

# **OAK PARK UNIFIED SCHOOL DISTRICT BOARD POLICY**

*Series 1000*

*Community Relations*

*BP 1330(a)*

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## Use Of School Facilities

The Governing Board 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. 6145.5 - Student Organizations and Equal Access)*

The Superintendent or designee shall give priority to school-related activities in the use of 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)*

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)*

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

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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)*

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 48134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, USA, YMCA, parent-teacher associations, school-community advisory councils, Oak Park Municipal Advisory Council, Community Foundation for Oak Park and Friends of Oak Park Schools. Facilities may also be used for fundraising activities by free use groups when the net receipts are used for the welfare of the district's students or to support district needs. 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 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 facilities or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 140318, 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 and 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

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classroom-based programs that operate after school hours, including, but not limited to, after-school tutoring and child care programs. (5 CCR 14037) 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

*(cf. 5148 – Child Care and Development)*

*(cf. 5148.2 – Before/After School Programs)*

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

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)

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

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

Lamb's Chapel v. Center Moriches Union Free School District (1993) 113 S.Ct. 2141

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

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.AttyGen. 90 (1999)

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

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*BP 1330(d)*

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Management Resources:

*CSBA PUBLICATIONS*

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Building Healthy Communities: A School Leaders' Guide to Collaboration and Community Engagement, 2009

*WEB SITES*

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

California Department of Education: <http://222.cde.ca.gov>

Adopted: 2-22-78

Amended: 10-4-83, 12-17-85, 5-15-90, 4-2-91, 9-26-95, 9-17-02, 11-18-03, 10-16-12, 8-20-13,  
10-21-14