



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 9.2

**Meeting Date:** April 18, 2013

**Subject:** Civic Permit Policy Review and Update

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_)
- Conference/Action
- Action
- Public Hearing

**Division:** Capital Asset Management Services

**Recommendation:**

Approve the changes to the Civic Permit Board Policy, Administrative Regulation, and Fee Schedule as presented.

**Background/Rationale:**

Board Policy 1330 governs the District Civic Permit process. This policy was originally adopted on November 16, 1998 and revised on November 5, 2001. This policy directs the use of district facilities and grounds by outside organizations, establishes scheduling prioritization and a fee schedule. Oversight of this function has changed several times in the last 5-years. This has resulted in inconsistent application of the existing Board Policy and Administrative Regulations.

**Documents Attached:**

1. Executive Summary
2. Revised Administrative Regulation 1330
3. Revised Board Policy 1330

**Estimated Time of Presentation:** 10 minutes

**Submitted by:** James C. Dobson, Director II, Planning, Construction & Operations

**Approved by:** Jonathan P. Raymond, Superintendent

# Board of Education Executive Summary

## Capital Asset Management Services

Civic Permit Policy Review and Update

April 18, 2013



### I. Overview/History of Department or Program:

Board Policy 1330 governs the District Civic Permit process. This policy was originally adopted on November 16, 1998 and revised on November 5, 2001. This policy directs the use of district facilities and grounds by outside organizations, establishes scheduling prioritization and a fee schedule. Oversight of this function has changed several times in the last 5-years. This has resulted in inconsistent application of the existing Board Policy and Administrative Regulations.

On May 15, 2012, revised Board policy and fee structure options were taken to the Board as a conference item. On June 14, 2012, no action was taken and the Board requested further information and stakeholder input.

### II. Driving Governance:

Education Code 38130-38138

### III. Budget:

A new fee structure, classifications and building use types have been created. Some use fees are proposed to increase while most will decrease. The use of school facilities by outside organizations should not result in costs to the District (See proposed fee changes in section VI below).

### IV. Goals, Objectives and Measures:

To provide equity for all user groups, eliminate scheduling conflicts, identify actual facility use costs and streamline the overall process.

### V. Major Initiatives:

In July of 2011, SCUSD collaborated with University of California Davis School of Education and using a Kaizen method, which is a philosophy or practices that focus upon continuous improvement of processes, we reviewed and benchmarked our current process to identify areas of improvement. Additionally, we compared our process to surrounding districts and used a Cost Analysis Tool developed by 21<sup>st</sup> Century Fund and University of California Berkeley Center for Cities and Schools. Nine meetings have been and will be conducted to solicit stakeholder input. Principals, SPOMs, parents, athletic directors, and a variety of user groups such as youth sports groups, religious organizations, dance, music and drama organizations attended these meetings:

- April 20, 2012 – Scheduling Meeting with Youth Sports groups for Middle and High Schools
- May, 2012 – Community Stakeholders Input Meeting
- May 3, 2012 – Meeting with Athletic Directors
- May 5, 2012 – Information provided to DAC; DLAC; Indian Ed; CAC and Sacramento Council PTA
- May 7, 2012 – Community & District Stakeholders Input Meeting
- May 8, 2012 – Presentation to District Advisory Committee and the Student Advisory Committee
- May 15, 2012 – Community Stakeholders Input Meeting
- June 13, 2012 – Community Stakeholders Input Meeting
- January 15, 2013 – Community Stakeholders Input Meeting
- March 18, 2013 – Community Stakeholders Input Meeting

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### VI. Results:

Through this review, we have identified opportunities for improvement in event scheduling, consistent policy application, identification of direct costs, and expanded facilities available for use by outside organizations. We have completed the setup of our new scheduling application allowing users to view availability of facilities and receive permit approval electronically. The final piece of the new scheduling application needing to be implemented is the ability for community members to reserve facilities online.

We have developed new classification definitions for groups as follows (reference Administrative Regulation 1330, pp 1-2):

#### CLASSIFICATION "A" – Subsidized

Activities of District sponsored non-profit organizations, clubs, associations or other groups whose primary focus is the promotion of youth and school activities, including (but not limited to): curricular and extra-curricular student activities, District sponsored and organized after school programs, Associated Student Bodies (ASB), Parent Teacher Associations (PTA) or other recognized parent groups such as Parent Teacher Organizations (PTO's) and Parent Teacher Student Organizations (PTSO's), staff unions/groups, scouting groups and 4-H where all students attend the permitted site.

These activities will be free of facility fees and custodial fees with the exception of opening and closing the facilities, if no school employee would otherwise be available to perform that function as part of his/her normal duties; the cost of a school employee's presence during the organization's use of the facility if that employee would not otherwise be present as part of his/her normal duties; and the cost of the service if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties.

#### CLASSIFICATION "B" – Discounted

Activities of non-profit organization residing in the District whose primary focus is the promotion of youth groups having a residency requirement, local senior citizen groups and local homeowners associations. The net receipts of admission fees, membership fees or donations collected by these groups must be expended for the welfare of the pupils of the District.

#### CLASSIFICATION "C" – Direct Cost

Activities of non-profit organization whose primary focus is serving the general public including (but not limited to) civic and service groups (Kiwanis, Rotary, Elks, Moose, Lion, etc.), chambers of commerce, youth organizations without residency, non-profit supplemental educational services providers and religious services.

#### CLASSIFICATION "D" – Private and Commercial (Fair Market)

Commercial use shall apply to those organizations or individuals requesting to use school facilities for conducting any type of commercial business or function including for profit business, organizations and supplemental educational services providers. It shall be considered commercial if the publicity and/or advertising would benefit a particular person or concern in a commercial way. This includes: Organizations/groups where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the district or for charitable

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purposes, a charge shall be made for the use of school facilities or grounds, in accordance with the fees schedule.

Most recommended changes met with little or no resistance. The exception is in the area of youth sports groups and more specifically youth soccer. The majority of youth soccer events are held on unimproved fields at the elementary school level. These organizations do not typically charge observers and only collect fees to cover their costs. Youth football, basketball and softball/baseball use improved fields, gyms and stadiums. In some cases, these programs charge admission to their events.

In proposing these changes, we are striving for a more equitable system. We have developed a new fee structure that will be presented to the Board.

For some facilities, there is a reduction in cost with the proposed fee structure from current fees. Organizations will not be able to benefit from the reductions until the approval of the new fee structure.

<b>Comparison of Classifications with Changes</b>		
	<b><i>Prior Class I</i></b>	<b><i>Proposed Class A District sponsored non-profit organizations, clubs, associations or other groups whose primary focus is the promotion of youth and school activities of the pupils of the District</i></b>
Application Fee	\$5	\$10
Cafeteria/Multipurpose	No Charge	No Charge
Classroom	No Charge	No Charge
Gym	No Charge	No Charge
Improved Field (Baseball/Softball Diamonds; Tennis Courts; Football Goal Posts)	No Charge	No Charge
Kitchen	No Charge	Food Service Asst – OT \$25.63/hr 4 hr min for weekends; Holiday \$34.17/hr 4 hr min
Library	No Charge	No Charge
Locker Room(s)	No Charge	No Charge
Parking Lot	No Charge	No Charge
Performing Art Center (HS) (Rosemont & JFK)	No Charge	No Charge
Serna	No Charge	No Charge
Stadium	No Charge	No Charge
Swimming Pool	No Charge	No Charge; Energy surcharge may apply for out of season heating
Theater/Auditorium	No Charge	No Charge

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Unimproved Field	No Charge	No Charge
Custodian for Restroom Access	Overtime Only \$26.64/hr; 4 hr min for weekends	Overtime \$34.61/hr; 4 hr min for weekends

	<i>Prior Organizations were inconsistently charged either Class I or Class II fees</i>	<i>Proposed Class B Youth Organizations: Charter/By Laws restrict to students living in SCUSD boundaries</i>
Application Fee	\$5	\$10
Cafeteria/Multipurpose	N/A	ES \$10/hr MS/HS \$20/hr
Classroom	N/A	No Charge
Gym	N/A	Small MS \$10/day Small HS \$20/day Large MS/HS \$20/day
Improved Field (Baseball/Softball Diamonds; Tennis Courts; Football Goal Posts)	N/A	ES/MS \$10/week HS \$10/week HS Track & Field (CKM, Hiram Johnson, JFK, Sacramento) \$100 Daily \$25/hr for lights
Kitchen	N/A	ES \$2.50/hr MS/HS \$6/hr Food Service Asst – Regular \$17.08/hr; OT \$25.63/hr 4 hr min for weekends; Holiday \$34.17/hr 4 hr min
Library	N/A	ES \$5/hr MS \$10/hr HS \$12.50/hr
Locker Room(s)	N/A	MS \$5/hr HS \$10/hr
Parking Lot	N/A	\$3/hr
Performing Art Center (HS) (Rosemont & JFK)	N/A	\$25/hr
Serna	N/A	Large Conference Room (Indiana & Washington) \$5/hr Small Community Room (Michigan & Minnesota) \$5/hr Large Community Room (Pennsylvania & Tennessee) \$11/hr
Stadium	N/A	\$200 Daily; \$25/hr for lights
Swimming Pool	N/A	\$38/hr; Energy surcharge may apply for out of season heating
Theater/Auditorium (HS)	N/A	\$10/hr
Unimproved Field	N/A	\$25/month per school

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Custodian for Restroom Access	Overtime Only \$26.64/hr; 4 hr min for weekends	Regular \$23.08/hr Overtime \$34.61/hr; 4 hr min for weekends Holiday \$46.15/hr; 4 hr min
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	<b>Prior Class II</b>	<b>Proposed Class C Non-Profit Organizations whose Charter/By Laws have no residency restriction</b>
Application Fee	\$5	\$20
Cafeteria/Multipurpose	ES \$28/hr; MS/HS \$33/hr	ES \$15/hr; MS/HS \$20/hr
Classroom	\$18/hr	\$5/hr
Gym	\$54/hr	Small MS \$20 Small HS \$25 Large MS/HS \$30
Improved Field (Baseball/Softball Diamonds; Tennis Courts; Football Goal Posts)	\$17/hr	ES/MS \$10/hr HS \$10/hr HS Track & Field (CKM, Hiram Johnson, JFK, Sacramento) \$30/hr \$25/hr for lights
Kitchen	N/A	ES \$5/hr MS/HS \$12/hr Food Service Asst – Regular \$17.08/hr; OT \$25.63/hr 4 hr min for weekends; Holiday \$34.17/hr 4 hr min
Library	\$21/hr	ES \$10/hr MS \$15/hr HS \$25/hr
Locker Room(s)	N/A	MS \$10/hr HS \$15/hr
Parking Lot	N/A	\$5/hr
Performing Art Center (HS) (Rosemont & JFK)	\$64/hr	\$50/hr
Serna	Conference Room \$28/hr Community Room \$64/hr	Large Conference Room (Indiana & Washington) \$5/hr Small Community Room (Michigan & Minnesota) \$10/hr Large Community Room (Pennsylvania & Tennessee) \$20/hr
Stadium	\$106/hr w/out lights; \$160 w/lights	\$60/hr; \$25/hr for lights
Swimming Pool	\$56/hr	\$70/hr; Energy surcharge may apply for out of season heating
Theater/Auditorium (HS)	\$64/hr	\$20/hr
Unimproved Field	\$17/hr	\$5/hr
Custodian for Restroom	Regular \$17.76	Regular \$23.08/hr

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Access	Overtime \$26.64/hr; 4 hr min for weekends	Overtime \$34.61/hr; 4 hr min for weekends Holiday \$46.15/hr; 4 hr min
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	<i>Prior Class III</i>	<i>Proposed Class D Admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the district or for charitable purposes</i>
Application Fee	\$5	\$25
Cafeteria/Multipurpose	ES \$61/hr; MS/HS \$67/hr	ES \$25/hr MS/HS \$50/hr
Classroom	\$40/hr	\$10/hr
Gym	\$119/hr	Small MS \$33 Small HS \$77 Large MS/HS \$136
Improved Field (Baseball/Softball Diamonds; Tennis Courts; Football Goal Posts)	\$33/hr	ES/MS \$16/hr HS \$20/hr HS Track & Field (CKM, Hiram Johnson, JFK, Sacramento) \$98/hr; \$25/hr for lights
Kitchen	N/A	ES \$11/hr MS/HS \$30/hr Food Service Asst – Regular \$17.08/hr; OT \$25.63/hr 4 hr min for weekends; Holiday \$34.17/hr 4 hr min
Library	\$47/hr	ES \$25/hr MS \$37/hr HS \$62/hr
Locker Room(s)	N/A	MS \$40/hr HS \$83/hr
Parking Lot	N/A	\$9/hr
Performing Art Center (HS) (Rosemont & JFK)	\$152/hr	\$100/hr
Serna	Conference Room \$50/hr Community Room \$151/hr	Large Conference Room (Indiana & Washington) \$12/hr Small Community Room (Michigan & Minnesota) \$12/hr Large Community Room (Pennsylvania & Tennessee) \$28/hr
Stadium	\$147/hr w/out lights; \$220 w/lights	\$102/hr; \$25/hr for lights
Swimming Pool	\$124/hr	\$95/hr; Energy surcharge may apply for out of season heating
Theater/Auditorium (HS)	\$152/hr	\$50/hr
Unimproved Field	\$33/hr	\$16/hr

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Custodian for Restroom Access	Regular \$17.76 Overtime \$26.64/hr; 4 hr min for weekends	Regular \$23.08/hr Overtime \$34.61/hr; 4 hr min for weekends Holiday \$46.15/hr; 4 hr min
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Additional Civic Permit requirements:

- Blocking field use for maintenance
- No subleasing; District can revoke permit if being subleased
- Creating specific hours of operation
- Recurring permit will be canceled if no show

### Restroom Access

In our continuing effort to not only provide the best possible experience for community groups but also to help preserve clean and sanitary conditions at our school facilities, we have developed a Restroom Access Matrix for every elementary, middle, and high school. Every school has been designated as either able to accommodate a port-a-potty or needing the school's restrooms opened.

<b>Restroom Access / Port-a-Potty Use</b>	
<b><i>FY 2011/2012</i></b>	<b><i>Proposed</i></b>
When community group requests to place a port-a-potty it is reviewed by the current site administrator.	All school sites that can accommodate a port-a-potty will be allowed to do so. Permit holders are required to contact the site administrator to determine location and placement prior to the delivery of the port-a-potty. Permit holders are responsible for all of the necessary arrangements and for all charges associated with the rental of the unit. Port-a-potties should be secured to prevent tipping and unauthorized use; charges arising from tipping or vandalism are at the expense of the permit holder. In the event that issues do arise from the use of the port-a-potty the District determines that a site cannot accommodate a port-a-potty, the District, or Superintendent designee, can require that the permit holder pay for the cost of a custodian and the rental of the schools restrooms.

### VII. Next Steps:

- Approve Board Policy changes and fee structure
- Establish effective date for implementation of changes
- Communicate the new process to all stakeholders
- Update District website
- Roll out online scheduling application access to community members



# Sacramento City USD

## Administrative Regulation

### Use Of School Facilities

AR 1330

#### Community Relations

The priority of use for district facilities is as follows:

##### CLASSIFICATION “A” – Subsidized

Activities of District sponsored non-profit organizations, clubs, associations or other groups whose primary focus is the promotion of youth and school activities, including (but not limited to): curricular and extra-curricular student activities, District sponsored and organized after school programs, Associated Student Bodies (ASB), Parent Teacher Associations (PTA) or other recognized parent groups such as Parent Teacher Organizations (PTO’s) and Parent Teacher Student Organizations (PTSO’s), staff unions/groups, scouting groups and 4-H where all students attend the permitted site.

These activities will be free of facility fees and custodial fees with the exception of opening and closing the facilities, if no school employee would otherwise be available to perform that function as part of his/her normal duties; the cost of a school employee's presence during the organization's use of the facility if that employee would not otherwise be present as part of his/her normal duties; and the cost of the service if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties.

##### CLASSIFICATION “B” – Discounted

Activities of non-profit organization residing in the District whose primary focus is the promotion of youth groups having a residency requirement, local senior citizen groups and local homeowners associations. The net receipts of admission fees, membership fees or donations collected by these groups must be expended for the welfare of the pupils of the District.

##### CLASSIFICATION “C” – Direct Cost

Activities of non-profit organization whose primary focus is serving the general public including (but not limited to) civic and service groups (Kiwanis, Rotary, Elks, Moose, Lion, etc.), chambers of commerce, youth organizations without residency, non-profit supplemental educational services providers and religious services.

##### CLASSIFICATION “D” – Private and Commercial (Fair Market)

Commercial use shall apply to those organizations or individuals requesting to use school facilities for conducting any type of commercial business or function including for profit business, organizations and supplemental educational services providers. It shall be considered commercial if the publicity and/or advertising would benefit a particular person or concern in a commercial way. This includes: Organizations/groups where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the district or for charitable purposes, a charge shall be made for the use of school facilities or grounds, in accordance with the fees schedule.

## Fee Schedule

Fee rates for Facility Use Fees and Wages will be reassessed annually for federal, state, and local tax rates, employee compensation, or utility rate increases. Wages for district employees (custodians, cafeteria workers, etc.) will be charged for Classification "A" (Subsidized) users for use of a facility that occurs during off hours/weekends/holidays. The rate charged will be per hour with a two-hour minimum during weekdays, four hour minimum during weekends and holidays.

Facility Use fees for all other classification users are listed on the attached schedule.

## Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which: (Education Code 40042)

1. 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. If necessary, a person may be designated to supervise this task.
3. Ensure that the use of 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 school work.

Persons or organizations applying for the use of school facilities 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 38131, 38132)

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
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

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare (cf. 3516 - Emergencies and Disaster Preparedness Plan)
9. Other purposes deemed appropriate by the Governing Board

#### Restrictions

School facilities 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 of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work.
3. Any use which is discriminatory in the legal sense. (cf. 0410 - Nondiscrimination in District Programs and Activities)
4. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances on school property.

#### Fair Rental Value

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)

The district shall charge fair rental value for religious organizations conducting events that are not exclusively religious services including (but not limited to) fundraisers, car washes, etc.

#### Damage and Liability

Groups or persons using school facilities 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.

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

Groups other than those that promote youth and school activities shall be required to include the district as additional insured on their liability policies.

The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.

#### Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which: (Education Code 38133)

1. 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. If necessary, a person may be designated to supervise this task.
3. Ensure that the use of 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 school work.

Any persons applying for the use of school property on behalf of any society, group, organization shall present written authorization from the group to make the application.

Persons or organizations applying for the use of school facilities 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.

Persons or organizations found using facilities without an approved permit as per this policy will be subject to fair market value rates.

Regulation: SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
Approved: November 16, 1998, Sacramento, California  
Reviewed: June 11, 2002  
Revised: April 18, 2013

DRAFT

# Sacramento City USD

## Board Policy

### Use Of School Facilities

BP 1330

#### Community Relations

The Governing Board recognizes that district facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

Our district facilities and grounds are vibrant public places, hubs of community activity during school, after school and on weekends.

Superintendent or designee will ensure that every school becomes an integral hub of community life to provide open space and access to resources. Our goal is to ensure that all of our schools are open and welcoming to families and to community partners.

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Athletic fields will be scheduled via a scheduling event, thereafter, the use shall be on a first-come, first-served basis.

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, designating a person to supervise this task, if necessary
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

#### Fees

The Board believes that the use of school facilities should not result in costs to the District. The Board authorizes the use of a fee schedule that allows the District to recover direct costs.

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)

Legal Reference:

EDUCATION CODE

10900-10914.5 Community Recreation Programs

32282 School safety plan  
38130-38138 Civic Center Act: use of school property for public purposes  
79 Ops.Cal.Atty.Gen 248 (1996)  
ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167  
ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal .2d 906  
ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203  
ACLU of So. Calif. v. Board of Education of San Diego, (1963) 59 Cal .2d 224  
Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772  
Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332  
Lamb's Chapel v. Center Moriches Union Free School District, (1993) 113 S.Ct. 2141

Management Resources:

CDE LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

revised: November 5, 2001