

COMMUNITY RELATIONS/USE OF SCHOOL FACILITIES

I. Community Relations/Use of School Facilities

The Board of Trustees believes that school facilities and Education 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, Ed Code Section 40041. It is the intent of the Board that non-school related groups may use school facilities to the extent permitted by law provided such use; does not interfere with school activities or other school related uses, and that no cost or adverse impact is incurred by the District.

II. Management, Direction and Control

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.

The management, direction, and control of school facilities and grounds is vested in the Board of Trustees. The Board is empowered to promulgate any and all rules, regulations, terms, and/or conditions necessary to provide for, implement, and operate the District's civic center locations. For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

A. Aid, assistance, and encouragement for any of the activities authorized herein;

B. Preservation of order in school buildings and on school grounds;

C. Protection of school facilities from damage; and,

D. Ensure that school facilities or grounds are used neither in a manner inconsistent with the use of such facilities or grounds for school purposes nor in a manner which will 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)

III. Advertising/Promotions/Joint Use/Fees

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

Fullerton Joint Union High School District
BP 1230(b)

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 rooms (s), playing or athletic field (s), track and field venue (s), tennis court (s), and outdoor basketball court (s), gymnasium (s), stadium (s), swimming pool (s), auditorium (s), theater (s), cafeterias (s), kitchen (s), conference (s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041 and as updated and provided by District staff. (5 CCR 14041)

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. As specified in Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, 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 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)

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 14038, 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. However, capital direct costs shall not be charged to organizations retained by the district or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs. (5 CCR 14037)

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of 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 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)

There shall be no advertising on school facilities and grounds except as allowed by district policy.

IV. Permissible Purposes

Subject to the limitations, requirements, and restrictions set forth herein, the Board may grant the use of school facilities or grounds as a civic center upon the terms and conditions the Board deems proper for any of the following purposes.

- A. Public, literary, scientific, recreational, educational or public meetings;
- B. The discussion of matters of general or public interest;
- C. Child-care or day-care programs to provide supervision and activities for children of preschool and elementary age;
- D. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies;
- E. Supervised recreational activities;
- F. Other purposes deemed appropriate by the Board.

V. Terms and Conditions

Any individual or group described in Section I (collectively referred to hereafter as the "Group") desiring to use the District's facilities or grounds as a civic center must first agree to and comply with all the following terms and conditions:

- A. Make application through the appropriate high school main office for the use of school property using the District-approved application for use of school facilities. Any person applying on behalf of any group shall be a member of the applicant group, and, unless he or she is an officer of the group, must present written authorization from the applicant group to make the application.
- B. Enter into a written agreement with the Fullerton Joint Union High School District for the proposed use.
- C. Maintain in force during the term of the agreement, full comprehensive public liability insurance, insuring against all claims for injuries to person or property occurring in, on, or about the school property arising out of the group's use of the school property. Said policy shall have limits for injuries to person or persons and for property damage in amounts which shall be specified by the Board, in its sole discretion based upon the nature of the proposed use of the District's school facilities or grounds.
- D. Indemnify and hold harmless the District, its officers, agents and employees from and against any and all claims, demands, losses or liabilities of any kind or nature which the District, its officers, agents and employees must sustain or incur or which may be imposed upon any of them for injury or death sustained as a result of, arising out of, or in any manner associated with the group's use of the school property, except for liability resulting from the negligence or willful misconduct of the District, its officers, agents, employees or independent contractors.
- E. Assume the financial liability for any damage to the facilities or grounds as a result of the activity.
- F. Warrant and represent that group's use of said school property will neither be inconsistent nor interfere with the District's operation of high school classes, and programs, athletic activities, and events.
- G. Certify or declare in writing under penalty of perjury that to the best of his or her knowledge the school property for which application is made will not be used for the commission of any act, which is prohibited by law, or for the commission of any crime.
- H. Furnish to the Board any information, which the Board deems necessary to make the determination that the use of school property for which application is made is consistent with the objectives and purposes enumerated herein.

- I. Any violation of the above terms and conditions shall constitute just cause for the Board to deny the applicant's request for school property use.

VI. Emergency Aid

In furtherance of its desire to promote good will and harmonious community relations, the Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters in the event of disasters and other emergencies as declared by the Civil Defense Authority affecting the public health and welfare. The Board shall cooperate with these agencies in furnishing and maintaining such services as the Board may deem necessary to meet the needs of the community.

VII. Definitions and User Groups

For the purpose of this policy, the following definitions shall apply:

1. Wherever the term "free use" is used, it shall mean that the use shall be without charge of any kind.
2. Wherever the term "direct costs" is used, it shall mean those costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid to school district employees necessitated by the organization's use of the school facilities and grounds at the District.
3. Wherever the term "commercial rate" or "fair rental value" is used, it shall mean the direct cost to the District, plus the amortized cost of the school facilities or grounds used for the duration of the activity authorized.

Pursuant to the provisions of Section II as previously stated, the Board of Trustees has established the following fee schedule for the following types of use and user groups:

- A. Group I - Nonprofit Organizations Which Promote Youth and School Activities (Free Use) which do not adversely affect any District programs or activities.

The Board shall grant, without charge, the use of school facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations, and clubs or associations which are located and operated within the boundaries of the District and are organized to promote youth and school activities; provided that the use of school property for fund-raising activities shall be of benefit to the youth or public school activities of the District, as determined by the Board. Groups in this category include, but are not limited to: (1) girl scouts, boy scouts, explorer scouts, camp fire girls; (2) parent-teacher's associations; (3) school/district/community advisory councils and or task forces; (4) booster groups; (5) educational foundations; (6) community substance abuse groups and/or school core teams; (7) recreational

Fullerton Joint Union High School District
BP 1230(f)

youth sports league that charges participants an average of no more than \$60 per month.

District use of facilities shall be granted without charge to officially recognized Fullerton Joint Union High School District students and staff groups, parent/guardian club organizations and school community advisory councils. Organizations including youth and adult groups committed to community services (Campfire Girls, Boy Scouts, Girl Scouts, etc.), and public agencies shall be included in the free use classification. Free use may also be granted for fund-raising entertainments or meetings where the full amount of admission fee charges or contributions solicited are expended for the welfare of the school programs.

The District shall establish charges for services (cleanup, lockup) required or requested beyond that normally furnished in the day-to-day business of the district and not for organizational management salaries or stipends.

Group 1A – Educational

This group is limited to three (3) nonprofits, in District, youth serving educational organizations. This group is limited to the Korean Institute of California and the Fullerton Chinese Cultural Association and the Orange County Debate League exclusively; all of which have a long-standing relationship with the District.

B. Group II - Other Nonprofit Organizations and other Public Agencies (Direct Costs)

The Board shall charge an amount not to exceed its direct costs for activities where the user group is located and operates within the boundaries of the District and is a non-profit organization organized for purposes other than to promote youth and school activities. Activities which shall be charged an amount not to exceed direct costs include (1) other public agencies; (2) elementary school districts; (3) artistic and cultural groups; and (4) colleges and universities.

Organizations, clubs or associations organized for cultural activities, general character building or welfare purposes of Fullerton Joint Union High School District citizens shall be direct cost charges, as shall organizations (including those in Section I) requesting use for entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are expended for the welfare of district students or bona fide charitable purposes. Direct cost charges are listed in the adopted fee schedule. (Direct costs include basic utilities.)

C. Group III - Commercial and/or Profit-making Groups (Fair Rental Value)

The Board shall charge at least the fair rental value/commercial rate to all other groups not otherwise qualified under the provisions of paragraphs A or B above for use of the District's school facilities or grounds. Activities within this category

include, but are not limited to, cases of entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the District or for charitable purposes. Also included are non-recreational competitive sports leagues, sports camps, and tournaments where participants are charged or pay more than \$60.00 per month to participate, and functions such as dances as profit-making ventures, dealers' exhibits, sporting shows, commercial sales, promotional activities, and religious groups.

Entertainments or meetings, including those sponsored by Group I or Group II organizations, where admission fees are charged or contributions solicited and the net proceeds are not expended fully for the welfare of district students or bona fide charitable purposes, shall be charged Fair Rental Value in accordance with the Adopted Fee Schedule.

In addition, profit-making organizations or Fullerton Joint Union High School District organizations which do not qualify for free (Group I) or direct cost (Group II) rates shall be charged fair rental value. Included in this category might be independent dance, theater or musical groups, private instructions and private businesses, assuming these groups would satisfy city zoning and business ordinances.

***Fair Rental Value**

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)

The Superintendent or designee shall develop and implement the fee schedule for different user groups according to law. The fee schedule shall be reviewed on an annual basis with adjustments each year based upon the Consumer Price Index (CPI) for the greater Los Angeles, Long Beach and Anaheim metropolitan areas or an average of 5 percent, whichever is greater. Said review and adjustments shall be conducted prior to September 1 of each year.

Reference: Education Code Sections 40040 through 40045 (inclusive) EDUCATION CODE 10900-10914.5 Community recreation programs; -38138 Civic Center Act, use of school property for public purposes; BUSINESS AND PROFESSIONS CODE 25608 Alcoholic beverage on school premises; GOVERNMENT CODE 54950-54963 The Ralph M. Brown Act; MILITARY AND VETERANS CODE; CODE OF REGULATIONS, TITLE 5; 14037-14042 Proportionate direct costs for use of school facilities and grounds; UNITED STATES CODE, TITLE 20; 7905 Equal

Fullerton Joint Union High School District
BP 1230(h)

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, 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. 79 Ops.Cal.Atty.Gen.; 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; WEB SITES: CSBA: <http://www.csba.org> California Department of Education: <http://www.cde.ca.gov>

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