

Wright Elementary School District

USE OF FACILITY APPLICATION AND PERMIT

Group Name: _____

Contact Name (please print): _____

Alternate Contact (please print): _____

Daytime Phone: _____ Evening Phone: _____

Email or other method of contact: _____

Mailing Address: _____

Date(s) requested (subject to any restrictions noted below): _____

Time(s) requested: _____

Facility (and/or room(s) requested): _____

Equipment/Furniture /Special Set-up requested: _____

Statement of Information Required by Education Section 38130-38139

NOTE: This statement is made under penalty of perjury, and any person so signing this statement who willfully states herein as true any material matter which he or she knows to be false is subject to the penalties prescribed for perjury in the Penal Code.

The undersigned, as duly authorized representative for _____ states that, to the best of his/her knowledge, the school property for use of which application is hereby made will not be used for the commission of *any* crime or *any* act which is prohibited by law.

The undersigned further declares that, _____ the organization on whose behalf he/she is applying for the use of school property upholds and defends the Constitutions of the United States and the State of California.

I have received a copy of Policy #1330 and regulations _____ (please initial)

Group Representative Signature: _____ Date: _____

For Office Use

Application Checklist:	\$_____ Fee Attached	_____ Fee waived
_____ Facility Available (<i>Principal initial approval</i>)	<i>See Fee Schedule on page 2</i>	
_____ Signed Application		
_____ Signed Use Agreement (Attached)	_____ Reviewed by District Office	Date _____
_____ Proof of Insurance Attached		
District Approval: _____	Date of Approval: _____	
Restrictions: _____		

- | ___ FACILITY | ___ FIELDS |
|--|------------|
| ___ J.X. Wilson School
(542-8350) | |
| ___ Robert L. Stevens School
(575-8883) | |
| ___ Wright Charter School
(542-0556) | |
| ___ Wright Charter School
New Multi-purpose | |
| ___ Wright Charter School
Old Multi-purpose | |
| ___ Wright District Office
(542-0550) | |
| ___ 4 TH Site Parking Lot | |

FACILITY USE APPLICATION INFORMATION

Required Insurance

- Wright School District requires a Certificate of Insurance naming Wright School District as the Certificate Holder and an Endorsement naming Wright School District as a "Named Additional Insured."
- Under the Description of Activities the Certificate should read: "Wright School District is named as an additional insured under general liability per the attached endorsement but only as to the liability arising out of the acts of the insured with respects to the use of facilities referenced above."
- Coverages: Wright Elementary School District should be named as an additional insured with primary insurance coverage of at least \$1,000,000 for personal injury and \$1,000,000 property damage with respect to the use of the school at least \$1,000,000 for personal injury and \$1,000,000 property damage with respect to the use of the school premises involved.
- No application is considered complete without required proof of insurance. Final approval will not be given until proof of insurance is reviewed and found to be adequate by the District Office.

Community Use of School Facilities - Fee Schedule

- Permission to use school facilities will be granted in accordance with a schedule of charges adopted by the Board of Education.
- Fee may be collected in advance with checks to be made payable to Wright School District and a deposit may be required. Fee based on three hour minimum.

FACILITY	FAIR RENTAL VALUE	DIRECT COSTS ¹
Classroom	\$40.00 per hour	\$20.00
Library	\$40.00 per hour	\$20.00
Old WCS Multi-Use	\$75.00 per hour	\$20.00
New WCS Multi-Use	\$75.00 per hour	\$20.00
New WCS Multi-Purpose with use of Stage	\$155.00 per hour	
Robert L. Stevens Multi-Use	\$75.00 per hour	\$20.00
JX Wilson Multi-Use	\$75.00 per hour	\$20.00
Athletic Fields/Outdoor Events	\$45.00 per hour	\$20.00

LABOR RATES - PER HOUR PER CLASSIFICATION:

District Personnel Costs: \$30.00 per hour: -

Saturday Rate: One and one-half times the district employee's hourly rate (minimum 2-hr. charge for each callback)

Sunday Rate: Two times the district employee's hourly rate (minimum 2-hr. charge for each callback)

Holiday: Two and one-half times the district employee's hourly rate (minimum 2-hr. charge for each callback)

¹ Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed the direct costs to the District. Direct costs shall include supplies, utilities, janitorial services, services of other District employees and salaries to District employees necessitated by the organization's use of school facilities. Pursuant to ED Code §40043(b), the activities of all organizations not entitled to free-use or required to pay fair rental value, shall be charged direct costs necessitated by their use, as defined above and set forth in the Facilities Use Schedule of Fees.

USE AGREEMENT

**(Required by Education Section 38130-38139; Board Policy 1330)
("USER" herein refers to person/s, organizations making application)
INSURANCE**

USER agrees to maintain public liability insurance or to maintain a self-insurance program for its operations and use of facilities of the Wright Elementary School District with limits as prescribed below.

The **USER** agrees that under such required public liability insurance policy or public liability self-insurance program the Wright Elementary School District will be named as an additional insured with primary insurance coverage of at least \$1,000,000 for personal injury and \$1,000,000 property damage with respect to the use of the school at least \$1,000,000 for personal injury and \$1,000,000 property damage with respect to the use of the school premises involved. Any public liability insurance or self-insurance program maintained by the Wright Elementary School District shall be in excess of, and shall not contribute with, the required liability insurance or self-insurance coverage provided to **USER**. **USER'S** policy or program shall contain cross liability endorsements.

Activities determined by the District to be extraordinary risks may require larger amounts of coverage.

USER agrees to furnish Wright Elementary School District a certificate of insurance of self-insurance as evidence of the existence of the above described liability insurance/self-insurance requirements.

USER agrees to provide Wright Elementary School District thirty (30) days prior notice of cancellation or termination of the required liability policy/self-insurance program, and the certificate of insurance or of self-insurance shall require such notice.

The undersigned party fully understands that the Wright School District does not provide, nor does it have available, any health or accident insurance for **USER** of the school district's facilities.

In consideration of being permitted to use the facility, **USER** hereby agree to hold harmless, defend, and indemnify the Wright School District and all of its officers, employees, and agents from any and all liability or claims of liability connected or resulting from **USER'S** use of the above-referenced facility.

It is understood that this agreement does not apply to any liability or claim of liability due to the school district's sole negligence.

STATEMENT OF AGREEMENT

USER hereby agrees to hold the Wright Elementary School District, its Governing Board, the individual members thereof, and all district officers, agents and employees free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of school property.

It is understood by the **USER** that all persons utilizing the facility will be supervised at all times by a responsible adult and, also, that any movement of furniture or equipment during the course of the time requested will be the responsibility of the applicant group. All school furniture/equipment will be returned to its original location by said group. If a room set up out of the ordinary is requested, the applicant should so note in the designated area on this form.

Group representative and groups understand that there is to be no alcoholic containers or beverages, smoking, animals, or motor/bicycles inside the buildings or on the school grounds during their use of the facility. Group representative and groups agree to observe Board Policy 5131.7. Weapons and Dangerous Instruments, that prohibit weapons of any kind on District property at all times; any problem relating to the above may result in the loss of building use for the remainder of the year.

All use of school facilities and type of activities promoted will be in accordance with Wright School District Board of Trustees Policy No. 1330. A fee may be charged in accordance therewith. School activities will pre-empt any use of facilities by an outside group.

The **USER** fully understands that the Wright School District does not provide, nor does it have available, any health or accident insurance for **USER** of the school district's facilities. In consideration of being permitted to use the Wright School District facility, the **USER** hereby agree to hold harmless, defend, and indemnify the Wright School District and all of its officers, employees, and agents from any and all liability or claims of liability connected or resulting from **USER'S** use of the above-referenced facility.

It is understood that this agreement does not apply to any liability or claim of liability due to the school district's sole negligence.

USER hereby agrees to Insurance and Statement of Agreement:

Group Representative Signature: _____ **Date:** _____

USE OF SCHOOL FACILITIES

WRIGHT ELEMENTARY SCHOOL DISTRICT

FACILITIES USE STATEMENT

The undersigned, _____, is duly authorized by _____ (name of organization), to act on its behalf in requesting the use of school facilities, including, but not limited to, executing any agreement or undertaking required by law and district policy and regulations governing the use of the facilities.

The organization shall comply with all restrictions placed on the use of the school facilities by law or district policy or regulations.

The organization recognizes that, in accordance with Education Code 38134, it is liable for any damage to the school facilities or for any injury to any person due to the organization's negligence in using the school facilities.

(Signed)

(Date)

(Organization)

WRIGHT ELEMENTARY SCHOOL DISTRICT FACILITY USE PROCESS

**FACILITY USE APPLICATIONS FOR
WRIGHT DISTRICT OFFICE, J.X.WILSON SCHOOL, ROBERT L. STEVENS SCHOOL, AND WRIGHT CHARTER SCHOOL**

STEP	DETAIL	PLEASE NOTE:
INITIAL CONTACT	<ul style="list-style-type: none"> • Individual or Group representative contacts school requesting application for facility use • Site verifies that representative is authorized to make application 	<i>See AR Par 5</i>
APPLICATION PACKET	<ul style="list-style-type: none"> • Site provides complete application packet to group representative • Group representative submits application form and contract 	<i>PDF or hard copy (13 pages including copy of policy and regulation)</i>
INITIAL APPROVAL	<ul style="list-style-type: none"> • Superintendent determines fee if applicable 	<i>Principal indicates availability on checklist on page 1 of application</i>
COMPLETED APPLICATION	<ul style="list-style-type: none"> • Applicant submits any remaining pieces of application including insurance to site office • School Site makes a copy and sends complete application packet to district 	<i>See checklist on application</i>
DISTRICT REVIEW	<ul style="list-style-type: none"> • District office receives application. • District reviews check list and examines insurance document and contract for completeness • District verifies application is complete 	
INVOICING	<ul style="list-style-type: none"> • The Superintendent makes the determination whether or not a fee will be charged for the facility use • Scouts, Parent Clubs and site fundraisers do <u>not</u> get billed, but must provide a Certificate of Liability Insurance • Fees will be due net 30 days from the invoice date 	
FINAL APPROVAL AND DISTRIBUTION	<ul style="list-style-type: none"> • District signs approval and distributes copies as appropriate 	<i>A copy of application and insurance should kept be on file in school office. Originals are</i>

INSTRUCTIONS FOR USE OF WESD SCHOOL FACILITIES

Attached is a WESD *Request for Facility Use and Application*. This is a fillable form. Applicants who wish to use one of our facilities need to complete the attached application form, sign and date both the Facilities Application and the Use Agreement (pg. 3) and send it to the Wright Elementary School District Office. Administrative Assistant verifies that we have received a Certificate of Liability Insurance and will send the application to the principal of the school site that the applicant wishes to use so the principal can check the availability. **Please note that all school events take priority over any outside group wishing to use our facility (games, assemblies, meetings, etc.).** If the facility is available, the principal will initial and date the request form, then she'll send it back to the district office for the Superintendent's signature.

Fee Schedule

There is a fee schedule on pg. 2 of the facility request form. The Superintendent makes the determination whether or not a fee will be charged for the facility use). NOTE: Scouts, Parent Clubs, and site fundraisers do not get billed, but must provide a Certificate of Liability Insurance. Administrative Assistant gives copy of Facility Request to Business Manager so they know how many hours to bill. Custodian/kitchen fee is \$30 per hour, with a 2-hour minimum charge for each callback. Saturdays are billed at time-and-one-half the employee's hourly rate plus benefits (minimum 2-hr. charge for each callback). Sundays and holidays are billed at double time, the employee's hourly rate plus benefits (minimum 2-hr. charge for each callback). The Business Manager bills outside agencies for facilities use. Payments will be due net 30 days from invoice date.

Custodians

Site Principals assign the custodians. Site Principals give supplemental time sheets to Business Manager so they know how many hours to bill. NOTE: We bill PTAs, Parent Clubs, Ed Foundation and outside agencies.

Cafeteria Personnel

Food Service Director bills for use of kitchen and assigns cafeteria workers. Kitchen use fee is based on kitchen staff hours worked (2-hour minimum). NOTE: We bill PTAs, Parent Clubs, Ed Foundation and outside agencies. USERS are not to utilize any district or state food supplies. Kitchen facilities must be left in the manner found or a clean-up fee will be charged accordingly to site cook's cleaning time.

OUTSIDE AGENCIES

Certificate of Liability Insurance

We also need facility users to submit a Certificate of Liability Insurance to add WRIGHT ELEMENTARY SCHOOL DISTRICT to their policy as a "named additional insured" (we are shown at the bottom of the certificate of liability insurance, in the Certificate Holder section) if:

a) They are using our property. WRIGHT ELEMENTARY SCHOOL DISTRICT does not insure them - instead they add WRIGHT ELEMENTARY SCHOOL DISTRICT to their policy. So anything they do wrong, they are insured by their insurance company, and we are also insured by their insurance (they are telling us that they are insuring us in case they do something wrong on our property).

Building Restrictions

The following building restrictions apply at all sites:

- No balloons;
- No smoke machines;
- No tape (includes blue painter's tape);
- No thumb tacks; and
- If kitchen facilities are requested by USERS, there will be an additional fee.

Checking Out Keys for New Wright Charter School Multi-Use Building

- Master Key "B" will open all of the doors except the kitchen;
- Master Key "C" will open the kitchen door.

After your Facility Use Application has been approved, applicants can check out a Master Key in the District Office (sign-in sheet in District Office). Please return the Master Keys to the District Office on the first working day following your facility use. District Office hours are Monday-Friday, 7:30 a.m. to 4:00 p.m.

Weekend Use of Facility

If a group wishes to use the facility on the weekend, a custodian must be called in to open/close the facility and clean up afterward. The group is responsible for paying the custodian overtime fee at time-and one-half.

Additionally, if a group needs to use the kitchen on the weekend, we also have to call in a WESD kitchen staff member to be present - this also is paid for by the group using the facility and the kitchen staff member's fee is also paid at time-and-one-half.

After the Superintendent has approved your Facility Use request and after we receive the user's Certificate of Insurance, you will be notified via an email message with a hard copy of the approved facilities form attached, and a hard copy will also be mailed to you in parallel via U.S. Mail.

If there is a fee to be charged, an invoice will be prepared and sent to you as well. Payments will be due net 30 days from invoice date.

Please call the number listed below if you have any additional questions.

Thank you,
Wright Elementary School District
(707) 542-0550 x114

Community Relations

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; and

(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)

USE OF SCHOOL FACILITIES (continued)

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.

(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 authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities. As specified in Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, and school-community advisory councils. Other non-profit groups that request the use of school facilities under the Civic Center Act, including nonprofit groups not organized to promote youth and school activities and for-profit groups, shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

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)

USE OF SCHOOL FACILITIES (continued)

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

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)

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 New Club v. Milford Central School, (2001) 533 U.S. 98

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

U.S. 384

Cole v. Richardson, (1972) 403 U.S. 676

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

ACLU of So. Calif. 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.AttyGen. 90 (1999)

79 Ops.Cal.AttyGen. 248 (1996)

USE OF SCHOOL FACILITIES (concluded)

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>

Revised: 12/14/82, 03/12/85, 12/08/92, 11/09/93, 03/25/98, 02/17/99, 05/18/00, 10/21/04, 02/19/15, 10/20/16,
 10/20/16
Adopted: 03/03/81
Reviewed: 02/19/15

WRIGHT ELEMENTARY SCHOOL DISTRICT
Santa Rosa, California

Community Relations

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)

Community Relations

USE OF SCHOOL FACILITIES (continued)

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; and

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 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 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; and
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.

Community Relations

USE OF SCHOOL FACILITIES (concluded)

The district may exclude certain school facilities from non-school 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 shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

WRIGHT ELEMENTARY SCHOOL DISTRICT

Approved by Superintendent Adam Schaible 010/20/16

Santa Rosa, California