

Use Of School Facilities and Grounds

The management, direction, and control of school facilities and grounds is vested in the Board which may grant the use of school facilities and grounds as a civic center upon the terms and conditions set forth in this policy and any accompanying administrative regulations. The Board believes that school facilities and grounds are a vital community resource which should be used to foster community development. Therefore, the Board authorizes the use of school facilities and grounds by the community 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. The District may allow the use of its facilities and grounds in accordance with other provisions of law as well. The Board may delegate to the Superintendent, or his or her designee, responsibilities related to the management, direction, and control of the District's facilities and grounds. The District retains sole discretion to determine which of its facilities and grounds shall be made available for use.

Priority of Use

Applications for use of school facilities and grounds shall be given preference in the following order:

1. School-related activities (e.g. educational programs or activities related to the instructional and educational programs of the District, in-school or school-related uses such as clubs, class events, etc.).
2. Contracted uses (e.g. license agreements and leases pursuant to the Education Code).
3. School and District support groups (e.g. PTA, PTO, foundations or booster clubs, etc.).
4. Community organizations whose primary purpose is to serve youth or to improve the general welfare of the community and when no admission is charged (e.g. Boy Scouts, Girl Scouts, YMCA, YWCA, etc.).
5. Public agencies and public affairs groups; use by civic, nonprofit organizations and service groups.
6. Community recreational and cultural groups (nonprofit).
7. Private, non-school connected classes and educational events.
8. Profit-making or commercial events.

As necessary to ensure efficient use of school facilities and grounds, 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.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code section 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; and/or
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

Fees

Fees shall be set forth in a Schedule of Use Charges established by the Board, which shall include the hourly fee for each specific facility and grounds or type of facility or grounds. Capital Direct Costs collected pursuant to Education Code section 381344(g) shall be deposited into a special fund that shall only be used for capital maintenance, repair, restoration, and refurbishment. (CCR section 14042)

Free Use

The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of District schools. The District retains all rights to designate or specify free-use groups in its sole discretion, consistent with the Civic Center Act, California Education Code section 38130 et seq., and any other applicable law. Should any of the above free-use groups prefer to use school facilities or grounds at a time when custodial services are not normally available (i.e., Saturday, Sunday, or holiday or if special facilities or services are required), the District will charge a fee equal to the Direct Cost of those services.

Direct Costs

Pursuant to Education Code section 38134, uses other than those specified for free use or fair rental value shall be charged a fee equal to the Direct Costs to the District.

In determining Direct Costs to be charged for community use of school facilities or grounds, "Direct Costs" shall include a proportionate share of the estimated costs of the following: (Education Code section 38134(g) and CCR section 14037)

1. Supplies, utilities, janitorial services, 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 the school facilities or grounds ("Operational Direct Costs").
2. Maintenance, repair, restoration, and refurbishment of the school facilities or grounds ("Capital Direct Costs"). For purposes of estimating Capital Direct Costs "school facilities"

shall be limited to non-classroom space but may apply to specialty teaching spaces including but not limited to, dance studios, music practice or performance spaces and theaters.

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school programs, tutoring programs, or child care programs, or organizations retained by the District to provide instruction or instructional activities to pupils during school hours, Direct Costs to be charged shall not include Capital Direct Costs. (Education Code section 38134(g).) A program is defined as classroom-based if participants spend at least fifty percent (50%) of operational hours in a classroom.

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 section 38134)

Fair rental value means the Direct Costs to the District plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized.

Legal Reference: Education Code, 38130-38139 “Civic Center Act”

This Policy supersedes any prior policies adopted or approved by the District pursuant to the Civic Center Act.

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: September 18, 2018