bear the costs of defending itself against claims arising from those risks."

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damages caused by the activity. The Board may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds.

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence. Groups or organizations shall also be required to include the district as an additional insured on their liability policies for claims arising out of the negligence of the group.

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

## **Timelines**

A completed application and permit for Civic Center Use of Site Property and appropriate proof of insurance should be submitted to the Civic Center Office, in the Santa Barbara School Districts' Administration Center, at least 15 working days prior to the request use date.

Upon receipt of a completed application, the Civic Center Office will immediately forward the application to the site for confirmation of space availability.

Site administrators shall return the original copy of the application and permit for Civic Center use of Site Property to the Civic Center Office within three working days to confirm the availability of space.

## **Schedule of Fees for Use of School Property**

Under the Civic Center Act, fees shall be charged in accordance with the Board adopted Civic Center Rate Schedule. The Civic Center Rate Schedule is based on the following categories of activities:

*Free Use (excluding application fee; including applicable custodial fees)*

- Meetings of Santa Barbara School Districts' employee organizations whose membership is composed solely of district employees.
- Agencies covered in a joint use agreement or memorandum of understanding.
- Governmental agency requests for special public meetings and polling.
- PTA/PTO and Board approved fundraisers.
- Meetings of Santa Barbara School Districts parent-teachers' associations, school-community advisory councils, and foundations.
- Santa Barbara School Districts alumni association meetings.
- Training and testing for law enforcement agency personnel when the agency provides school resource officers.
- Except for uses governed by Education Code 38134, Subdivision (d) and (e) for which mandatory fees are specified, any other special usage judged by the Superintendent to advance the educational goals and/or programs of the district for which fees would not be appropriate.

*Direct Cost Use*

- Nonprofit organizations, clubs or associations organized to promote activities for school aged children when the activity involves student participation.
- Public, literary, scientific, recreational, educational, or public agency meetings
- The discussion of matters of general or public interest
- Child care or day care programs to provide supervision and activities for children of preschool and elementary school age
- The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
- A community youth center
- Supervised recreational activities including, but not limited to, sports league activities for youths that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious beliefs or denomination
- Conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services

*Fair Market Value Use*

- Use other than the categories described above for free and direct cost use.
- Entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the students of the district ~~or for charitable purposes.~~

**Schedule of Fees for Use of School Property**

- A \$25.00 application fee is required of all permits applications. This fee is refundable if the application is not approved.
- As a condition of auditorium use for rehearsal and/or a performance which requires the use of stage lighting and sound systems, the applicant must satisfy the site administration that the group has staff or has hired a person or persons with sufficient demonstrated knowledge and expertise to operate the sound and light equipment. At certain sites, as a condition of approval, a site theater manager for specialty services assistance may be required.
- Specialty Services Assistance (kitchen, etc.) is \$36.00 per hour in addition to below fees.
- Applicable custodial fees are \$25.00 per hour in addition to fees noted below. (Custodial fees are charged only when sites submit overtime pay requests.)
- All fees are per hour unless noted otherwise.

	<b>Location</b>	<b>Direct Fee</b>	<b>Fair Market</b>
<b>Classroom</b>	All	\$10.00	\$40.00
<b>Auditorium</b>	Elementary	\$25.00*	\$60.00
	<i>*For recreation league use, \$50 per team per season</i>		
	La Colina/Goleta Valley	\$50.00	\$100.00
	La Cumbre	\$75.00	\$150.00
	High School	\$100.00	\$200.00
<b>Cafeteria</b>	Elementary	\$20.00	\$50.00
	Elementary w/kitchen	\$40.00	\$70.00
	Secondary	\$35.00	\$70.00
	Secondary w/kitchen	\$55.00	\$110.00
<b>Athletic Field</b>	Adult Use	\$20.00	\$40.00
	Elementary age	\$5.00**	\$20.00
	<i>**For recreation league use, \$100 per team per season</i>		
	Secondary age	\$10.00***	\$40.00
	<i>***For recreation league use, \$200 per team per season</i>		

<b>Swimming Pool</b>	25 yd x 25 m	\$25.00	\$150.00
(Lifeguard services are not provided but are required)	25 yd x 38 m	\$38.00	\$225.00
	25 yd x 50 m	\$50.00	\$300.00
	Additional with lights	\$25.00	\$50.00

Direct fee will be pro-rated for use by more than one organization during the same time period.

<b>Parking Lot</b>	\$10.00 or \$60.00 per day	\$25.00 or \$150.00 per day
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<b>Outdoor Basketball Courts</b> (group of courts per site)	\$5.00**** or \$30.00 per day	\$25.00 or \$150.00 per day
	****For recreation league use, \$25 per team per season	

<b>Outdoor Tennis Courts</b> (group of courts per site)	\$10.00***** or \$60.00 per day	\$50.00 or \$300.00 per day
	*****For recreation league use, \$50 per team per season	

<b>Band or Specialty Room</b>	\$25.00	\$50.00
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<b>High School Gymnasium</b>	\$50.00	\$100.00
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<b>La Cumbre Track</b>	\$10.00	\$ 40.00
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<b>High School Stadium</b>	\$50.00	\$200.00
Additional with lights	\$100.00	\$200.00
Additional amount for DPHS and SMHS tracks	\$25.00*****	\$100.00
	*****Track can be rented w/o stadium for practice	

Regulation: **SANTA BARBARA SCHOOL DISTRICTS**  
 Adopted: July 10, 2007 Santa Barbara, California  
 Revised: October 30, 2007