

**CIVIC CENTER – USE OF SCHOOL FACILITIES**

California Education Code Section 38130, et seq., also known as the “Civic Center Act,” states that there is a Civic Center at each and every public school facility and grounds and defines which groups are entitled to use the facility and under what conditions. The Governing Board authorizes the use of any school facilities or grounds under its control, under the terms and conditions as set forth in the administrative regulation, pursuant to the requirements of the Civic Center Act.

The management, direction, and control of the school facilities and school grounds for Civic Center uses are vested in the Governing Board. The Governing Board reserves the right to control and restrict Civic Center use of school facilities and school grounds, as the Governing Board deems necessary to preserve order and protect school facilities and school grounds. The Governing Board also reserves the right to control and restrict Civic Center use of school facilities and school grounds to ensure that Civic Center use of school facilities or school grounds is not inconsistent with use for school purposes and does not interfere with the regular conduct of school work.

**Hours and Use of the Civic Center**

Civic Center activities will be scheduled during non-school hours. Registrar of Voters may be exempt with previous approval.

**Priorities for Use**

Priority for use of district facilities shall be as follows:

1. District-related groups (e.g. booster clubs, parent organizations, employee bargaining units and/or organizations) serving district pupils or staff members.
2. Groups under Joint Use Agreement with CSA-143, and Murrieta CSD.
3. Departments and agencies of local governmental entities.
4. District-based community organizations formed for educational, recreational, political, economic, artistic and moral interest of the community.
5. Non-district based groups.
6. Other approved groups.

**CIVIC CENTER – USE OF SCHOOL FACILITIES** (continued)**Fees**

Groups in every fee category may be charged for custodial services of custodial or other personnel support (“personnel charges”), and a fee may be assessed for any changes or cancellations. Personnel charges are in addition to the direct costs or fair rental value fees assessed per square foot, per facility requested.

Fees for the use of school facilities and grounds shall be charged in accordance with the following categories, per square foot and type of requested space:

Exempt

The Board shall not charge any fees to the City of Murrieta for public meetings or to Employee Associations, Parent Teacher Organizations, Booster Clubs and district/Community Advisory Councils that are affiliated with and officially recognized by the district, and whose activities are deemed by the district to be beneficial to its pupils or school activities. If these groups plan to use district facilities for fundraising activities that do not benefit district youth or school activities, the district may, in its discretion, charge for the use of its facilities and grounds at the Discount or Direct Costs rate, as applicable.

Discount Rate

The current direct cost to operate the facility, less a standard discount set by administrative regulation, will be charged to groups, organizations, and entities who are the Murrieta Community Service District or who hold a 501(c)(3) non-profit status with the federal government and are using the facility for activities that primarily benefit district pupils or school activities. If the activity is a “class”, 80 percent of the enrollment must be district pupils in order for the organization to qualify for the discount fee rate. Whether or not the activity is of primary benefit to district pupils or school activities will be determined in the sole discretion of the district.

Direct Cost Rate

Direct Costs are the costs of supplies, utilities, salaries paid to employees administering civic center and necessitated by an organization’s use of the facilities, custodial, maintenance and other services required to maintain the facilities, and/or necessitated by the organization’s use of the facility. All organizations that do not fall within the Exempt or Discount Rate, or Fair Rental Value Rate will be charged the Direct Cost Rate for use of district property.

**CIVIC CENTER – USE OF SCHOOL FACILITIES** (continued)Fair Rental Value Rate

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. Amortization is based on facility depreciation over 30 years.

In the case of classes, entertainments, meetings or events where the organization charges an admission fee or solicits contributions or donations from attendees and the net receipts are not expended for the welfare of district pupils or for charitable purposes, the fee for facility use will be at the Fair Rental Value Rate.

**Temporary/Renewable Permits for Religious Services**

Pursuant to Education Code 38131(b)(3), the Board may grant the use of facilities or grounds as a civic center for 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 such services, subject to the limitations, requirements, and restrictions of the Civic Center Act. A “*temporary period*” is defined as 3 (three) years cumulative time, consecutive or non-consecutive. The district may allow for annual extensions thereafter if another church or religious organization is not in queue for use of the facility.

**Damage to School Property**

Groups or persons using school facilities under the provisions of this policy shall be liable for any property damages or loss resulting from the organization’s use or activity. Each organization using district facilities under this policy shall maintain insurance for its use of district facilities and shall name the district as an additional insured on any such policy. The Board shall charge the organization the amount necessary to repair any damages or replace any losses and may deny the group further use of school facilities, in its discretion. (Education Code [38134](#))

**Termination of Use**

The Board may, at any time for good cause or in the best interest of the district, terminate any agreement for public use of school or district facilities or grounds with any individual or organization.

**Application for Use of Facilities**

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities.

**CIVIC CENTER – USE OF SCHOOL FACILITIES** (continued)

*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

MILITARY AND VETERANS CODE

1800 Definitions

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)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

WEB SITES

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

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

Policy

adopted: June 23, 1993  
revised: December 8, 1994  
revised: June 22, 2000  
revised: October 19, 2006  
revised: August 14, 2008  
revised: December 9, 2010

**MURRIETA VALLEY USD**  
Murrieta, California