

<u>NUMBER</u>	<u>ARTICLE</u>	<u>TITLE</u>		
1330	Community Relations	Use of School Facilities		
<u>SUBTOPIC</u>	<u>POLICY</u>	<u>REGULATION</u>	<u>EXHIBIT</u>	
Public Activities Involving Staff, Students or School Facilities	X			

**DETAIL**

**A. Purpose**

The Board of Education recognizes that District facilities are a community resource whose primary purpose is to support school programs and activities. The District permits the use of school facilities by groups whose purposes and objectives contribute to the development and welfare of the community when such use does not interfere with school activities or result in undue cost to the District.

The Board of Education authorizes the Superintendent or designee to permit use of facilities, including those allowed under the Civic Center Act. 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, including designating a person to supervise this task.
3. Ensure that the use of school 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 schoolwork.

**B. Approved Activities**

The sites, facilities and grounds of the Santa Monica-Malibu Unified School District are primarily for programs to educate SMMUSD students along with the support activities to achieve this goal. No activities are allowed on District Facilities other than those permitted through this process or another specific agreement approved by the Board.

1. The District hereby reserves the right under the Civic Center Act to restrict activities that may result in damage to facilities, disrupt approved activities, conflict with school purpose, or increase risk of injury to persons or property on facilities.

2. Activities that are prohibited include, but are not limited to, the use of roller blades, roller skates or skateboards, dumping, golf, or the use of motorized vehicles on surfaces not designated for vehicles. Appropriate signage will be posted at gates identifying prohibited use. Individuals who participate in prohibited activities will be asked to leave campus. Failure to leave a school site when requested by staff will constitute trespassing and may be prosecuted.
3. Specific athletic facilities (i.e., tracks, basketball or tennis courts) are made available by the District to be used by the public for community recreational use. The District will post which facilities are available to the public for recreational use without need for a permit. The District reserves the right to disallow this use without notice when the facilities are needed for other school and permit uses. This use is intended for individuals or small groups (up to 10). Larger groups and those being paid for instruction must receive permits.

### **C. Definitions**

To provide direction to staff, the Board of Education recognizes these definitions of facility use in the issuing and management of facility permits:

**School/District Use** includes all programs, activities and events operated and supported by SMMUSD programs, departments and offices. These activities are funded by the District and operated by District employees. These include all curriculum-based activities.

**School Sponsored Use** includes all activities that are an extension of School Use. These include extracurricular activities originated by clubs, athletic teams, ASB and other school-derived groups. These activities include fund raising activities by students or staff for the schools or activities. These activities are approved by Site Administrators, are directly managed by District Staff, and all funds collected will be expended on school activities and programs through District approved policies and procedures.

**External Use** includes all activities and facility use originated by any organization other than SMMUSD. Any use that is not School Use is deemed External Use. All External Use must receive a Facility Permit or be included in a Board Approved Joint Use or Lease Agreement to use District Facilities. This policy and attached administrative regulations apply to all external use, unless specifically superseded by an agreement approved by the Board of Education.

**Facility Permits** are agreements issued to external users allowing them specific use of District Facilities for approved activities during a specific period of time.

**Affiliated Groups** are non-profit organizations whose sole purpose, as evidenced in their Bylaws and Articles of Incorporation, are in direct support of the Santa Monica-Malibu Unified School District, its schools and their programs. To qualify as an Affiliated Group, the organization must be approved by the Facility Permit Office. Approval requires submitting a copy of their Bylaws and Articles of Incorporation and presenting a Letter of Determination from the Internal Revenue Service stating the corporation is organized as a 501(c)(3) non-profit corporation.

**Community Meetings** fits within the terms and conditions in the Civic Center Act (Education Code 38130-39). The Board of Education grants there is a civic center at each and every school facility where citizens, organizations and clubs can meet to discuss matters of interest to the citizens of the community. The District reserves the right to designate available spaces for community use at each site, provided there is a designated civic center space at each school facility. The availability is based on the priority use schedule below. All Community Meeting use must fit the following criteria:

- Use must be nonexclusive, open to the public, and free of charge
- Use must be in a designated Civic Center facility
- Use must be less than four hours
- Use must be limited to only once a week per group

**Site** refers to school properties and all of the facilities included in them.

**Facility** refers to specific buildings, rooms and spaces at a Site.

**Direct Rate** as defined by the Civic Center Act is the cost of supplies, utilities, janitorial services, services of any other District employees, and salaries paid school district employees necessitated by the organization's use of the school facilities. This includes all fees not charged separately.

**Commercial Rate** or **Fair Market Value** or as defined by the Civic Center Act is the Direct Rate plus the amortized costs of the school facilities or grounds used for the duration of the activity.

#### **D. Charges for Use of Facilities**

External Users are divided into the following use categories to determine approved rental fees and personnel costs for each use.

All groups must pay a Facility Permit Fee of twenty-five dollars (\$25.00) to cover administrative cost to process the permit. All groups must also meet the Indemnification, Liability and Security Requirements detailed in Administrative Regulations. The Rental Fees are listed in the Rental Fee Schedule exhibit. Additional personnel and other costs for the operation of the permit will be paid by the user. Users will be placed in the most cost effective category for which they qualify. The fees for the use of school facilities and grounds shall be charged in accordance with the following categories:

1. **Commercial:** Commercial users will be charged the Fair Market Value which shall be Direct Costs plus the amortized costs of the school facilities or grounds used for the duration of the activity. This is referred to as **Rate A** in Exhibit 6 - Facility Fee Schedule. This category includes, but is not limited to, any event, game, entertainment or meeting where admission is charged or contributions solicited and net receipts are not to be wholly expended for charitable purposes or for the welfare of the District's students.
2. **Direct:** All non-profit organizations will be placed in the Direct Category. The users in this category will be charged the Direct Rate for their use. This is referred to as **Rate B** in Exhibit 6 - Facility Fee Schedule. To qualify for this category, the user must present a Letter of Determination from the Internal Revenue Service stating the corporation is organized as a 501(c)(3) non-profit corporation.
3. **Community Meeting:** The Board of Education acknowledges the benefit of making school facilities available for community forums. This use must be: nonexclusive, open to the public, and free of charge; in a designated Civic Center facility; less than four hours; and limited to only once a week per group. This category is based on specified use rather than the type of organization. A specific use by an organization might meet these criteria where another use does not. There are two fee structures available for Community Meetings: Community Meeting I is designated for most uses. These groups will receive a 65% discount from the Commercial Rate. This is referred to as **Rate C** in Exhibit 6 - Facility Fee Schedule. Community Meeting II is reserved for Community Meetings where the majority of participants are SMMUSD students. These groups will receive a 90% discount from the Commercial Rate. This is referred to as **Rate E** in Exhibit 6 - Facility Fee Schedule. As per the Civic Center Act, the conduct of religious services does not qualify for this rate.
4. **Basic:** The Board of Education recognizes the benefit to the District and the community made by non-profit organizations who work primarily with SMMUSD students. The activities by

non-profit organizations that benefit SMMUSD students are placed in the Basic Category. For the purpose of this category, "primarily" is defined as being over 50% District student participation. These groups will be charged a Basic rate, an 80% discount off the Commercial Rate. This is referred to as **Rate D** in Exhibit 6 - Facility Fee Schedule. To qualify for this category, the corporation must present a Letter of Determination from the Internal Revenue Service stating the corporation is organized as a 501(c)(3) non-profit corporation.

5. **After School:** This category is restricted to non-profit organizations that provide programs for students immediately after school. They must be approved in writing by the Superintendent or designee. After school groups must present a Letter of Determination from the Internal Revenue Service stating the group is organized as a 501(c)(3) non-profit corporation. These uses will be charged the After School rate, a 90% discount off the Commercial Rate. This is referred to as **Rate E** in Exhibit 6 - Facility Fee Schedule.
6. **Affiliated:** The Board of Education recognizes the benefit to the District made by non-profit organizations whose primary purpose and activities are in direct and sole support of the Santa Monica-Malibu Unified School District, its schools and their programs, such as PTAs, Booster Clubs and the Santa Monica-Malibu Education Foundation (hereinafter referred to as "Affiliated Groups"). The District agrees to waive the facility rental fees for Affiliated Group activities. This is referred to as **Rate F** in Exhibit 6 - Facility Fee Schedule. They are required to pay the Facility Permit Fee and any personnel or other expenses incurred by the District specifically due to their facility use. Affiliated Groups will not pay Asset Replacement Fees. To qualify for this category, the organization must be approved as an Affiliated Group by the Facility Permit Office. This includes: submitting a copy of their Articles of Incorporation and Bylaws and presenting a Letter of Determination from the Internal Revenue Service stating the corporation is organized as a 501(c)(3) non-profit corporation.

**E. Priority Use of Facilities**

1. All school district programs and departments (e.g. Child Development) shall have first priority for shared use of facilities within the district as defined in the Education Code.
2. All school-related activities (clubs, class events, etc.) shall be given next priority in the use of facilities under the Civic Center Act.

3. Thereafter, the Board favors facility uses that provide extended learning opportunities to the school community and then to the community at-large.
4. Thereafter, the use of facilities will be on a first-come, first-served basis.

The Superintendent or designee shall make every effort to work with the cities of Santa Monica and Malibu with respect to coordinating the most efficient shared use of grounds and facilities, which is in keeping with the Board's vision, goals, belief statements and outcomes.

In extreme circumstances, any approved Facilities Use Permit may be revoked where need of the property for public school purposes has subsequently developed. In this case, SMMUSD will notify the user as soon as possible and will endeavor to assist the user in finding a suitable alternative location or date.

**F. Division of Revenue with Sites**

The Superintendent or designee shall establish procedures whereby a percentage of the fees collected for use of facilities shall be shared directly with the sites to maintain the physical integrity of the school sites.

**G. Prohibitions & Restrictions**

1. No District buildings or grounds shall be used for the purpose of employees conducting private tutoring, counseling, coaching, and/or assessments, for which a fee or other compensation is received.
2. District staff working a Facility Permit will be paid by the Facility Permit Office. At no time shall a facility user pay, compensate or tip District Staff directly for work at District Facilities unless approved in writing by the Superintendent or designee.
3. External users must report any employment of District staff to teach or work facility permits at school sites. When this is done, the outside user must have a facility permit, collect all funds, and disburse the salary or fee to the employee. District employees are required to report any employment by facility permit users on school sites to their supervisors.

**ADOPTED**  
April 1, 1999  
June 4, 2009

**REVISED**

**CSBA DATE**  
June, 1997  
November, 2006