

Use Of School Facilities

DRAFT Amendments, August 13, 2020

The Governing Board recognizes that district facilities are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes the use of school facilities by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

During a period in which orders from a state, county, or city health officer restrict public gatherings or in-person school programs, the District shall restrict the public use of school facilities, including outdoor space, in accordance with such orders.

(cf. 6145.5 - Student Organizations and Equal Access)

All school-related activities (clubs, class events, etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities shall be on a first-come, first-served basis.

The Board shall grant the use of school facilities without charge to school-affiliated organizations whose activities are directly related to or for the benefit of district schools. Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

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 [38134](#))

Non-discrimination Policy for Organizations Using District Facilities

Requirements: No use of school facilities or grounds shall be permitted by any individual, organization or group which discriminates in the hiring, promotion, assignment or discharge of employees or with respect to volunteers, membership or clientele, on the basis of sexual orientation, mental status, age, Acquired Immune Deficiency Syndrome (AIDS), AIDS Related Complex (ARC), physical handicap or disability or any other basis made unlawful by federal, state or local law.

Signed Declaration: Every organization applying for use of district facilities under the Civic Center Act shall be required to sign a declaration stating that it is in compliance with the Non-discrimination policy. Refusal to sign this declaration shall constitute grounds for denying permission to use district facilities or grounds.

These provisions are subject to legal requirements, district policies and regulations.

Legal Reference:

EDUCATION CODE

[10900-10914.5](#) Community Recreation Programs

[32282](#) School safety plan

[38130-38138](#) Civic Center Act: use of school property for public purposes

COURT DECISIONS

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 San Diego, (1963) 59 Cal .2d 224

ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203

ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal .2d 906

ACLU of So. Calif.

v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CDE LEGAL ADVISORIES

[1101.89](#) School District Liability and "Hold Harmless" Agreements, LO: 4-89

Policy BERKELEY UNIFIED SCHOOL DISTRICT

adopted: May 21, 2003 Berkeley, California