



Santa Ana Unified School District

BOARD POLICY NO: 1330

EFFECTIVE: 12/11/2018

SUBJECT: Use of School Facilities

CATEGORY: Community Relations

RESPONSIBLE OFFICE(S): Business Services, Facilities & Governmental

SCOPE:

The Superintendent or designee will develop and implement "Use of Facilities" policies that are in line with Education Code 38133 which mandates that the Governing Board develop rules and regulations related to the management, direction, and control of school facilities. Pursuant to Education Code 38130-38138 (SB-1404 School property: Civic Center Act., 2012), school facilities are civic centers and, under certain circumstances, members of the school community must be allowed to use them for specified purposes. In granting access for use of school facilities to district residents and community groups, care must be taken to avoid discriminating against certain individuals, groups, or viewpoints and thereby violating constitutional requirements, including free speech rights.

POLICY:

The Governing Board recognizes that District facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the SB-1404 School property: Civic Center Act. of 2012 when such use does not interfere with school activities. (cf. 6145.5 - Student Organizations and Equal Access)

California law permits the governing board of a school district to grant the use of school buildings or grounds for public use. The Board may also establish such terms and conditions of usage as it deems proper, subject to the limitations, requirements, and restrictions set forth in the Education Code of the State of California.

Civic Center activities will be scheduled during non-school hours, typically from 6:00 PM to 10:00 PM, unless authorized by site administration. All facility use outside the normal school day must have approved permits; these include all District or school-sponsored events after regular school hours.

Pursuant to review by the Superintendent or designee, a co-sponsorship can be approved for the use of school facilities without a use of facilities charge, provided that staffing fees are paid by nonprofit organizations, clubs or associations organized to promote SAUSD youth and school activities.

Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

All school-related activities (clubs, class events, or any services provided directly to students, etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities shall be granted on a first-come, first-served basis which is defined as the first group submitting request in the Civic Center program which tracks the date and time permit was submitted.



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The Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds that: (Education Code 38133)

1. 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.
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.

Approved Rental Value

Groups shall be charged approved 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)

The Board has determined that the use of school facilities or grounds should not result in costs to the District. The Board shall charge approved rental value to ensure that the District is (i) recovering the costs for making facilities available and (ii) charging approved rental value, which does not exceed the expenses incurred by the District as allowed by law.

The District shall base approved rental value on recommendations made through conducting a facilities usage fee justification study. The District shall periodically review the study and determine if the cost assumptions reflect the actual costs incurred by the District at that time of the study, and update approved rental value and charges as needed.

Revenues from the use of facilities will be placed in a designated Civic Center Account for the reimbursement of costs, repairs, maintenance, and replacement cost of the facility as specified by law.

DESIRED OUTCOME:

Through this policy, the District shall establish procedures related to use of school facilities that meet all codes within the Civic Center Act. To establish rules and regulations that protect District assets and as stewards of public funds to recover funds needed to maintain facilities used by community members as described in the Civic Center Act.



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IMPLEMENTATION GUIDELINES AND ASSOCIATED DOCUMENTS:

District Policies and Procedures:

Administrative Regulation 1330 Facilities Use Guidelines and Rate Schedule

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

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

38134

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

Senate Bill 1404 Civic Center Act

CODE OF REGULATIONS, TITLE 5

14037-14042 Proportionate direct costs for use of school facilities and grounds

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 New Club vs. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel vs. Center Moriches Union Free School \ District 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.Atty.Gen. 90 (1999)

79 Ops.Cal.Atty.Gen. 248 (1996)

ADOPTION AND REVISION HISTORY:

Adopted: (7-76 6-78 8-01 10-05 8-12 03-14 6-16)