

COMMUNITY RELATIONS

USE OF SCHOOL FACILITIES

The Governing Board recognizes that school facilities and grounds are a community resource which should be used to foster community involvement and development. 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.

School-related activities (campus clubs, class events, etc.) shall have priority in the use of school facilities and grounds. Second priority shall be given to District-sponsored activities under the auspices of the District's Community Services Division. Thereafter, the use of facilities shall be on a first-come, first-served basis with youth activities taking precedence over adult activities and prior use being considered.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds that: (Education Code 38133)

1. Aid and assist groups desiring to use school facilities for approved activities
2. Preserve order in school buildings 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 the District policy specified in BP 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)

The Board shall 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 the

District schools. All other groups requesting use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs determined in accordance with 5 CCR 14037-14041. Additionally, when any use of school facilities or grounds is for religious services, the group shall be charged an amount at least equal to the District's direct costs determined in accordance with Education Code 38134.

USER GROUP DEFINITIONS:

SCHOOL-RELATED ORGANIZATIONS

(School Site PTA, Parent Booster Groups, School Councils, Grad Night Organizations)

No charge for the facility or custodian if use is during a custodian's regular work shift. (School site administration will determine if additional custodial hours are needed to support each event.)

GROUP "A" USERS:

Youth serving, non-profit volunteer groups, including but not limited to Scouting organizations, AYSO etc. meeting Group "B" user qualifications and:

Group "A" organizations in this category would be classified as all-volunteer organizations.

Local organizers and support personnel do not receive compensation for their work. Anyone requesting Group "A" designation will make financial information available to the District upon request in order to verify status.

The SVUSD has established a minimal fee schedule to recoup a portion of the direct costs incurred by Group "A" Users who are not school-related organizations.

GROUP "B" USERS:

Public Service Organizations and Groups

Group "B" pertains to non-profit and not-for-profit groups whose events do not qualify for Group "A". Group "B" includes, but is not limited to, service organizations, education institutions, homeowner associations, and churches.

In accordance with the California Civic Center Act, "the governing board may charge an amount not to exceed its direct costs for use of its school facilities." The law defines "direct costs" to the district for the use of school facilities or grounds as "those costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid school district employees necessitated by the organization's use of the school facilities and grounds of the district." Education Code 38134(g)

Additional charges will apply for events that require additional custodial assistance, utilities and materials. This applies specifically to larger events and events occurring when no custodian is regularly on duty.

GROUP "C" USERS:

Group “C” refers to events, programs, and activities conducted by individuals, organizations, or associations that do not qualify under the Civic Center Act, and where a fee is charged to profit the group organizers. Group “C” organizations are subject to charges at fair rental value equal to market rate for commercial use of private facilities in this region. In no instance shall the charges be less than direct costs, plus the amortized cost of the facilities or grounds used for the duration of the activity authorized.

GROUP “D” USERS:

Upon approval of district and site leadership, school connected fundraising events, organized to directly support Saddleback Valley Unified School District activities, may be charged at the Group “A” rate with a maximum facility charge of \$250/day.

Calculating Direct Costs

Direct costs to be charged for community use of school facilities or grounds, including, but not limited to, playing or athletic fields, track and field venues, tennis courts, and outdoor basketball courts, shall be calculated in accordance with 5 CCR 14038 and may reflect the community’s proportionate share of the costs of the following: (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.

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (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)

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. (Elections Code 12283)

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. (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.

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

CSBA: 6/97, 3/01, 8/14

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