

CIVIC CENTER – USE OF SCHOOL FACILITIES

California Education Code Section 38130, et sq., 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 it 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 schoolwork.

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**

The Board shall adopt a comprehensive schedule of fee 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)

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, Murrieta Scouting Groups, Registrar of Voters, 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)**Fees** (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)**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 14037-14042
 Bus. Code 25608
 Ed. Code 10900-10914.5
 Ed. Code 32280-32289.5
 Ed. Code 37220
 Ed. Code 38130-38138
 Elec. Code 12283
 Gov. Code 54950-54963
 M&V Code 1800

Description

Proportionate direct costs for use of school facilities and grounds
 Alcohol on school property; use in connection with instruction
 Community recreation programs
 School safety plans
 School holidays
 Civic Center Act; use of school property for public purposes
 Polling places: schools
 The Ralph M. Brown Act
 Definitions

Federal References

20 USC 7905
 40 CFR 141.1-141.723

Description

Equal access to public school facilities
 Drinking water standards

Management Resources

Attorney General Opinion
 Attorney General Opinion
 Court Decision
 Court Decision
 Court Decision

Description

79 Ops.Cal.Atty.Gen. 248 (1996)
 82 Ops.Cal.Atty.Gen. 90 (1999)
 Ellis v. Board of Education, (1945) 27 Cal.2d 322
 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

Court Decision
 Court Decision
 Court Decision
 CSBA Publication

ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167
 Cole v. Richardson, (1972) 405 U.S. 676
 Connell v. Higgenbotham, (1971) 403 U.S. 207
 Building Healthy Communities: A School Leader's Guide to
 Collaboration and Community Engagement, 2009

CSBA Publication

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

Website
 Website
 Website

CSBA District and County Office of Education Legal Services
 California Department of Education
 CSBA

Cross References

0410
 0450
 0470
 1000
 1160
 1230

Description

Nondiscrimination In District Programs And Activities
 Comprehensive Safety Plan
 COVID-19 Mitigation Plan
 Concepts And Roles
 Political Processes
 School-Connected Organizations

CIVIC CENTER – USE OF SCHOOL FACILITIES (continued)

| Cross References (cont.) | Description |
|---------------------------------|---|
| 1230 | School-Connected Organizations |
| 1325 | Advertising And Promotion |
| 1330.1 | Joint Use Agreements |
| 1400 | Relations Between Other Governmental Agencies And The Schools |
| 3280 | Sale Or Lease Of District-Owned Real Property |
| 3513.3 | Tobacco-Free Schools |
| 3513.4 | Drug And Alcohol Free Schools |
| 3515.2 | Disruptions |
| 3515.21 | Unmanned Aircraft Systems (Drones) |
| 3516 | Emergencies And Disaster Preparedness Plan |
| 3530 | Risk Management/Insurance |
| 4119.25 | Political Activities Of Employees |
| 4219.25 | Political Activities Of Employees |
| 4319.25 | Political Activities Of Employees |
| 5148 | Child Care And Development |
| 5148.2 | Before/After School Programs |
| 5148.3 | Preschool/Early Childhood Education |
| 6111 | School Calendar |
| 6115 | Ceremonies And Observances |
| 6141.2 | Recognition Of Religious Beliefs And Customs |
| 6145 | Extracurricular And Cocurricular Activities |
| 6145.5 | Student Organizations And Equal Access |
| 7160 | Charter School Facilities |
| 9320 | Meetings And Notices |

Policy
 adopted: June 23, 1993
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MURRIETA VALLEY USD
 Murrieta, California