

**MBUSD
COMMUNITY RELATIONS
USE OF SCHOOL FACILITIES**

BP 1330(a)

The Governing Board *believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development.* recognizes that district facilities and grounds are a community resource and *Therefore, the Board* authorizes ~~their~~ *the* use *of school facilities* by *district residents and* community groups for purposes ~~provided for~~ *specified* in the Civic Center Act ~~when to~~ *the extent that* such use does not interfere with district programs, ~~and school activities or other school-related uses.~~ The Board believes that school facilities and grounds are an important resource in developing and sustaining lifelong learning, in promoting intergovernmental cooperation, and in encouraging citizen participation in community activities.

(cf. 6145.5 - Student Organizations and Equal Access)

As used in the policy and regulation which follow, the term, schools facilities, is defined to mean buildings and grounds (collectively).

All school-related activities shall be given highest priority in the use of facilities and grounds under the Civic Center Act.

When district facilities and grounds are available at times that do not interfere with instructional and after school programs of the district/schools, student activities and/or other activities of school-related groups, district facilities and grounds may be reserved on a scheduled basis.

~~All school-related activities shall be given highest priority in the use of facilities and grounds under the Civic Center Act.~~ Beyond the use of school facilities by school-related groups and organizations, priority shall be given to users when the majority of its members reside within district boundaries.

In addition, when applications for use of facilities are submitted for approval on a concurrent basis, preference shall be given in the following order:

1. School support and youth groups
2. Community recreational groups
3. Public agencies and public affairs groups
4. Community cultural and special interest groups
5. Private, non-school-connected classes and educational events
6. Profit-making or commercial events, out-of-city groups, etc.

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BP 1330(b)

Thereafter, the use shall be on a first-come, first-served basis.

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)

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities on those days on which the school is closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

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, encourage, 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

(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

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)

School Facilities Fees

The Board believes that use of school facilities or grounds should not **result in** costs to the district.

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~~No charge to nonprofit youth and school-oriented organizations~~

The Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs or associations organized to promote youth and school activities when custodial or other services are not an additional cost to the district.

In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, Manhattan Beach Education Foundation, Manhattan Beach Athletic Foundation and school-community advisory councils. Other groups that request the use of school facilities under the Civic Center Act, including nonprofit groups not organized to promote youth and school activities and for-profit groups, shall be charged an amount not to exceed direct costs. However, if the use of school facilities or grounds is for religious services, the group shall be charged an amount that equals or exceeds direct costs determined in accordance with Education Code 38134.

The facility coordinator/designee may require the groups identified above to certify that an alternative location, as identified by the facility coordinator/designee, is unavailable on the date and time of their scheduled event. If the facility coordinator/designee determines that an alternative district location is available, and the nonprofit organization, club or association declines to use the alternative location, the district may grant use of the original location requested by the organization, club or association but such use shall be charged at least direct costs.

Should a nonprofit organization, club, or association want to use a school facility or grounds when custodial services are not available, the district will charge the direct cost of those services. The principal/designee shall first determine other times when the facility could be provided without charge and notify the nonprofit organization, club or association of these dates and times.

~~Direct Costs to Other Community Groups~~

~~1. Direct costs are defined as those costs of supplies, utilities, custodial services, services of any other district employees, and salaries necessitated by the organization's use of the facilities and grounds.~~

~~2. The following activities shall be charged direct costs~~

~~a. Religious services conducted by religious groups~~

~~b. Charitable fund-raising activities which have no direct benefit to youth or public school activities, as determined by the Board~~

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~~e. Events sponsored by religious or community groups, except those which qualify for no charge~~

~~d. Other public agency's activities and events, unless exempted by the Board~~

~~In lieu of direct costs, the district may enter into an agreement that would substitute for direct costs, such as, in-kind services, trades, etc.~~

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

~~e. Other groups, including nonprofit groups not organized to promote youth and school activities or for-profit groups that request the use of school facilities under the Civic Center Act, shall be charged at least direct costs.~~

Fair Rental Value for Events or Meetings

~~Fair rental value will be charged where admission is charged for an event or meeting or fund-raising activities which do not benefit youth, public school activities or charitable purposes.~~

~~1. Fair rental value is defined as direct costs plus the amortized costs of the school facilities or grounds used for the duration of the activity.~~

~~2. 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)~~

In determining 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, the Superintendent or designee shall include a proportionate share of the costs of the following: (Education Code 38134)

1. Supplies, utilities, janitorial services, other services of district employees, and salaries of district employees directly associated with operation and maintenance of the school facilities or grounds involved

2. Maintenance, repair, restoration, and refurbishment of the school facilities or 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

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charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (Education Code 38134)

*(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)*

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)

In lieu of direct costs, the district may enter into an agreement that would substitute for direct costs, such as, in-kind services, trades, etc.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Other Use of School Facilities and Grounds

Other use of school facilities and grounds that do not qualify under the conditions listed above must be approved by the Board, and fees will be determined at the time of approval.

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

MILITARY AND VETERANS CODE

1800 Definitions

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

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BP 1330(f)

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

~~CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES~~

~~1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89~~

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Policy
adopted: September 3, 2008
revised:

**MANHATTAN BEACH
UNIFIED SCHOOL DISTRICT
Manhattan Beach, California**