

## **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.

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
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.

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.

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 courts(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 authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, school-community advisory councils, and recreational youth sports leagues that

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charge participants no more than an average of \$60 per month. Other groups that request 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. (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)

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)

**Calculating Direct Costs**

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and may reflect 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
2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by 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)

**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 Facility as Polling Place**

The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections

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officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)

When a school is used as a polling place, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. He/she shall make a reasonable effort to ensure that the site is accessible to persons with disabilities. (Elections Code 12283)

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place.

### **Damage and Liability**

Organizations using school facilities under the provisions of this policy shall be liable for any damage caused by the activity. The Board shall charge the amount necessary to repair the damage and may deny the group further use of school facilities, in addition to pursuing any other available legal remedies. (Education Code Sections 38132 and 38133)

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.

All organizations using facilities under the Civic Center Act shall be required to include the District as an additional insured on their policies.

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### *Legal References:*

#### EDUCATION CODE

*40041 Use of Civic Center by Public*

*10900-10914.5 Community Recreation Programs*

*32282 School safety plan*

*38130 – 38138 Civic Center Act : Use of school property for public purposes*

#### 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) 113 S. Ct. 2141*

*Cole v. Richardson, (1972) 405 U.S. 676, 92 S. Ct. 1332*

*Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S. CT.1772*

*ACLU of So. CA v. Board of Education of San Diego, (1962) 59 Cal .2d 224*

*ACLU of So. CA v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203*

*ACLU of So. CA v. Board of Education of San Diego, (1961) 55 Cal .2d 906*

*ACLU of So. CA 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. Atty. Gen 248 (1996)*

#### MANAGEMENT RESOURCES

*CDE Legal Advisories*

*1101.89 School District Liability and “Hold Harmless” Agreements, LO: 4-89*