

Community Relations
USE OF SCHOOL FACILITIES

BP 1330 (a)

General Policy

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, including the designation of 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 schoolwork

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 specified in Board Policy 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 CCR 14037-14041. (5 CCR 14041)

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The Board believes that the use of school facilities or grounds should not result in an expense to the district. The Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic Center Act an amount not to exceed 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, or vote centers for election day. The Board may also authorize the use of school buildings, without cost, for

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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, or vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, 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 a polling place or vote center. (Elections Code 12283)

When a school is used as a polling place or vote center, 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. The Superintendent or designee 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 or vote center.

State:

5 CCR 14037-14042: Proportionate direct costs for use of school facilities and grounds

Bus. Code 25608: Alcohol on school property; use in connection with instruction

Ed. Code 10900-10914.5: Community recreation programs

Ed. Code 32280-32289.5: School safety plans

Ed. Code 37220: School holidays

Ed. Code 38130-38138: Civic Center Act; use of school property for public purposes

Ed. Code 51860: Time and facilities for bicycle and scooter safety instruction

Elec. Code 12283: Polling places: schools

Gov. Code 54950-54963: The Ralph M. Brown Act

M&V Code 1800: Definitions

Federal:

20 USC 7905: Equal access to public school facilities

40 CFR 141.1-141.723: Drinking water standards

Management Resources:

Attorney General Opinion: 79 Ops.Cal.Atty.Gen 248 (1996)

Attorney General Opinion: 82 Ops.Cal.Atty.Gen. 90 (1999)

Court Decision: *Ellis v. Board of Education*, (1945) 27 Cal.2d 322

Court Decision: *Good News Club v. Milford Central School*, (2001) 533 U.S. 98

Court Decision: *Lamb's Chapel v. Center Moriches Union Free School District*, (1993) 508 U.S. 384

Court Decision: *ACLU v. Board of Education of Los Angeles*, (1961) 55 Cal.2d 167

Court Decision: *Cole v. Richardson*, (1972) 405 U.S. 676

Court Decision: *Connell v. Higgenbotham*, (1971) 403 U.S. 207

CSBA Publication: *Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009

CSBA Publication: *Maximizing Opportunities for Physical Activity Through Joint Use of Facilities*, Policy Brief, February 2010

Website: CSBA District and County Office of Education Legal Services

Website: California Department of Education

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Website: CSBA

Policy Adopted: 11/8/2023

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California