



CHECKLIST FOR USE OF FACILITIES REQUEST

- Download and complete the **USE OF FACILITIES** form
- Attach proof of required insurance (*see details below)
- Complete fingerprint clearance (*as applicable)
- Submit completed paperwork and insurance documents to Emily Horta.

In Person:

Cardiff School District
1888 Montgomery Ave,
Cardiff, CA 92007

By Email:

emily.horta@cardiffschools.com

You will be contacted with the approval or denial of your request within 1-2 weeks after your paperwork has been received.

Feel free to contact Emily Horta @ 760.632.5890 ext. 101, should you have any questions.

CARDIFF SCHOOL DISTRICT
USE OF FACILITIES FEE SCHEDULE

<u>FACILITY</u>		<u>FIRST HOUR FEE</u>
Auditorium	Regular Weekdays (excludes kitchen use)	\$50.00
Auditorium	Sat., Sun., Holidays (excludes kitchen use)	\$75.00
Kitchen at Ada Harris	Regular Weekdays (Hourly rate only, does not include costs for required district supervision of kitchen and appliances, or custodial services.)	\$30.00*
Kitchen at Ada Harris	Sat., Sun., Holidays (Hourly rate only, does not include costs for required district supervision of kitchen and appliances, or custodial services.)	\$45.00*

* Use of Kitchen requires food service employee supervision at a cost of \$42.00 per hour, and also the services of a Custodial employee charged at \$42.00 per hour.

Classrooms	Regular Weekdays	\$40.00
Classrooms	Sat., Sun., Holidays	\$50.00
Blacktop/Lunch Tables		\$15.00 p/hr
*Field		\$15.00 p/hr

PLEASE NOTE: Organized youth sports leagues are still required to make arrangements with the City of Encinitas.

Facility Use Fees cover the first hour of occupancy. Additional hours (for any facility) are charged at the following rates:

Regular Weekdays	\$25.00/hour
Sat., Sun., Holidays	\$30.00/ hour

Fee example: Saturday rental of kitchen:

1 st hour (facility fee)	\$45.00
2 nd hour (facility fee)	\$30.00
3 rd hour (facility fee)	\$30.00
4 th hour (facility fee)	\$30.00
District supervision/ tutorial	\$42.00 X 4 = \$168.00
Custodial charges	\$42.00 X 4 = \$168.00
Total cost for 4 hours	\$471.00

Fee schedule approved: 12/8/82
 Revised schedule approved: 12/7/89
 Revised schedule approved: 11/18/93
 Revised schedule approved: 03/25/09
 Revised schedule approved: 11/10/11

CARDIFF SCHOOL DISTRICT
 1888 Montgomery Avenue, Cardiff, CA 92007
 PH (760) 632-5890 Fax (760) 942-5831
REQUEST FOR USE OF SCHOOL FACILITIES

Submit one copy of this Application to the District Office, **at least three weeks prior to the requested date of use.** The information requested in this Application must be completed in its entirety. **Permission must be secured prior to any definite announcement made concerning proposed events.**

Name of School _____ Application Date _____

Facility Requested: Classroom(s) _____ Multi-Purpose Room _____ Kitchen _____ Lunch Tables _____

Field _____ Blacktop _____ Restrooms: Adult _____ Student _____ Other (please specify) _____

Set Up Required: Tables _____ Chairs _____ Podium _____ Microphone _____ Projector _____ Screen _____ Other _____

Please attach a separate form with a detailed drawing/explanation of set up required for custodian.

Purpose of Use _____

REQUESTED DATE(S) OF USE:	START TIME: _____ <i>(Include time required for set-up and clean up)</i> FINISH TIME: _____
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Expected Attendance:	Event will be open to: Public Private	Admission will be: Free Donation Only Charged
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Name of Organization: _____ President/Chair: _____

Address: _____ City: _____ Zip Code: _____

Telephone: _____ Fax: _____ Email: _____

Day of Event Contact: _____ Telephone: _____

I have read and agree to all terms and conditions as stated on both sides of this form. I understand that the approval of this event is contingent upon compliance with provisions as stated on the back of this form and upon the availability of a custodian.

Signature of Applicant

DISTRICT USE ONLY

APPROVED _____	NOT APPROVED _____
Site Custodian is Scheduled/Not Needed	No Fee to be Charged
Additional Custodian(s) Required / one (1) if up to 150 – two (2) over 150 in attendance	Charge for Custodian Certificate of Insurance
NOTE: ALL WEEKEND EVENTS REQUIRE A PAID CUSTODIAN. SOME WEEKDAY EVENTS REQUIRE A PAID CUSTODIAN.	Charge for Utilities Cleaning/Security Deposit
School Principal _____	Date _____
Superintendent _____	Date _____

CARDIFF SCHOOL DISTRICT RULES, REGULATIONS, AND POLICIES REGARDING USE OF FACILITIES

All requests for use of school facilities are subject to approval by the Superintendent or designee. Applications must be filled in completely and signed. A copy will be forwarded after it is reviewed and signed.

Facilities available for community use include classrooms, multi-purpose rooms, and almost all rooms on site. A separate request form for field use must be submitted through the City of Encinitas, with the exception of after school enrichment programs.

The use of school facilities shall be primarily for public school purposes. Any authorized use or occupancy of the facilities for other than public school purpose shall be subordinate to this primary purpose.

All applications from organizations shall be signed by the President or Chair of the organization. Use of school facilities by organizations shall not be permitted on Sundays except by special arrangement with the Superintendent or designee.

There shall be no smoking in or about school buildings. No intoxicating beverages or narcotics shall be used or sold, and no profane language, quarreling, fighting, or gambling will be permitted.

The applicant is held responsible for the preservation of order. School premises should be vacated promptly in accordance with the time schedule indicated on this request form in order to allow the custodian time to prepare the facility for school use.

Service or sale of refreshments/food will not be permitted in any school facilities rooms, except when special arrangements have been made with the Superintendent. All food is to be eaten outside.

No animals shall be permitted on school grounds except guide, service, or signal dogs.

HOLD HARMLESS AGREEMENT

In consideration for the use of school district facilities and grounds, the applicant, on behalf of the organization, group or society, does hereby agree to indemnify and hold harmless the Cardiff School District, its representatives, officers, agents, and employees from any and all liabilities, claims, obligations, judgments, suits, costs, damages, expenses, and attorney's fees, incurred or paid, arising out of, or on the account of any claims of any nature for damage to property or for personal injury including death, which may arise from the use of school facilities or grounds to the full extent provided by law. User accepts full responsibility for all participants and guests.

President/Chair

Date

NON-CHARGEABLE TYPES OF GROUPS	CHARGEABLE TYPES OF GROUPS
1. Children's groups (Brownies, Cub Scouts, etc)	1. Any group who charges a fee
2. School organizations or committees (PTA, SSC etc)	2. Any profit-making group
3. Community service groups	3. Theatre groups who charge for tickets
4. Senior citizen groups	4. Religious groups
5. School sponsored enrichment programs	5. Sports organizations
	6. Any group requesting weekend use

COPIES TO: Business Office

Applicant

Custodian

School Site

REQUEST FOR USE OF SCHOOL FACILITIES INSURANCE REQUIREMENTS

Damage and Liability

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.

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. Education Code 38134

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. Accordingly, the District requires that all applicants, unless specifically exempted by the superintendent, comply with the following:

Personal Injury, Bodily Injury, and Property Damage Insurance

Prior to the approval of the Request for Use of School Facilities (Exhibit 1330-A), the applicant shall submit to the Superintendent or designee, a certificate of insurance along with the insurance company's policy endorsement of comprehensive *general liability in the amount of \$1,000,000*.

1. Such document shall name the *Cardiff School District as an additional insured* and shall be signed by an authorized officer of the insurance company.
2. The insurance carrier's policy coverage shall also contain provisions which include:
 - a. Primary coverage before the District's policy
 - b. Any aggregate limits shall apply separately to each insured
 - c. Carrier agrees not to call on the District for any contribution in the settlement of a claim
 - d. No other contribution by the District is required
3. The following shall apply when the loss, damage, or destruction of school property is not covered under the provisions of the certificate of insurance and the policy endorsement:
 - a. Applicant, individually and/or jointly with the group, agrees to be responsible for all liabilities arising out of the activity and agrees that the applicant's liability for injuries and property loss, damage, or destruction shall be primary to any applicable coverage owned or held by the District, its successors, assignees or nominees

- b. Applicant shall be provided with an invoice for an amount necessary to repay to loss, damage, or destruction
- c. Applicant's failure to pay said damages shall constitute sufficient cause for the District to take whatever legal action the District considers appropriate against the applicant
- d. Such action may include, but is not limited to, immediate cancellation of the application, disapproval of future applications to use District facilities and grounds, and legal action to recover damages

USE OF SCHOOL FACILITIES

Application for Use of Facilities

Any person applying for the use of any school facilities 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 facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities 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. 5148.3 - 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 youth 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

USE OF SCHOOL FACILITIES (continued)

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. Local Community Use of Playgrounds/Playfields

To the extent possible consistent with applicable law and other district safety and security policies, the district will open the playground and playfields portions of its school facilities ("Playgrounds and Playfields") to individual community members, including, students, parents, neighbors, and other individuals for the purpose of general recreation, exercise, etc. when such Playgrounds and Playfields are not in use by the district or other authorized Civic Center Act groups/organizations. Such Playgrounds and Playfields shall not be open or available for local community use when in use by the district or other authorized users. The district will control access to such Playgrounds and Playfields with appropriate perimeter fencing and access gates as needed consistent with the district's other applicable policies related to student safety and security. All such individual users shall be subject to use of the Playgrounds and Playfields at their own risk and shall at all times only use such facilities in a safe and reasonable manner. The district will post appropriate notices regarding the same on the applicable access points. The district also reserves the right to close such Playgrounds and Playfields at any time if it determines that any use and/or user might endanger the safety of district students, staff, or visitors, or might otherwise result in damage to district property (i.e. rainy days, etc.). The local individual community use authorized by this regulation is not intended to and does not include any use by a group or organization which is otherwise subject all other provisions of the district's Use of Facilities Community Relations Policy (BP 1330) and Administrative Regulation (AR 1330).

11. Other purposes deemed appropriate by the Governing Board

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

USE OF SCHOOL FACILITIES (continued)

prohibited by law

2. Any use which is inconsistent with the use of the school facilities 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

(cf. 3513.3 - Tobacco-Free Schools)

However, the Superintendent or designee may approve the use of district facilities for special events that may involve the acquisition, possession, use, or consumption of alcoholic beverages when the event is covered by a special events permit pursuant to Division 9 of the Business and Professions Code and will occur at a time when students are generally not on the school grounds. (Business and Professions Code 25608)

Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

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

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

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

approved: September 28, 2015
revised: February 6, 2017

CARDIFF SCHOOL DISTRICT
Cardiff-By-The-Sea, California

USE OF SCHOOL FACILITIES

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school facilities and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

(cf. 0450 - Comprehensive School Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which district schools are closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

USE OF SCHOOL FACILITIES (continued)

(cf. 1330.1 - Joint Use Agreements)

Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

(cf. 9320 - Meetings and Notices)

The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041.

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 14038, the community's proportionate share of the following costs: Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

However, capital direct costs shall not be charged to organizations retained by the district or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs. (5 CCR 14037)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

USE OF SCHOOL FACILITIES (continued)

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Local Community Use of Playgrounds/Playfields

The Board acknowledges the fact that the playgrounds and playfields ("Playgrounds and Playfields") portions of its school facilities also provide a community resource to its students, parents, neighbors, and other individuals for the purpose of general recreation, exercise, etc. when they are not in use by the district or other authorized Civic Center Act groups/organizations. Accordingly, when such Playgrounds and Playfields are not in use by the district or other authorized user, the district will make the Playgrounds and Playfields open to individual community members for use to the extent possible under this policy as well as other applicable district safety and security policies. Such local individual community use does not include any use by a group or organization which is otherwise subject all other provisions of this Use of Facilities Community Relations Policy (BP 1330) and all other applicable district policies and regulations.

*Legal Reference:*EDUCATION CODE*10900-10914.5 Community recreation programs**32282 School safety plan**37220 School holidays**38130-38138 Civic Center Act, use of school property for public purposes*BUSINESS AND PROFESSIONS CODE*25608 Alcoholic beverage on school premises*GOVERNMENT CODE*54950-54963 The Ralph M. Brown Act*MILITARY AND VETERANS CODE*1800 Definitions*CODE OF REGULATIONS, TITLE 5*14037-14042 Proportionate direct costs for use of school facilities and grounds*UNITED STATES CODE, TITLE 20*7905 Equal access to public school facilities*COURT DECISIONS*Good News Club v. Milford Central School, (2001) 533 U.S. 98*

USE OF SCHOOL FACILITIES (continued)

Legal Reference: (continued)

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

Cole v. Richardson, (1972) 405 U.S. 676

Connell v. Higgenbotham, (1971) 403 U.S. 207

ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

Ellis v. Board of Education, (1945) 27 Cal.2d 322

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 90 (1999)

79 Ops.Cal.Atty.Gen. 248 (1996)

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>