

Use of School Facilities

Intent of Policy

This policy is intended to ensure the fair and safe use of District facilities and grounds by outside organizations in accordance with the Civic Center Act and other applicable laws.

The Board is vested with the authority to create reasonable rules and regulations governing the management, direction, and control of District facilities. By enacting this policy, the Board seeks to provide for each of the following:

1. Give aid, assistance, and encouragement to the outside groups authorized by this policy;
2. Preserve order in the use of District facilities and grounds;
3. Protect District facilities and grounds;
4. Ensure that use of District facilities and ground does not conflict with its use for school purposes or otherwise interfere with the regular conduct of schoolwork; and
5. Establish the amounts to be charged for use of District facilities by outside organizations and identify the groups and organizations exempt from such charges.

The District has the authority to determine which facilities may be used by outside groups and the manner of that use, subject to applicable provisions of the law. (Ed. Code §§ 38131 *et seq.*)

Permitted Use of District Facilities and Grounds

In accordance with the Civic Center Act, and the conditions and limitations of this policy, the District shall allow outside organizations to use District facilities and grounds for any of the following purposes:

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 that has no suitable meeting place for the conduct of the services and for which the legally required fee is charged as set forth below;
4. Child care or day 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 for youths 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. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization; and
9. Other purposes deemed appropriate by the Board. (Ed. Code §§ 38131 *et seq.*)

Prohibited Uses of District Facilities and Grounds

In accordance with the Civic Center Act, and the conditions and limitations of this policy, the District shall not allow outside organizations to use the District facilities and grounds for any of the following purposes:

1. Any activity or use that violates the law, or Board Policy;
2. Any activity on school grounds that involves the consumption or sale of alcoholic beverages, or tobacco.

Alcoholic beverages may be acquired, possessed, used, or consumed at an appropriately permitted special event held on school district grounds at a time when students are not present. (*See* Bus. & Prof. Code § 25608.) If your district wishes to permit alcoholic beverages at such special events, add this second sentence to paragraph 2, above: “However, the District may permit the consumption or sale of alcoholic beverages at special events if an outside organization has acquired the appropriate permit under the Alcoholic Beverages Control Act (Title 9, California Business and Professions Code, § 23000 *et seq.*) and the special event is held at a time when students are not present.”]

3. Any other use of the District facilities or grounds which is inconsistent with the District's use of its facilities for school purposes or which interferes with the regular conduct of school or schoolwork. (Ed. Code §§ 38131 *et seq.*; Health & Safety Code § 104420; Bus. And Prof. Code § 25608.)

Board's Discretion to Deny Use of Facilities

The Board may deny an outside group's request to use District facilities if the outside group will be conducting fundraising activities and those fundraising activities are not beneficial to youth or public school activities. The Board has the discretion to determine whether the outside group's fundraising activities will, in fact, benefit youth or public school activities. (Ed. Code § 38134 (a)(2).)

Facility Charges for Specific Activities of Outside Organizations

Groups Granted Free Use of District Facilities

The District shall allow the following groups and organization to use District facilities free of any charges:

1. District or school clubs, organizations, activities, etc.;
2. Parent-teacher associations and organizations;
3. Foundations created for the specific purpose of helping District students; and
4. Other Groups identified by Board

Direct Costs

Any outside organization authorized to use school facilities may be charged an amount not to exceed the direct cost to the District resulting from the organization's use. The District may require an outside organization to pay a refundable deposit in advance of using school facilities.

Direct Costs Defined

The "direct cost" is defined as the share of the District's cost to operate and maintain school facilities which are directly proportional to the organization's use of the school facilities.

Operational Direct Costs

The District shall charge organizations for the operational direct costs of the following:

1. Supplies,
2. Utilities,
3. Janitorial services,
4. Services of school district employees, and
5. Salaries paid to school district employees to operate and maintain school facilities or grounds.

Capital Direct Costs

In addition, the District may charge an organization for the direct cost for the maintenance, repair, restoration, and refurbishment (“capital direct costs”), proportional to the organization’s use of the school facilities or grounds as follows:

1. Charges for “school facilities” may only be applied to an organization’s use of non-classroom space;
2. Charges for “school grounds” shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.
3. The District shall not charge an organization for the costs of maintenance, repair, restoration, and refurbishment if the organization is:
 - a. A classroom based program operating after school hours (e.g., tutoring programs, child care program, etc.); or
 - b. An organization retained by the District to provide instruction or instructional activities.

Special Fund for Maintenance, Repair, Restoration, and Refurbishment

Any funds that the District collects as proportional costs for the maintenance, repair, restoration, and refurbishment of school facilities shall be placed into a special fund. The special fund shall only be used for the maintenance, repair, restoration, and refurbishment of school facilities.

Direct Cost Fee Schedule

The District may charge organizations for the operational direct costs and capital direct costs identified above according to the following fee schedule:

In order to charge fees, the District must create and adopt a fee schedule for each specific school facility or grounds, or category of school facility or grounds.

“School facilities” includes multipurpose rooms, gymnasiums, and theaters.

“School grounds” includes outdoor spaces like athletic fields, tennis courts, and outdoor basketball courts.

The fees charged are specific to every school district, but the required calculations are contained in Title 5 of the California Code of Regulations, Sections 14037 to 14042. These regulations include the calculations necessary to estimate the annual operational direct costs, annual capital direct costs, total annual hours that anyone will use school facilities or grounds, and total annual hours that outside

groups will use facilities or grounds to determine outside groups proportionate share of operational and capital costs on an hourly basis.

As of the time this model policy was drafted, the California Department of Education provided guidance on the “Civic Center Act” and sample calculations to assist school districts in creating their fee schedules.

The District may charge less than the hourly rates arrived at by these calculations, but may not charge more. (Title 5 Cal. Code of Regs. § 14041(b).)]

Activities to be Charged Direct Cost of Using Facilities

The following activities shall be charged based on the direct cost of using the Districts’ facilities unless the group conducting the activity is granted free use of District facilities according to this policy:

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 that has no suitable meeting place for the conduct of the services and for which the legally required fee is charged as set forth below;
4. Child care or day 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 for youths 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; and
8. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans’ organization.

Churches and Religious Organizations

Whenever the District authorizes a church or religious organization, that has no suitable meeting place, to temporarily use the District facilities for the purpose of conducting religious services, the District shall charge the church or religious organization an amount equal to or greater than the direct cost to the District.

Activities Charged at Fair Rental Value

If an organization is permitted to use District facilities to conduct any activity not identified above under “Activities to be Charged Direct Cost of Using Facilities,” then the fair rental value of the facility shall be charged. This includes but is not limited to circumstances in which:

1. The facility is being used for entertainment and/or a meeting;
2. An admission fee is charged or contributions are solicited; and
3. The net proceeds of the activity are not for the welfare of the District students or for some other charitable purpose.

Fair Rental Value

The fair rental value of the District facilities is calculated by adding the direct costs to the District, plus the amortized costs of the facilities and/or grounds used for the duration of the authorized activity.

Damage to School Property

If an outside organization’s authorized use of the District facilities results in the destruction of District property, the organization may be charged the amount necessary to repay the damages caused by the organization.

Destruction of District Property - Denial of Future Use

If an outside organization’s authorized use of District facilities results in the destruction of District property, in addition to recovering the costs of the damages, the District may deny the organization any future use of its facilities.

Liability For Injuries Resulting From Use of School Facilities

The liability for any injury resulting from an outside organization’s use of school facilities shall be the following:

1. District is liable for an injury resulting from the District’s negligence in the ownership or maintenance of District’s facilities and grounds;
2. The outside organization is liable for any injury resulting from the organization’s negligent use of the District’s facilities or grounds;

3. District and the outside organizations shall each bear the costs of insuring against their respective risks; and
4. The District and the outside organization shall each bear the costs of defending against any claims arising from their respective risks.

Adopted: May 11, 2023