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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Joshua R. Daniels, Chief Governance Officer

Meeting Date December 14, 2022

Subject Proposed Amendments to Board Policy 1330 – Use of School Facilities

Ask of the Board Approval by the Board of Education of proposed amendment to Board Policy 1330 – Use of School Facilities

Background Board Policy 1330 – Use of School Facilities deals with the use of District facilities beyond those uses for District- and school-related programs and activities. In particular, BP 1330 authorizes such other uses consistent with the Civic Center Act and allows the District to charge a fee in certain situations.

Discussion The current version of BP 1330 has not been updated since 2004. Additionally, it does not clearly articulate priorities for use or explicitly permit restrictions on use. The proposed amendment would update BP 1330 and address these issues.

Fiscal Impact N/A

Attachment(s)

- Proposed Amendments to Board Policy 1330 – Use of School Facilities (REDLINE)
- Proposed Amendments to Board Policy 1330 – Use of School Facilities (CLEAN)

OAKLAND UNIFIED SCHOOL DISTRICT
Board Policy

BP 1330

Community Relations

Use of ~~School~~District Facilities

District facilities are primarily for school and District-related programs and activities. In order to maintain District facilities for these purposes, and to provide for the safety of District students and employees, District facilities are not open to the public except as permitted by the Board, Board Policies or Administrative Regulations, the Civic Center Act, and all other applicable laws. Other than District students and employees, all persons (such as parents/guardians, vendors, and volunteers) are only permitted onsite at District facilities during school and District-related programs with District authorization, and subject to criminal background checks and tuberculosis testing where applicable.

While the primary purpose of District facilities is for school- and District-related programs and activities, the ~~The~~ Governing Board recognizes that ~~districts~~such facilities are also a community resource ~~whose primary purpose is to be used for school programs and activities. Thus, t~~The Board authorizes the use of ~~school~~District facilities by ~~community~~ groups or persons for purposes provided for in the Civic Center Act ~~when to the extent that~~ such use does not endanger students or staff and does not interfere with District- or school-related programs, activities or other uses.

(cf. 6145.5 - Student Organizations and Equal Access)

Prioritization

All District- and school-related programs and activities (e.g., clubs, class events, staff meetings etc.) shall be given priority in the use of facilities under the Civic Center Act. District- and school-related programs and activities shall not be cancelled to accommodate other uses. Thereafter, the use of facilities shall be ~~on a first come, first served basis~~prioritized as established herein and any associated Administrative Regulations.

~~Joint Use Agreement gives City of Oakland and Park and Recreation Department second priority after school District.~~

~~Community youth groups shall have third choice and other community organizations or agencies shall have fourth priority.~~

After District- and school-related programs and activities, the next priority for District facilities shall be any legally required uses as well as any obligations of the District under any joint use agreements with other local governments.

Consistent with this Policy, the Superintendent may establish additional priorities for or restrictions on the use of District facilities as she deems appropriate and necessary.

Direct Costs

The Board believes that the use of ~~school~~District facilities should not result in costs to the ~~D~~istrict. The Board shall charge at least direct costs to all groups or persons granted facility use under the Civic Center Act. Additionally, no charge will be levied against ~~organizations clubs, or associations organized~~groups or persons whose purpose it is to promote youth and school programs and activities if ~~they are conducted during the such programs and activities do~~ not impose additional costs on the District (e.g., overtime, necessitating staff to work outside normal work hours and do not otherwise require overtime by District staff).

~~Other~~To the extent permitted by law, other groups or persons requesting the use of ~~school~~District facilities under the Civic Center Act shall be charged at least direct costs.

Fair Rental Value

Groups or persons shall be charged fair rental value when using ~~school~~District 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)

Legal Reference:

EDUCATION CODE

10900-10914.5 Community Recreation Programs

38130-38138 Civic Center Act: use of school property for public purposes

ATTORNEY GENERAL OPINIONS

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

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

Management Resources:

CDE LEGAL ADVISORIES

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

7/14/04; 12/14/22A

OAKLAND UNIFIED SCHOOL DISTRICT
Board Policy

BP 1330

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While the primary purpose of District facilities is for school- and District-related programs and activities, the Governing Board recognizes that such facilities are also a community resource. Thus, the Board authorizes the use of District facilities by groups or persons for purposes provided for in the Civic Center Act to the extent that such use does not endanger students or staff and does not interfere with District- or school-related programs, activities or other uses.

(cf. 6145.5 - Student Organizations and Equal Access)

Prioritization

All District- and school-related programs and activities (e.g., clubs, class events, staff meetings) shall be given priority in the use of facilities under the Civic Center Act. District- and school-related programs and activities shall not be cancelled to accommodate other uses. Thereafter, the use of facilities shall be prioritized as established herein and any associated Administrative Regulations.

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To the extent permitted by law, other groups or persons requesting the use of District facilities under the Civic Center Act shall be charged at least direct costs.

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Gary Yee, President, BOE



Kyla Johnson-Trammell, Superintendent & Secretary, BOE