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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair  
2019 - 2020 Regular

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**Bill No:** AB 1303 **Hearing Date:** July 3, 2019  
**Author:** O'Donnell, et al.  
**Version:** June 24, 2019  
**Urgency:** No **Fiscal:** No  
**Consultant:** Lynn Lorber

**Subject:** School facilities: Civic Center Act: direct costs.

**NOTE:** This bill has been amended to replace its contents and this is the first time the bill is being heard in its current form.

### SUMMARY

This bill extends the sunset date by five years on the authority for school districts to charge an entity a fee for the use of the school's facilities or grounds that includes the costs for a proportion of the operating and maintenance costs.

### BACKGROUND

Existing law:

- 1) Establishes the Civic Center Act, which provides that there is a civic center at each and every public school facility and grounds within the state where the citizens, parent teacher associations, Camp Fire girls, Boy Scout troops, veterans' organizations, farmers' organizations, school-community advisory councils, senior citizens' organizations, 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, from time to time, as they may desire, any subjects and questions that in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. (Education Code § 38130, § 38131)
- 2) Authorizes the governing board of any school district may grant the use of school facilities or grounds as a civic center upon the terms and conditions the board deems proper, subject to specified limitations, requirements, and restrictions. (EC § 38131)
- 3) Requires the governing board of a school district to authorize the use of school facilities or grounds under its control by a nonprofit organization, or by a club or an association organized to promote youth and school activities, including, but not necessarily limited to, any of the following:
  - a) The Girl Scouts; the Boy Scouts; Camp Fire USA; or the YMCA.
  - b) A parent-teacher association.

- c) A school-community advisory council.
  - d) A recreational youth sports league that charges participants no more than a nominal fee. As used in this subparagraph, “nominal fee” means an average of no more than sixty dollars (\$60) per month. (EC § 38134)
- 4) Authorizes the governing board of a school district to charge an amount not to exceed its direct costs for use of its school facilities or grounds, but first must adopt a policy specifying which activities shall be charged an amount not to exceed direct costs. (EC § 38134)
  - 5) Defines “direct costs” to the school district for the use of school facilities or grounds includes all of the following:
    - a) The share of the costs of supplies, utilities, janitorial services, services of school district employees, and salaries paid to school district employees directly associated with the administration of this section to operate and maintain school facilities or grounds that is proportional to the entity’s use of the school facilities or grounds under this section.
    - b) The share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the school facilities or grounds by the entity using the school facilities or grounds. (EC § 38134)
  - 6) Sunsets the authority to charge a proportional share of costs on January 1, 2020. (EC § 38134)
  - 7) Authorizes the governing board of a school district to require persons other than students, or organizations that wish to use recreational facilities that are on school grounds or are provided by a district at a community recreation center and maintained solely by the district, to pay fees, as prescribed by the board. (EC § 10912)

## ANALYSIS

This bill extends the sunset date by five years, from January 1, 2020, to January 1, 2025, on the authority for school districts to charge an entity a fee for the use of the school’s facilities or grounds that includes the costs for a proportion of the operating and maintenance costs.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “The costs to maintain and repair outdoor playing areas are exacerbated with increased use by non-school entities. While school districts would like to continue to offer school facilities and grounds for community use, school districts must be able to recoup funds for maintenance and repair of grounds, in addition to short term costs for staffing and utilities. Preserving the use of facilities and grounds for K-12 students must be first priority.”

- 2) ***Original intent of the Civic Center Act.*** The Civic Center Act was originally enacted to ensure public access to publicly funded facilities for purposes that benefit the community. While current law provides the ability for school districts to recoup the costs related to the use of the buildings and grounds, it did not envision “user fees” for non-profit organizations, sports leagues, and community organizations that utilize the school facilities and grounds to promote youth and school activities. By requiring school districts to charge an amount not to exceed its direct costs rather than fair rental value for recreational youth sports leagues, it appears that this measure is consistent with the original intent of the Civic Center Act.
- 3) ***Is a sunset extension warranted?*** This Committee imposed a five-year sunset on the original provisions to allow school districts to charge entities a proportional share of operating and maintenance costs, citing the short-term nature of the economic downturn and resulting budget reductions. Arguably, fiscal conditions have improved for school districts since 2012 (when the authority to charge proportional costs was first granted); is it reasonable to continue to allow schools to charge a proportional share of operating and maintenance costs? Have these fees been a barrier for any organizations?

School districts are liable for injuries caused by a dangerous condition of public property, and therefore need to properly and routinely maintain their facilities and grounds. The revenue received from charging a proportional share of operating and maintenance costs help school districts pay for these costs.

## **SUPPORT**

Association of California School Administrators  
California Association of School Business Officials  
California School Boards Association  
California’s Coalition for Adequate School Housing

## **OPPOSITION**

None received

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