

USE OF SCHOOL FACILITIES

The Board of Trustees 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.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(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 that: (Ed. 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.

There shall be no advertising on school facilities and grounds except as allowed by District policy specified in BP 1325 - Advertising and Promotion.

(cf. 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.

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, the 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 Cal. Code of Regs, §§ 14037-14041 and § 14041.

USE OF SCHOOL FACILITIES (continued)

(cf. 9320 - Meetings and Notices)

The Board authorizes the use of school facilities or grounds, without charge, except for overtime custodial costs, by internal/school-connected Groups (Group A) that include athletic teams, debate teams, robotic teams, drama or music groups, other District educational extracurricular activities, booster clubs, foundations, parent-teacher associations aligned with the California State PTA, and other parent-teacher associations organized to specifically support the District's educational program. (Ed. Code, § 38134)

The Board authorizes the use of school facilities or grounds, with charge, in an amount not exceeding direct costs determined in accordance with 5 Cal. Code of Regs., §§ 14037-14041 by youth-serving non-profit and school-serving groups and public entities (Group B) that include non-profit organizations organized to promote youth and school activities; clubs organized to promote youth and school activities; associations organized to promote youth and school activities; the Boy Scouts, the Girl Scouts, Campfire USA, YMCA, and similar youth organizations; recreational youth sports leagues that charge participants no more than a nominal fee, which means an average of no more than sixty dollars (\$60) per month; religious organizations or churches that arranges for and supervises sports league activities; and recreation activities sponsored by public entities.

Additionally, when any use of school facilities or grounds is for religious services (Group C), the District shall charge an amount at least equal to the District's direct costs. (Ed. Code, § 38134)

Groups shall be charged at least 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 (Group D). (Ed. 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 Cal. Code of Regs., § 14038 and may reflect the community's proportionate share of the following costs: (Ed. Code, § 38134; 5 Cal. Code of Regs., §§ 14038-14041)

1. Capital direct costs calculated in accordance with 5 Cal. Code of Regs., § 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 Cal. Code of Regs., § 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.

USE OF SCHOOL FACILITIES (continued)

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

(cf. 6111 - School Calendar)

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. (Elec. 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.

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

ELECTIONS CODE

12283 Polling places: schools

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 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>

Policy

adopted: October 2, 1995

revised: June 14, 1999

revised: September 15, 2000

revised: May 14, 2001

revised: September 8, 2004

revised: September 12, 2005

revised: July 2, 2007

revised: December 10, 2007

revised: June 15, 2010

revised: October 14, 2015

revised: August 5, 2020

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California