

**CLOVIS UNIFIED
SCHOOL DISTRICT****COMMUNITY RELATIONS
USE OF DISTRICT FACILITIES**

PURPOSE: To establish procedures and requirements for the use of District facilities.

The Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development.

A. Permitted Uses of District Facilities.

The Board authorizes the Superintendent or designee to make District facilities and grounds available as a civic center to citizens and community groups for the following purposes, subject to applicable laws and District policies and regulations: (Education Code 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings.
2. The discussion of matters of general or public interest.
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services, provided the church or religious organization is charged a fee as specified in Education Code section 38134(d).
4. Childcare or daycare programs to provide supervision and activities for children of preschool and elementary school age.
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
6. Supervised recreational activities.
7. Community youth centers.
8. A ceremony, patriotic celebration, or related assembly conducted by a veterans' organization.
9. Other purposes deemed appropriate by the Board.

The Board authorizes the use of District facilities for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, and shall cooperate in furnishing and maintaining such services as it deems necessary to meet community needs.

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The Superintendent or designee may grant the use of District facilities or grounds on days on which District schools are closed. (Education Code 37220)

B. Prohibited Uses of District Facilities.

The Board shall not grant the use of District facilities for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law.
2. Any use of District facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work.
3. Any use that violates the establishment clause of the federal Constitution.
4. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances on school property.
5. Any use for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States or the state by force, violence, or other unlawful means.
6. Any use which is not open to the public or which is not supportive of the multicultural goals of the District.
7. Any use of District facilities which is inconsistent or conflicts with the District's educational mission, including the growth and development of the whole student to "Be the best you can be in mind, body and spirit."

There shall be no advertising on District facilities and grounds except as allowed by Board Policy No. 1325 – Advertising and Promotion.

C. Fees for Use of District Facilities.

1. Fee Schedule (Exhibit No. 1330)

The Board authorizes the Superintendent or designee to establish a Facility Use Fee Schedule, Exhibit No. 1330, setting forth fees to be charged for community use of District facilities and grounds and reflecting the direct costs for the use of the facilities or grounds. The schedule of fees shall be prepared in accordance with applicable law.

Pursuant to Education Code section 38134, the District will charge non-profit organizations an amount not to exceed the District's direct costs for the use of District facilities or grounds. Direct costs shall be determined in accordance with applicable law, including 5 CCR 14037-

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14041. Other groups that request the use of District facilities or grounds under this policy and the Civic Center Act will be charged pursuant to the established Facility Use Fee Schedule. When District facilities or grounds are used for religious services, the amount that is charged shall be at least equal to the District's direct costs. (Education Code 38134)

The Superintendent or designee shall, as appropriate, review the fee schedule with consideration to the consumer price index.

The facility use fee schedule does not apply to District-sponsored activities which include District students.

2. Waiver of Fee Schedule

When an alternative location is not available, the Superintendent or designee may waive the fee schedule for the use of District facilities or grounds by nonprofit organizations or clubs/associations which promote youth and school activities. These groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teachers' associations, and school/community advisory councils.

Where a group is eligible for a waiver of the fee schedule and prefers to use District facilities at a time when custodial, grounds, and/or food services are not normally available, the District will charge for the direct cost of a custodian, grounds personnel, and/or food services personnel. The principal or designee shall first ensure the availability of other times during the week when the facility could be provided without charge, and this availability shall be pointed out to the requesting group. The District will charge for the direct cost of a security guard for events requiring security.

3. Fair Rental Value for Certain Groups and Organizations

Groups shall be charged fair rental value when using District facilities or grounds for entertainment or meetings where admission fees are charged, or contributions are solicited and net receipts are not to be expended for charitable purposes or for the welfare of the District's students. (Education Code 38134) Fair rental value means the direct costs to the District, plus the amortized costs of the District facilities or grounds used for the duration of the activity authorized. (Education Code 38134)

4. 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 District facilities and grounds. (5 CCR 14042).

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Subject to the requirements of law and this policy, District facilities shall be available for use by outside organizations without regard to their religious or non-religious nature. It is the policy of the District not to become entangled in the nature of the use of District facilities by religious organizations provided that such use complies with this policy and the law.

The Board, in approving the use of District facilities for religious services, does not support, condone, endorse, or in any way whatsoever indicate any District preference for a particular sect, belief, or religion, and no member of the Board or District employee may cause to be printed, distributed, or posted any material, or any other manner recognize through any auspices of the District, any particular organization approved for religious services.

Any sign, notice, or other means of announcing a religious use shall be posted only on the day of the use itself and shall not be posted during school hours.

E. Priority of Users.

Applications for use of District facilities shall be given preference in the following order:

1. In-school uses, such as clubs and class events.
2. Contracted uses.
3. School support groups, or youth and senior citizens groups.
4. Public agencies and public affairs groups.
5. Community recreational and cultural groups (nonprofit).
6. Nonprofit special interest groups, such as the Audubon Society, etc.
7. Others as approved by the Superintendent or designee.

F. Damage to District Property.

Groups or persons using District facilities under the provisions of this policy shall be liable for any property damages caused by the activity.

Any damage to District facilities caused by or arising out of any group's or person's use of such facilities, including but not limited to, painted surfaces, wood moldings, walls, backboards, ceilings, and/or other equipment caused by improper use of scotch tape, masking tape, or any other type of tape or adhesive, or by improper use of nails, tacks, thumbtacks, etc., shall be charged against the groups or persons. The Superintendent or designee shall charge the amount necessary

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to repair or restore the damaged surface to its condition before the group or person's use of District facilities and may deny the group or persons further use of District facilities.

G. Application for Use of Facilities.

The Superintendent or designee shall maintain application procedures and regulations for the use of District facilities. Regulations shall include, but not be limited to: (Education Code 38133)

1. Providing aid, assistance, and encouragement for any of the activities listed in Paragraph A above.
2. Preserving order in District facilities and on District grounds and protecting District facilities. If necessary, a person may be designated to supervise this task.
3. Ensuring that the use of District facilities or grounds under this policy is not inconsistent with the use of the District facilities or grounds for school purposes and does not interfere with the regular conduct of school work.

Any persons applying for the use of District property on behalf of any society, group, or organization shall be a member of the applicant group. Unless the applicant is an officer of the group, the applicant shall present written authorization from the group to make the application.

H. Use of District Facilities as Polling Places

If a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. 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)

When a school is used as a polling place, 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. He/she shall make a reasonable effort to ensure that the site is accessible to persons with disabilities. (Elections Code 12283)

Adopted: 07/23/1975

Reviewed: 10/22/2008, 05/12/2010

Amended: 09/27/1978, 09/28/1988, 10/22/1989, 06/08/1992, 07/07/1993, 02/23/2000,
08/10/2005, 09/12/2012, 09/23/2020 (BP 5301 renumbered as BP 1330; selected
provisions of BP 5202 moved to BP 1330; all contents of BP 9401 moved to BP

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1330)

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

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)

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