

Mendocino Unified School District

Community Relations

Board Policy 1330

Adopted by Board 7/24/80
Reviewed 11/3/88 Revised 8/22/91; 2/17/93;
3/14/96; 3/19/98; 09/19/02; 11/18/04; 09/15/11

Use of School Facilities

The governing board recognizes that the state Civic Center Act (Education Code, secs. 38130, et seq.) establishes a civic center at every public school facility and grounds, defined as a place where citizens, parent teacher associations, school-community advisory councils, and various clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss any subjects and questions that in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the community or for public agency meetings, conduct religious services on a temporary basis when no other suitable meeting place is reasonably available, provide child/day care programs, offer youth sports league activities, and other similar purposes deemed appropriate by the school governing board.

The governing board interprets the Civic Center Act to mean that every effort should be made to accommodate such groups in order to allow them to meet and discuss public issues or participate in recreational activities. However, preferential use does not extend to fundraising activities of such groups and use is circumscribed by Education Code section 38134, providing that the district obligation arises only when an alternative location is unavailable.

Section 38133 imposes responsibility for “management, direction, and control of school facilities” with the governing board and it may approve regulations that aid and encourage the activities specified above while preserving and protecting school property and insuring civic center use does not interfere with the regular operations of the district.

State law authorizes and at times requires the governing board to charge a fee to any entity for the direct costs related to the use of school facilities, provided the board has adopted a policy specifying which activities shall be charged such a fee. MUSD policy is contained in AR 1330.

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)