

USE OF SCHOOL FACILITIES

The Board of Education 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)

All use of district facilities after instructional hours must have a fully approved facility use request submitted through school dude FSDirect both for internal organizations (school site athletics, PTA's, PTO's, boosters, etc.) and external organizations (youth sports teams, games and practices, etc.). verbal approval for the use of any district facility is not permitted.

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)

USE OF SCHOOL FACILITIES (cont.)

There shall be no advertising on school facilities and grounds except as allowed by District policy specified in Board Policy 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)

Amount not exceeding direct costs to all non-profit community groups and organizations.

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 non-profit 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)

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)

USE OF SCHOOL FACILITIES (cont.)**INSURANCE**

Liability insurance shall be required from all user groups. The District liability insurance policy only covers District-sponsored events (ASB/school site) and athletic games and practices that are required by CIF. Events that are not required by CIF, in addition to fundraising events that have been solicited to the community for participation, such as tournaments, cannot be covered by the District's liability insurance policy. Events of this nature must be submitted under the organization that is organizing, sponsoring and/or financially benefiting from the event and it is their insurance that must cover the event (this includes fundraisers that are CIF-sanctioned).

Fundraising events must be submitted to business services and approved by the board of education, in advance of the event. Additionally, a fully approved facility use permit through school dude FSDirect must also be obtained for the fundraising event.

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, school facility or grounds, shall 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.
2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services 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 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

USE OF SCHOOL FACILITIES (cont.)

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, or vote centers for any election day. The board 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, or vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, 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 or vote center, 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. The Superintendent or designee 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)

USE OF SCHOOL FACILITIES (cont.)

Existing Joint Use of Facilities Agreements between the Chino Valley Unified School District and the Cities of Chino, Chino Hills and Ontario have priority of use and priority of consideration for use of facilities/fields over all requests by other parties. All facility use requests are subject to the terms and conditions of the joint use of facilities agreement.

An online application must be completed and approved by the Superintendent or his designee.

The Superintendent or his designee shall establish administrative regulations to be approved by the Board of Education to implement this policy, which shall be reviewed and updated on an annual basis as necessary.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

32282-32289.5 School safety plans

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:

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

USE OF SCHOOL FACILITIES (cont.)

WEBSITES

California School Boards Association: www.csba.org

California Department of Education: www.cde.ca.gov

Chino Valley Unified School District

Policy Adopted: October 19, 1995

Revised: June 3, 1999

Revised: March 6, 2003

Revised: July 18, 2013

Revised: November 20, 2014

Revised: September 20, 2018

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