

San Juan USD /1000/ BP 1330 Community Relations

Use of District Facilities and Grounds

The Board of Education recognizes that district facilities and grounds are a community resource to be used primarily for school programs and activities. The board authorizes the use of school facilities and grounds by community groups for purposes provided for in the Civic Center Act (Education code section 38130 et seq.) when such use does not interfere with school activities.

The board hereby authorizes the superintendent or designee to approve or deny requests for the use of district facilities and grounds according to regulations consistent with law and this policy. The superintendent or designee is further authorized to develop and maintain all necessary regulations, rules, and procedures regarding the use of district-owned facilities and grounds in order to:

- 1. Aid, encourage and assist groups desiring to use school facilities and grounds for approved activities.*
- 2. Preserve order in school buildings and on school grounds, and protect school facilities and grounds.*

(cf. 3517 – Emergencies and Disaster Preparedness Plan)

- 3. Ensure that the use of facilities and grounds is consistent with the use of the facilities and grounds for school purposes and does not interfere with the regular conduct of school work.*
- 4. If necessary, a district employee may be designated by the superintendent to supervise these tasks.*

Permitted Uses of District Facilities

The board directs the superintendent or designee to make district facilities and grounds under its jurisdiction available as a civic center to citizens and community groups for the following purposes, subject to district policies and regulations:

- 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.*
- 4. Child 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 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. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
9. *A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization.*
10. Other purposes deemed appropriate by the board.

In accordance with Education Code sections 38131(b)(3), and 38134(d), the district must charge at least direct costs for "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."

The superintendent or designee may exclude certain school facilities and grounds from non-school use for safety or security reasons.

Restrictions

District facilities and grounds shall not be used for any of the following activities:

1. Any use for the commission of any crime or any act prohibited by *any federal, state, or local laws, including those laws prohibiting discrimination.*
2. Any use which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work.
3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances on *district* property.

Priority for District or School Programs

All district and school-related activities (clubs, cocurricular, extracurricular, and class events, etc.) shall be given first priority in the use of district facilities and grounds. Thereafter, the use of facilities and grounds shall be in the order of priority as set forth in Administrative Regulation (“AR”) 1330.

Fees

The board authorizes the use of district facilities or grounds for events on Monday through Friday (excluding holidays) without charge to school-related or District-related organizations, associations, clubs, or other groups whose activities are directly related to, or for the benefit of, district schools or students, and to certain other groups as described in AR 1330.

Other organizations or groups requesting the use of school facilities under the Civic Center Act or district-related groups seeking use of facilities or grounds on Saturday, Sunday or holidays shall be charged at least direct costs.

In determining the direct costs to be charged to a group or organization for use of each, or each type of district school facility or grounds, the superintendent or designee shall calculate, in accordance with California Code of Regulations, Title 5 (5 C.C.R.), sections 14037-14041, the user’s proportionate share of the following costs:

- 1. Capital direct costs, including the estimated costs of maintenance, repair, restoration, and refurbishment of school facilities or grounds. For the purposes of the determining a group or organization’s proportional share of the costs for maintenance, repair, restoration and refurbishment, “a school facility” is limited to non-classroom space, such as multi-purpose rooms and indoor basketball courts, and “school grounds” include, but are not limited to, playing fields, athletic fields, track and field venues, tennis courts and outdoor basketball courts.*

Capital direct costs shall not be charged to organizations retained by the district or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs.

- 2. Operational direct costs, including the estimated costs of supplies, utilities, janitorial 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.*

Organizations or groups shall be charged fair rental value when using school facilities and 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.

“Fair rental value” means direct costs, as defined above, plus the amortized costs of the school facilities and grounds used for the activity or event.

In accordance with the provisions of 5 C.C.R. 14037-14041, the board shall adopt a comprehensive schedule of fees to be charged to groups and organizations for the use of school facilities and grounds, including, but not limited to non-classroom space, multipurpose rooms, playing or athletic fields, track and field venues, tennis courts, and basketball courts.

Legal References:

EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

38130-38138 Civic Center Act: use of school property for public purposes

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 of So. Calif. 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)

Policy SAN JUAN UNIFIED SCHOOL DISTRICT

adopted: _____, 20__ Carmichael, California