

1 **TITLE 5. EDUCATION**

2 **Division 1. California Department of Education**

3 **Chapter 13. School Facilities and Equipment**

4 **Subchapter 1.5. Civic Center Act**

5 **Article 1. Proportionate Direct Costs for Use of School Facilities and Grounds.**

6
7 **§ 14037. Definitions.**

8 (a) "Applicant" means the direct cost fee payer requesting use of school facilities or
9 grounds under the Civic Center Act (Education Code section 38130 et seq.).

10 (b) "Direct costs" are the estimated costs identified by a school district as follows:

11 (1) "Capital direct costs" include the estimated costs for maintenance, repair,
12 restoration, and refurbishment for use of the school facilities or grounds under the Civic
13 Center Act.

14 (A) For purposes of estimating capital direct costs, "school facilities" shall be limited
15 to nonclassroom space, but may apply to specialty teaching spaces, including, but not
16 limited to, dance studios, music practice or performance spaces, and theaters.

17 (B) Capital direct costs shall not apply to classroom-based programs that operate
18 after school hours, including, but not limited to, after school programs, tutoring
19 programs, or child care programs.

20 1. A program is defined as classroom-based for purposes of this subdivision if
21 participants spend at least 50 percent of operational hours in a classroom.

22 (C) Capital direct costs shall not apply to organizations retained by the school or
23 school district to provide instruction or instructional activities to pupils during school
24 hours.

25 (2) "Operational direct costs" include the estimated costs of supplies, utilities,
26 janitorial services, services of school district employees and/or contracted workers, and
27 salaries and benefits paid to school district employees directly associated with the
28 administration of the Civic Center Act to operate and maintain school facilities or
29 grounds.

30 (c) The term "school grounds" shall include, but not be limited to, playing fields,
31 athletic fields, track and field venues, tennis courts, and outdoor basketball courts.

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference:
Sections 38131 and 38134, Education Code.

§ 14038. Determining Proportionate Share.

School districts electing to charge applicants for all direct costs, or either capital direct costs or operational direct costs, shall do the following:

(a) Calculate the proportionate share, as a percent, that each school facility or grounds is available for use by applicants as follows:

(1) Estimate the total annual hours a school facility or grounds is expected to be used by applicants.

(2) Estimate the total annual hours a school facility or grounds is expected to be used by anyone, including applicants and the school district.

(3) Divide the number of hours in subdivision (a)(1) by the number of hours in subdivision (a)(2).

(b) In the alternative, school districts may elect to determine proportionate share by categorizing like school facilities or grounds (e.g., all high school football fields, all gymnasiums) and performing the same calculation as outlined in subdivisions (a)(1) through (a)(3).

NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference:
Sections 38131 and 38134, Education Code.

§ 14039. Determining Specific Allowable Capital Direct Costs.

Specific to each school facility and grounds (or like school facilities and grounds as described in section 14038(b)), the school district shall quantify annual capital direct costs as follows:

(a) Determine the useful life in years from the initial date of occupancy or use.

(b) Estimate the expected cost to maintain, repair, restore, or refurbish the school facility or grounds at the end of its useful life. Substitute the estimated cost to replace a school facility or grounds when maintenance, repair, restoration or refurbishment would not be practicable or cost effective.

(c) Divide the cost in subdivision (b) over the number of years in subdivision (a) to

1 reflect the annual cost.

2 NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference:
3 Sections 38131 and 38134, Education Code.

4
5 **§14040. Determining Specific Allowable Operational Direct Costs.**

6 Specific to each school facility and grounds (or like school facilities and grounds as
7 described in section 14038(b)), the school district shall quantify annual operational
8 direct costs by estimating the following costs:

9 (a) The annual cost of salaries and benefits for all school district employee labor or
10 contracted services required to operate, clean, and maintain the school facility or
11 grounds, which may include janitorial services, setup and teardown time, and security.

12 (b) The annual cost of supplies required to operate and maintain the school facility or
13 grounds, including all school district equipment used by applicants.

14 (c) The annual cost of utilities required to operate the school facility or grounds,
15 including any school district or applicant-provided equipment.

16 (d) The prorated annual salaries and benefits paid to school district employees
17 directly associated with the administration of direct cost user fees for time spent
18 administering such fees authorized under this article.

19 NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference:
20 Sections 38131 and 38134, Education Code.

21
22 **§14041. Establishing a Fee Schedule.**

23 (a) When electing to charge fees pursuant to the Civic Center Act, a school district
24 governing board shall adopt a fee schedule that includes the hourly fee for each specific
25 school facility and grounds (or like school facilities and grounds as described in section
26 14038(b)), calculated as follows:

27 (1) If charging for capital direct costs only, multiply the capital direct costs quantified
28 in section 14039(c) by the proportionate share as determined in section 14038(a)(3).
29 Divide the product by the total number of hours of applicant use as set forth in section
30 14038(a)(1) to arrive at the hourly rate.

31 (2) If charging for operational costs only, add the operational costs identified in

1 sections 14040(a) through (c) and multiply the sum by the proportionate share as
2 determined in section 14038(a)(3). Divide the product by the total number of hours of
3 applicant use as set forth in section 14038(a)(1) to arrive at an hourly rate. Add to this
4 amount the hourly rate to administer direct cost user fees calculated by dividing the cost
5 identified in section 14040(d) by the total number of hours of applicant use set forth in
6 section 14038(a)(1).

7 (3) If charging for all direct costs, add the hourly rates calculated in subdivisions
8 (a)(1) and (a)(2).

9 (b) A school district governing board may elect to discount direct cost fees charged
10 pursuant to the Civic Center Act based on the type or category of applicant, including,
11 but not limited to, those with tax-exempt status. All such discounts shall be contained in
12 the adopted fee schedule.

13 NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference:
14 Sections 38131 and 38134, Education Code.

15
16 **§ 14042. Expending Capital Fees.**

17 Funds collected by a school district as capital direct costs shall be deposited into a
18 special fund that shall only be used for capital maintenance, repair, restoration, and
19 refurbishment.

20 NOTE: Authority cited: Sections 33031 and 38134, Education Code. Reference:
21 Sections 38131 and 38134, Education Code.