

USE OF SCHOOL FACILITIES

The Board of Trustees shall make school 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 for temporary periods, on a one-time or renewable basis by any church or religious organization which has no suitable meeting place for the conduct of services, provided the Board imposes a charge at least equal to the district's direct costs.
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.
7. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, and shall cooperate in furnishing and maintaining such services as it deems necessary to meet community needs. (Education Code 38132)
8. Other purposes deemed appropriate by the Board.

The Board shall not grant the use of school facilities for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law.
2. Any use of school facilities or grounds 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 is discriminatory in the legal sense.
4. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances on school property.

USE OF SCHOOL FACILITIES (continued)**Fees for Use of School Facilities**

Fees for the use of school facilities and grounds shall be charged in accordance with the following classifications:

1. Free Use - Class 1: The Board shall not charge any fees for the use of school facilities or grounds by nonprofit organizations, and clubs/associations which promote youth and school activities.

These groups include, but are not limited to: Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher's associations, and school/ community advisory councils.

Should any free-use group prefer to use school facilities at a time when custodial services are not normally available, the district may charge a fee equal to the cost of those services. The principal or designee shall first ensure the availability of other times when the facility could be provided without charge, and this availability shall be pointed out to the free-use group.

2. Direct-Costs Fee- Class 2: Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed direct costs to the district.

The following activities shall be charged direct costs:

- a. Charitable fund-raising activities which are not beneficial to youth or public school activities of the district, as determined by the Board.
- b. Services conducted by religious groups.
- c. Events sponsored by religious or community groups, except those which qualify for free use.
- d. Public agencies.
- e. Activities not previously identified which do not fall within the free-use or fair-rental-value classifications and which are included here through subsequent Board action.

In lieu of direct costs, the district may enter into a written joint-powers agreement with local public agencies.

- 1101 Fair-Rental-Value Fee - Class 3: 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. Fair rental value includes direct costs plus the

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amortized costs of the facilities or grounds used for the duration of the activity. (Education Code 38134)

Priority of Users

Applications for use of school facilities shall be given preference in the following order:

1. Inschool uses (clubs, class events, etc.).
2. Contracted uses.
3. School support groups and youth groups.
4. Public agencies and public affairs groups.
5. Community recreational and cultural groups.
6. Community special interest groups.
7. Private, non-school-connected classes and educational events.
8. Profit-making or commercial events, out-of-town groups, etc.

Legal Reference:

EDUCATION CODE

10900-10914.5 *Community Recreation Programs*

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

COURT DECISIONS

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 113 S.Ct. 2141

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

ACLU of So. Calif. v. Board of Education of San Diego, (1963) 59 Cal .2d 224

ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203

ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal .2d 906

ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

ATTORNEY GENERAL OPINIONS

79 *Ops.Cal.Atty.Gen* 248 (1996)

Management Resources:

CDE LEGAL ADVISORIES

1101.89 *School District Liability and "Hold Harmless" Agreements, LO: 4-89*

Policy
adopted: September 14, 2004

JEFFERSON SCHOOL DISTRICT
Tracy, California