



ADMINISTRATIVE PROCEDURE

CATEGORY: **Community Relations**

SUBJECT: **Civic Center Use of Buildings, Grounds, and Equipment**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing use of school buildings, grounds, and equipment for school-related and nonschool purposes.
2. **Related Procedures:**

District Safety and Security	5000
School Clubs, General	6240
Overtime Authorization and Compensation for Classified Employees	7426
Use of District Facilities for Bingo	9206
Extra Use of Cafeteria Facilities	9217
Recreation Agreement Between City of San Diego and District	9225
Use of Athletic Fields and Lighted Stadiums at Senior High Schools	9229

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policies D-3000, D-3800, D-5000, E-2300, E-2350, G-1000, G-1001, G-3000, G-4500, G-6000, J-4500, K-4000, K-4010, K-4020, K-4040, K-6500, and K-7000; Board action of 7-29-14 regarding use of district fields and stadiums; California Education Code §38130 *et seq.*, and 48930; California Constitution, Article XVI, Section 6; US Revenue and Taxation Code, Section 501.
2. **District policy.** Organizations, clubs and associations formed for recreational, educational, political, economic, artistic, or moral purposes are permitted to use school buildings and grounds. Such use is called “civic center use” and must be subordinate to, and not interfere with, the instructional program or other public school purposes. Civic center use may be on a free, district cost recovery, fair rental value, or commercial basis.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Real Estate Department.
2. **Civic Center Use of Athletic Fields and Lighted Stadiums.** Use of district athletic fields and lighted stadiums, other than those fields that are leased to or subject to a joint use agreement, shall be subject to Administrative Procedure 9229.
3. **General Availability and Scheduling Limitations.** Civic center use of district facilities shall be scheduled in a manner that does not interfere with the orderly operation of the campus or facility and shall be managed in a way that maximizes benefits to the school and its students, yet minimizes negative impacts to the surrounding community. Entities requesting to use district facilities may be directed to the facility that best suits the proposed use, considering the proposed size of the event, its potential impact on school operations, and its potential impacts on the surrounding community.
4. **Availability During Non-instructional Time.** School facilities are to be made available after 5:00 pm on school days and after 8:00 am on non-school days when the proposed outside use does not interfere with the district’s educational program or the maintenance of the facilities. Upon approval of the principal, school facilities may be made available before 5:00

pm on school days, even when school is in session, or before 8:00 am on non-school days for groups and activities eligible for free use of facilities as described in Section C.5.a. Upon approval of the Rentals Office, facilities may be made available before 5:00 pm on school days after school is out for groups and activities not eligible for free use.

5. **Determination of Fees.** Under the Civic Center Act (Education Code §38130 *et seq.*), fees shall be charged in accordance with the board-adopted Civic Center Rate Schedule and procedures for annual revision. The Civic Center Rate Schedule is based on the following categories of activities:
- a. **Free use**¹. Activities and groups eligible for free use of district property are listed below. Activities must be scheduled when custodial staffs are normally on duty; otherwise charges will be levied based on the specific facilities used and length of use. Free use groups may also be required to reimburse the district for the cost of other staff needed for the proposed activity or event.
- (1) Associated Student Body (ASB) organizations, school clubs, or groups as described in Administrative Procedure 6240
 - (2) Fundraising events or meetings for which admission of fees charged or contributions solicited are expanded solely for the welfare of the district or district students
 - (3) Parent-Teacher-Student Associations (PTSA)
 - (4) School community advisory councils
 - (5) Senior citizens organizations
 - (6) Park and Recreation Department activities supervised at all times by one of its paid employees
 - (7) National Youth Sports programs such as Little League, Pop Warner, and soccer, subject to the requirements of Administrative Procedure 9229, as applicable
 - (8) Civic organizations, community councils, civic associations, and neighborhood awareness groups for discussion of community governance issues, community development and redevelopment, governmental services issues, and community recreational issues
 - (9) Organizations whose sole purpose is the provision of free educational programs to all district students and parents
 - (10) Public polling places (based on annual usage fees established by the San Diego County Registrar of Voters)
 - (11) School partners with an approved partnership agreement when the activity is noncommercial, does not advertise the business, and is free to the participants

¹ Note: All groups categorized as free users will be charged the current fair rental rate for any event for which admission is charged or donations are solicited.

- (12) Community youth organizations that provide for athletic, recreational, music and art, and core curriculum educational activities, subject to the requirements of Administrative Procedure 9229, as applicable
- (13) Regular business meetings of employee-related organizations, such as:
- (a) Administrators Association San Diego City Schools (AASDCS)
 - (b) American Federation of Teachers (AFT)
 - (c) California School Employees Association (CSEA)
 - (d) National Education Association (NEA) San Diego support personnel
 - (e) Parent-Teacher-Student Association (PTSA)
 - (f) Professional Educators of San Diego
 - (g) San Diego Schools Police Officers Association (POA)
 - (h) San Diego Federation of Teachers
 - (i) San Diego Education Association (SDEA)
 - (j) Other approved employee organizations
- (14) Boy Scouts, Girl Scouts, Good News Clubs or similar youth groups. Each child in attendance at these meetings or functions must have written parental permission to attend. The written permission form must describe the purpose of the meeting or function and the activities to be conducted. These permission forms must be kept at the meeting or function and must be available for review by district personnel. Failure to comply with these permission slip requirements may result in loss of meeting privileges.
- b. **Direct cost recovery use.** Applies to groups that are not authorized free use and whose purposes are not in conflict with the educational programs or goals of the district. These groups may be charged for direct cost recovery provided no admission or donation is charged for the activity.
- c. **Fair rental value use.** Applies to groups that use school facilities or grounds for entertainment, meetings, or classes for which admission is charged or contributions are solicited and the net receipts are not expended for charitable purposes or for the welfare of district students. Facilities use requested by churches for the purposes of conducting of services are included in the fair rental value use category. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity. Amortized costs are computed on replacement costs per square foot over 40 years based on hours of use per year.
- d. **Commercial use.** Applies to users who do not qualify for free use, direct cost recovery, or fair rental rates. These groups are charged commercial rates. Generally,

commercial use includes meetings conducted by commercial businesses, entertainment events for which admission is charged and whose proceeds do not benefit students of the district, activities of private individuals or companies without tax-exempt status, and other similar uses.

6. **Limitations on Use of Facilities.**

a. **Use of rooms and areas.** Nonschool groups are generally restricted to use of the following facilities:

- (1) Classrooms
- (2) Assembly rooms and auditoriums
- (3) Gymnasiums
- (4) Dining rooms and cafeteria kitchens
- (5) Playgrounds, athletic fields, and parking areas, subject to the limitations set forth in Administrative Procedure 9229

b. **Use of equipment/furniture.** Nonschool groups are not authorized to use school audiovisual or instructional equipment. They may use housekeeping furniture such as chairs and tables however, state law forbids lending or removing furniture, equipment, and other items from the premises. To the extent district support staff is required for use of special equipment, the user shall be required to reimburse the district for the cost of the support staff.

7. **Security.** Civic center users are required to ensure reasonable levels of security and the safety of the campus, protect district property, enforce applicable municipal ordinances and ensure the rules and regulations of the district are enforced. The level and type of security can vary depending upon the event, and the district shall have the sole discretion to determine the level of security needed for each proposed event, including requiring the user to employ School Police Services personnel to monitor adjacent or nearby district property. School Police Services shall be notified of any civic center application that may draw a very large crowd or may be controversial in nature.

8. **Unauthorized uses of district property** include:

a. Aiding any religious purpose or denominational doctrine or instruction.

- (1) *Exception* – Temporary use may be granted for the conduct of religious services or classes, upon such terms and conditions as the Board of Education deems proper, including payment of fair rental rates.

b. Use of school facilities by any organization, group or individual that illegally discriminates on the basis of race, religion, creed, color, marital status, veteran status, sex, sexual orientation, gender identity, national or ethnic origin, age or disability.

c. Uses that could result in picketing, rioting, disturbing the peace, or damage to property or that are inherently dangerous. Inherently dangerous activities include, but are not

limited to, pyrotechnics, fireworks, open flames, lasers, rocket launchers, skydiving, flyovers and other similar activities. As an exception, civic organizations that have historically held community celebrations on district fields which include fireworks may continue to do so, provided District safety and insurance requirements are satisfied. It is the responsibility of the organizer to ensure that all required City and Fire Marshall permits are obtained and provided to the District fourteen (14) days prior to the scheduled event. In addition, the fireworks vendor is required to follow safety and clean up procedures regulated by appropriate government agencies.

- (1) The civic organization sponsoring any fireworks display must provide evidence of commercial general liability insurance with limits of at least Two Million Dollars (\$2,000,000) per occurrence/Four Million Dollars (\$4,000,000) aggregate and the District must be named as an additional insured pursuant to an endorsement on the policy; and
 - (2) The fireworks vendor must provide evidence of commercial general liability insurance with limits of at least Five Million Dollars (\$5,000,000) per occurrence. If a policy form with an aggregate is sued, the aggregate must be twice the occurrence limit or Ten Million Dollars (\$10,000,000). The District must be named as an additional insured pursuant to an endorsement on the policy. The fireworks vendor must also provide evidence of Workers' Compensation insurance sufficient to satisfy California statutory requirements. A waiver of subrogation endorsement in favor of the District must also be provided.
 - (3) Under this section, civil or community organizations, including PTSA or booster clubs, may NOT sponsor fireworks displays in connection with District or school events, e.g. homecoming games, graduation, prom, or any other school celebration.
- d. Sale of foodstuffs in competition with, or interfering with, school cafeteria operations.
 - e. A meeting of any group whose purpose is to overthrow the government of the United States or that of the State of California.
 - f. Other uses prohibited by law.
9. **Authority and Responsibility of Site Principal.** The principal assigned to a site (day or evening) is authorized and responsible to approve a request for any proposed use of facilities at his or her campus, subject to the restrictions contained in this Administrative Procedure and Administrative Procedure 9229, where applicable. The principal shall be further responsible to ensure the event is managed in accordance with district rules and regulations and applicable municipal ordinances pertaining to public gatherings. If a principal must be absent when a civic center use is held, he/she may assign a designee to assume full responsibility for all property being used by a school-related or nonschool group.
- a. Principal-approved use during normal school hours by faculty or any group approved for free use need not be coordinated with the Rentals Office.
 - b. Principal-approved use of auditoriums after school hours for purposes directly connected with the school program shall be communicated to the Rentals Office to prevent duplicate scheduling.

- c. School-related groups such as the PTSA or school foundations using facilities after hours must secure permits for use from the Rentals Office.
- 10. **Special Uses of District Facilities.** Rates for unusual uses shall be determined by the Rentals Office using the civic center rate schedule as a guide.
- 11. **Tax-Exempt Status.** A letter or tax exemption certificate issued by the Internal Revenue Service (IRS) pursuant to Section 501 of the US Revenue and Taxation Code or an exemption issued by any agency of the state, shall be required to demonstrate tax-exempt status.
- 12. **Use of Promoters for Fundraising Events.** The following requirements apply to commercial firms conducting activities on district property for profit, a portion of which benefits the district and/or its students.
 - a. Promoter must obtain a permit from the Rentals Office and pay an administrative fee of \$100.
 - b. Promoter must obtain a letter from the school or booster group that an agreement has been reached between the promoter and the school/booster group regarding a satisfactory percentage of the activity's profits to be donated for the benefit of the district and/or its students. The percentage to be donated should be stated. The promoter must submit this letter to the Rentals Office. When such evidence has been provided, the promoter will not be charged for the use of the facility except as noted in Section C.10.c.
 - c. Promoter must pay the following costs:
 - (1) Any cost incurred by the district as a result of the activity including, but not limited to, custodial overtime, extra custodians, cleanup, and repairs not done by the promoter.
 - (2) A refundable damage/cleaning deposit, the amount of which is to be determined by the extent of district facilities utilized and nature of use.
 - (3) The commercial rate, specified in the civic center rate schedule, when admission fees or contributions are not expended for the welfare of the district and/or its students, or for charitable purposes, and a promoter or paid entertainer participates in the proceeds.
 - d. Promoter must provide evidence of liability insurance in the amount specified by the district.

D. IMPLEMENTATION

- 1. **Request to Use Facilities.** All school site use requests should be directed to the site principal.
 - a. **Site Principal.**

SUBJECT: **Civic Center Use of Buildings, Grounds, and Equipment** NO: **9205**
PAGE: **7 OF 8**
EFFECTIVE: **1-29-62**
REVISED: **6-30-16**

- (1) The site principal is authorized to approve use of site facilities before 5:00 pm on days that school is in session for school purposes or by groups approved for free use, and need not coordinate with the Rentals Office. If the site kitchen is to be used, refer to Administrative Procedure 9217.
- (2) Requests for use of school site facilities or other district facilities shall be referred to the Rentals Office:
 - (a) for facility use before 5:00 pm after school is out by groups not approved for free use, *or*
 - (b) for facility use after 5:00 pm on days when school is in session and any time on days when school is not in session by all groups.

b. **Rentals Office** approvals.

- (1) The Rentals Office shall be responsible to prepare the required permit and provide a copy to the requester and the site principal and retain a copy in its files.
 - (2) When an event is approved by the Rentals Office, the site principal upon receipt of copy of permit from the Rentals Office, shall designate a custodian or other person, if necessary, to supervise building and to open and secure school property before and after the event.
 - (3) If the use of site kitchen or serving facilities is requested, the Rentals Office shall direct the requester to the Food Services Department in accordance with Administrative Procedure 9217.
2. **Cancellation of Use.** Cancellation of scheduled use for after school hours must be reported to the Rentals Office as soon as possible, preferably seven days in advance, to ensure timely cancellation of custodians or other employees and to release the facility for other use.

E. FORMS AND AUXILIARY REFERENCES

1. Rental Request Form, available from the Rentals Office, or on the district website at <http://www.sandi.net/Page/39250>
2. Application and Permit for Use of School Property, available from the Rentals Office
3. Civic Center Use Rules and Regulations, available from the Rentals Office
4. Civic Center Rate Schedule, available from the Rentals Office, or on the district website at <http://www.sandi.net/Page/39250>

F. REPORTS AND RECORDS

SUBJECT: Civic Center Use of Buildings, Grounds, and Equipment

NO: 9205

PAGE: 8 OF 8

EFFECTIVE: 1-29-62

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G. APPROVED BY



General Counsel, Legal Services
As to form and legality

H. ISSUED BY



Chief of Staff