

## **1330 BP - USE OF SCHOOL FACILITIES**

### **Community Relations**

#### **Board Policy No. 1330**

**Reviewed: December 7, 2023**

#### **Use of School Facilities**

The Governing Board believes that school facilities and grounds are a vital community resource that should be used to foster community involvement and development. California Education Code Section 38130, et sq., also known as the “Civic Center Act,” states that there is a Civic Center at each and every public-school facility and grounds and defines which groups are entitled to use the facility and under what conditions. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act.

The management, direction, and control of the school facilities and school grounds for Civic Center uses are vested in the Governing Board. The Governing Board reserves the right to control and restrict Civic Center use of school facilities and school grounds, as the Governing Board deems it necessary to preserve order and protect school facilities and school grounds. The Governing Board also reserves the right to control and restrict Civic Center use of school facilities and school grounds to ensure that Civic Center use of school facilities or school grounds is not inconsistent with use for school purposes and does not interfere with the regular conduct of schoolwork.

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 buildings and on school grounds and protect school facilities, designating a person to supervise this task, if necessary; and
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)

There shall be no advertising on school facilities and grounds except as allowed by district policy

specified in BP 1325 - Advertising and Promotion.

### **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, classrooms, 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)

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 to exceed direct costs determined in accordance with 5 CCR 14037-14041.

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; and
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.

The Superintendent or designee may revise or update the schedule of fees according to adjustments in costs incurred by the district.

### **Exempt**

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. If these groups plan to use district facilities for fundraising activities that do not benefit district youth or school activities, the Superintendent or designee may, in its discretion, charge for the use of its facilities and grounds at the Discount or Direct Costs rate, as applicable.

### **Discount Rate**

The current direct cost to operate the facility, less a standard discount set by the Superintendent or designee, may be charged to groups, organizations, and entities who hold a 501(c)(3) non-profit status with the federal government, are using the facility for activities that primarily benefit

district students or school activities and the benefits to the district offset the discount provided to the group, organization, or entity. Whether or not a discount is approved, the activity is of primary benefit to district pupils or school activities and the benefits to the district offset the discount provided will be determined by the Superintendent or designee.

### **Fair Rental Value Rate**

In the case of classes, entertainment, meetings, or events where the organization charges an admission fee or solicits contributions or donations from attendees and the net receipts are not expended for the welfare of district students or for charitable purposes, the fee for facility use will be at the Fair Rental Value Rate. (Education Code 38134)

### **Direct Costs**

All organizations that do not fall within the Exempt or Discount Rate, or Fair Rental Value Rate shall be charged an amount not to exceed 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).

### **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)

### **Use of School Fields**

The Governing Board recognizes that district fields that have been improved and are adequately maintained are also a community resource. The Board may authorize the use of school fields by community groups according to conditions as determined by the Superintendent or designee.

### **Joint Use Agreements**

In order to ensure the efficient use of public resources and increase access to needed services, the Governing Board may enter into an agreement with any public agency, public institution, and/or community organization to use community facilities for school programs or to make school facilities or grounds available for use by those entities. Such an agreement shall be based on an assessment of district student and community needs and may be designed to increase access to spaces for recreation and physical activity, library services, school health centers, preschool programs, childcare centers, before or after-school programs, or other programs that benefit district students and the community.

The Superintendent or designee shall work with the partner agency, institution, or organization to develop a written site-specific joint use agreement that delineates the terms and conditions

for joint use of the district or community facilities, the parameters related to the partner agency's assessment of fees, the responsibilities of all parties, and that the use will comply with the district's board policies, administrative regulations and the Civic Center Act, California Education Code section 38130, et seq.

### **Application for Use of Facilities**

The Superintendent or designee shall maintain application procedures and regulations for the use of district facilities and may hire third-party vendors that specialize in managing facilities and fields to assist the District in implementing this policy.

*Legal Reference: (see next page)*

*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

*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*

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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>