

Use Of School Facilities

The Governing Board recognizes that district facilities are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes the use of school facilities by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities. The Board grants the use of school facilities for activities of an educational, cultural, civic, social, recreational, governmental and general political nature in accordance with Board policy and administrative regulations.

All school-related activities (clubs, class events, etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities shall be on a first-come, first-served basis.

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.

The Superintendent or designee is authorized to approve and arrange for scheduling the use of school facilities in accordance with the Education Code, Board policy and administrative regulations.

Fees for Use of School Facilities

The Board shall grant the use of school facilities without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. Other groups requesting the use of school facilities under the Civic Center Act shall be charged direct costs or fair rental

1. Free Use:

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

2. Direct-Costs Fee: 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. Direct costs include supplies, utilities,

janitorial services, services of other district employees and salaries paid to district employees necessitated by the organization's use of school facilities.

3. Fair-Rental-Value Fee: 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)

Damage to School Property

Groups or persons using school facilities under the provisions of this policy shall be liable for any property damages caused by the activity. The Board shall charge the amount necessary to repair the damages and may deny the group further use of school facilities. (Education Code 38134).

Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities designed to:

1. Provide encouragement and assistance for authorized activities.
2. Preserve order in school buildings and on school grounds, and protect school facilities. If necessary, a person may be designated to supervise this task.
3. Ensure that the use of facilities or grounds under this policy is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work.

Persons or organizations applying for the use of school facilities also shall submit a statement of information indicating that the organization upholds the state and federal constitutions.

(cf. 6145.5 - Organizations/Associations)

(cf. - Negotiated Agreements)

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

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

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises

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.AttyGen. 90 (1999)

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 FRESNO UNIFIED SCHOOL DISTRICT

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