

# Morgan Hill USD

## Board Policy

### Use Of School Facilities

BP 1330

#### Community Relations

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.

(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: (Education Code 38133)

#### Procedures

1. ~~A facility use permit shall be completed and approved prior to the use of facilities and/or grounds~~

2. ~~Encourage~~Aid, encourage, and assist groups desiring to use school facilities for approved activities

32. Preserve order in school ~~buildings~~facilities and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

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(cf. 0450 - Comprehensive School Safety Plan)  
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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~~school work

5. ~~Applications shall be submitted to the Facilities Department, school site principal or assistant principal. (Site principals or assistant principals shall forward use applications to the Facilities Department which is primarily responsible for scheduling the use of school facilities)~~

~~6. Applications for use of facilities shall be submitted at least two weeks in advance of the first date requested~~

~~7. All necessary fees must be paid and a certificate of insurance for a minimum limit of two million (\$2,000,000.) for each of the following must be in receipt before any applications are approved:~~

~~a. General aggregate~~

~~b. Products Completed Operations Aggregate~~

~~c. Personal and Advertising Injury~~

~~d. Each Occurrence (bodily injury and property damage combined)~~

~~e. Fire Damage (any one fire)~~

~~f. Medical Expense (any one person)~~

~~8. The Superintendent or designee makes final approval designating a person to supervise this task, if necessary~~

~~(cf. 0450 Comprehensive School Safety Plan)~~

~~(cf. 3516 Emergencies and Disaster Preparedness Plan)~~

~~9. The use of district facilities shall not be granted to an individual or unrecognized group, i.e., a group not enumerated in AR 1330~~

~~10. The district reserves the right to cancel any and all agreements for the use of school facilities~~

~~Subject to prior approval by the Board, the~~

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)

(cf. 6115 - Ceremonies and Observances)

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.

(cf. 1330.1 - Joint Use Agreements)

## 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)

(cf. 9320 - Meetings and Notices)

### ~~OPTION 1: (Amount not exceeding direct costs to all community groups)~~

~~The Board shall grant~~ ~~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 exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)~~

### ~~OPTION 2: (No charge to nonprofit organizations and youth and school-oriented groups)~~

~~The Board authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent teacher associations, school community advisory councils, and recreational youth sports leagues that charge participants no more than an average of \$60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)~~

### ~~OPTION 3: (No charge to school-related organizations)~~

~~The Board authorizes~~ the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041.

~~1. District organizations operating for the benefit of students or for student after-school activities, parents' nights, etc. are considered Group 1.~~

~~3. Government agencies will pay direct costs only.~~

~~4. Non-profit groups operating for the benefit of the youth of the community and community members shall be charged for use of district facilities as listed in Group 2.~~

~~5. Churches or religious organizations: Use of school facilities or grounds may be granted for the conduct of religious services, for temporary periods on a one-time or renewable basis, to a church or religious organization which has no suitable meeting place for the conduct of services.~~

~~(Education Code 40041(b)(3) Churches or religious organizations using district facilities or grounds shall be charged as listed in Group 3. (Education Code 40043)~~

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, ~~the Superintendent or designee~~ shall ~~calculate~~, 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

~~However, capital direct costs may 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. (5 CCR 14037)~~

~~(cf. 5148—Child Care and Development)  
(cf. 5148.2—Before/After School Programs)~~

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of 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)

~~Groups shall be charged fair rental value as indicated in Group 3 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)~~

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 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)

(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. (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.

(cf. 3515.2 - Disruptions)

#### 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 MORGAN HILL UNIFIED SCHOOL DISTRICT~~

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