

Community Relations

USE OF SCHOOL FACILITIES

The Board of Education believes that school facilities and grounds are a vital community resource that 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. Civic Center use may be on a free, direct cost recovery, fair rental value, or commercial basis.

Civic Center use of district facilities shall be scheduled in a manner that does not interfere with the orderly operation of the campus or facility and shall be managed in a way that maximizes benefits to the school and its students yet minimizes negative impacts to the surrounding community. Entities requesting to use district facilities may be directed to the facility that best suits the proposed use, considering the proposed size of the event, its potential impact on school operations, and its potential impacts on the surrounding community.

(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, per Education Code 38133, that:

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.

(cf. 0450 Comprehensive Safety Plan)

(cf. 3516 Emergencies and Disaster Preparedness Plan)

3. Ensure that the use of school facilities is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school operations.

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)

USE OF SCHOOL FACILITIES (continued)

There shall be no advertising on school facilities and grounds except as allowed by district policy, site administrator, and any joint use agreement in effect.

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, classroom(s), auditorium(s), libraries, multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), outdoor basketball court(s) and parking lot(s). The schedule of fees shall be prepared in accordance with the Civic Center Act and California Department of Education.

The Board believes that the use of school facilities or grounds by community groups should not result in costs to the district. The Superintendent or designee may charge all groups granted the use of school facilities or grounds under the Civic Center Act.

The Board may authorize the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities. A letter or tax exemption certificate issued by the Internal Revenue Service (IRS) pursuant to Section 501 of the US Revenue and Taxation Code or an exception issued by any agency of the state, shall be required to demonstrate tax-exempt status. As specified in Education Code 38134, these groups include, but are not limited to: Girl Scouts, Boy Scouts, Camp Fire USA, parent-teacher associations, and school-community advisory councils.

The Board may 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 at least equal to the district's direct costs.

Additionally, when any use of school facilities is for a religious purpose or religious organization, the district shall charge an amount as least equal to the district's direct costs plus capital recovery, characterized as Fair Rental Value. (Education Code 38134)

USE OF SCHOOL FACILITIES (continued)

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 14038-14041 and Education Code 38134, the community's proportionate share of the following costs:

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 instructional activities to students during school hours, but capital direct costs will be charged to organizations retained by the district or school to provide classroom-based programs that operate after school hours, including, but not limited to after school tutoring, and childcare programs (5 CCR 14037)

(cf. 5148 Child Care and Development)

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, custodial 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, contributions are solicited, or a membership fee is required, and net receipts are not 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

37220 School holidays

38130-38138 Civic Center Act, use of 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

USE OF SCHOOL FACILITIES (continued)

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 US 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 US 384

Cole v. Richardson, (1972) 405 US 676

Connell v. Higgenbotham, (1971) 403 US 207

ACLU 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.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>

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SAN DIEGO UNIFIED SCHOOL DISTRICT
San Diego, California