

# Davis Joint Unified Board Policy

## Use of School Facilities

BP 1330

### Community Relations

The Facilities Use Board Policy has been completely updated to reflect the District's current protocols.

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.

Such facilities, governed by the Board policy and associated administrative procedures, includes district buildings and specific rooms therein; school grounds and fields; equipment; specialized equipment such as kitchen equipment, fixtures and appliances; real estate; and other property of the district.

The Board authorizes staff to review and adjust the facilities fee schedule, outlined in AR 1330, as needed. Staff will review all fees at least annually, and if warranted, will increase the fee schedule beyond the statewide COLA if needed to conform to the philosophical intent of this Board policy.

The Board encourages the Superintendent or designee to apply fees in such a way to keep costs for all uses, except for commercial activities and other activities under Category 5, to a minimum while recovering all direct costs for the public use of facilities.

(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)

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, designating a person to supervise this task, if necessary

(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 school work

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)

(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)

#### Classification of Use

Category 1: Official District Activities. All district activities (e.g. clubs, athletic events, district activities, etc.) will be given priority in the use of facilities under the Civic Center Act. The district will not charge facility rental costs to official school organizations and will minimize, wherever and whenever it is possible, any and all costs associated with the use of its own facilities. The district regards most activities and uses of parent teacher associations (e.g. PTA's) and other activities that provide direct financial benefits exclusively to schools of the district as Category 1 uses.

Category 1 uses shall only be those uses that are primarily organized, sponsored, conducted and supervised by district schools or its affiliated groups.

The public use of school facilities will be on a first-come, first-served basis after district school-related activities are served, provided that these other uses do not interfere with school activities.

Official school activities may displace applications from other categories if the facilities

department approves the cancellation of a non-district previously scheduled activity in accordance with AR 1330.

Category 2: City of Davis Activities. In promoting its unique cooperative relationship with the City of Davis, the Board agrees to share facilities with the City and to provide the least costly facility alternatives to both governmental agencies that are consistent with the reciprocal partnership of the City and the district. The Board also authorizes staff to enter into separate agreements with the City of Davis for providing common use facilities or for sharing, at the least cost, facilities that benefit the entire community. Agreements shall include a term and a review process.

Category 3: Nonprofit Youth and School-Oriented Activities.

Category 3A: Nonprofit Youth and School-Oriented Activities (Non-Fee Based Activities). The Board emphasizes the importance of nonprofit youth and school-oriented organizations in the community and believes that without incurring financial costs, the district should assist the work of such organizations through the use of school facilities. As delineated under the Civic Center Act, groups that usually have events or uses that meet eligibility requirements for this category include, but are not limited to, Scouts, Camp Fire Inc. It is recognized that many of these groups depend on the support of a significant volunteer base and thus merit the special consideration provided by Category 3A.

The Board authorizes the district to forego, when applicable, facility rental charges for nonprofit organizations, clubs or associations organized to promote youth and school activities and qualify their use of school facilities as a Category 3A use. A nonprofit agency or organization may qualify for Category 3A fees only when that agency or organization does not charge fees for an event or use. Said nonprofit organizations which qualify for this use fee category are still required to reimburse the district for any and all direct costs associated with reserving facilities beyond normal hours of operation, including, but not limited to, personnel costs to set up, provide security for and clean up facilities; administrative processing fee(s); and energy surcharges when appropriate.

Category 3A use fees do not apply to a facility use reservation when a nonprofit group charges fees, defacto or actual, for that function. The facilities department staff will determine whether a use qualifies for a Category 3A fee schedule on a particular application.

Applicants may also be required, at the Superintendent or designee's discretion, to provide proof of their nonprofit 501(c)(3) status to be eligible for Category 3A use fees.

Category 3B: Nonprofit Youth and School-Oriented Activities (Minimal-Fee Based Activities). The Board recognizes that some nonprofit youth and school-oriented organizations in the district community must charge a small fee to cover basic costs associated with their operations and events. When an organization/use charges fees to pay costs the group incurs, it is reasonable that the district recovers its costs as a result of the public use activity.

To assist such organizations in their efforts to maintain low-cost services to the youth and to help

the district recover some costs for facilities, the Board has established a low-fee use category for educational or nonprofit uses for youth who reside within the district.

A nonprofit group's event or use may qualify for Category 3B if the use meets all of the following criteria:

1. The sponsoring group is a nonprofit group as defined by IRS and applicable federal and state law.
2. The sponsoring group is the primary organizer, supervisor and conductor of the use or event.
3. The requested use or event (a) is predominantly designed to directly benefit youth who reside within the district community only, or (b) will consist only of youth participants who reside within the district.
4. The cumulative fees or "required" donations for the use, event or series of uses or events do not exceed a certain pre-specified, annual amount (or its prorated equivalent as determined by the Superintendent or designee) per youth participant. The baseline, preset level of charged fees for the 2004-2005 school year is \$200 per semester per participant or equivalent. The district may increase this threshold amount by at least the same percentage that the State of California provides as an annual COLA.

OR

The organization primarily relies on volunteers for a particular event to such a degree that the particular use could not occur without that significant volunteer support. For example, the organization typically does not charge administrative overhead and does not collect or bank reserves. The Superintendent or designee has exclusive authority to determine whether a use falls under this volunteer provision.

5. The net receipts of the fees charged or contributions solicited are solely expended for charitable purposes related to this use for the welfare of pupils in the district geographic boundaries.

Applicants shall provide proof of their nonprofit 501(c)(3) status to be eligible for Category 3B use fees.

Category 4: Use by Other Nonprofit Organizations and Governmental Agencies.

Category 4A: Other Nonprofit Organizations and Other Governmental Agencies that Do Not Charge for Their Events. The Board recognizes that some nonprofit organizations and governmental agencies sponsor events or activities that are not youth-centered. To assist those agencies that do not charge fees for particular events and/or that primarily rely on volunteers, the Board authorizes the Superintendent or designee to waive part of the regular fee, which is listed under the fee schedule in Category 4B.

A nonprofit group's event or use may qualify for Category 4A if the use meets all of the following:

1. The sponsoring group is a government agency or a nonprofit group as defined by IRS and applicable federal and state law.
2. The sponsoring group is the primary organizer, conductor and supervisor of the use or event.
3. There are no fees or "required" donations charged for the event or use.

OR

The organization primarily relies on volunteers for a particular event to such a degree that the particular use could not occur without that significant volunteer support and the organization typically does not charge administrative overhead and does not collect or bank reserves. The Superintendent or designee has exclusive authority to determine whether a use falls under this volunteer provision. Facility users cannot file exceptions to this provision.

4. If qualifying under the volunteer provision immediately above, the net receipts of the fees charged or contributions solicited for the event are solely expended to offset the costs of the event and are not spent to reimburse agencies for staff time or staff salaries.

Nonprofit applicants shall provide proof of their nonprofit 501(c)(3) status to be eligible for Category 4A use fees.

Category 4B: Fee-Based Activities or Events Sponsored by Nonprofit Organizations and Governmental Agencies. All other uses for governmental agencies or nonprofit groups requesting the use of school facilities under the Civic Center Act will be charged at least direct costs, including, but not limited to, a room charge; custodial and/or other district personnel costs; administrative processing fee; and, when appropriate, an energy surcharge. Nonprofit organizations that have events that do not qualify for Category 3A, 3B, or 4A use fees will be charged Category 4B use fees for their event(s).

Nonprofit applicants may be required to provide proof of their nonprofit 501(c)(3) status to be eligible for Category 4 use fees.

Category 5: Commercial, Entertainment, Political Fundraising, Religious and Other Uses. The district will charge fair market or rental value for events or uses intended for commercial, entertainment, political, and religious purposes. Such uses also include 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 pupils. (Education Code 38134)

Exceptions

The Board grants the Superintendent or designee the authority to make temporary exceptions to all or part of this Board policy and associated administrative procedures, except where otherwise noted. The Superintendent or designee may grant exceptions only if exceptionally compelling circumstances exist, but such exceptionally compelling circumstances are expected to be rare.

All administrative decisions on general exceptions are final.

(cf. 9320 - Meetings and Notices)

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)

#### 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>

Adopted: GET DATE

Revised: