
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 1557
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Urgency: No
Consultant: Lenin DelCastillo
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Fiscal: No

Subject: School facilities: use by nonprofit youth organizations: recreational youth sports leagues

SUMMARY

This bill expands the list of organizations subject to the Civic Center Act to include recreational sports leagues that charge participants an average of no more than a nominal fee per month.

BACKGROUND

Existing law:

- 1) Establishes the Civic Center Act which declares that at every public school facility and grounds there is a civic center where the governing board of the school district may grant various organizations, clubs, and associations, some of which are specified, the opportunity to engage in supervised recreation and meet and discuss subjects pertaining to the interests of the citizens of the communities in which they reside.
- 2) Authorizes the school district governing board to set terms and conditions for this use of public school facilities and grounds that it deems proper for various purposes.
- 3) Requires the school district governing board to authorize the use of any school facilities or grounds under its control to nonprofit organizations, and clubs or associations organized to promote youth and school activities, including Girl scouts, Boy scouts, parent-teacher activities, and school community advisory council. Authorizes the governing board to charge an amount not to exceed its direct costs for use of its school facilities based on an adopted policy specifying which activities shall be charged a fee.
- 4) Provides that a school district governing board is authorized to charge an amount not to exceed its direct costs for use of its facilities by a church or religious denomination and fair rental value for entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the district or for charitable purposes. Defines direct cost as costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid school district employees necessitated by the organization's use of the school district's facilities

and grounds. Defines fair rental value as direct costs to the school district plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized.

- 5) Authorizes until January 1, 2020, the school district governing board to charge the share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of nonclassroom space and grounds, defined as playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts. (Education Code § 38131- 38134)
- 6) 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:

- 1) Adds a recreational youth sports league that charges participants no more than a nominal fee to the list of organizations subject to the Civic Center Act.
- 2) Defines a “nominal fee” as an average of no more than sixty dollars (\$60) per month.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author’s office, “there are many organizations which use school facilities for their regular events, such as the Girl Scouts, Boy Scouts, recreational sports, and the YMCA. These organizations rely upon school facilities to offer low-use fees in order to allocate the most funds towards promoting their programs. However, school district governing boards have begun increasing the fees associated with facility use to increase revenue. As such, many recreational sporting programs have been closing their doors due to the burdensome costs of renting school facilities—some have charged up to \$3,000 per use of their field.” This bill is intended to prevent the governing board of a school district from charging a recreational sporting organization or program for use of a school’s facilities at a rate that is greater than the fair rental value of the facility.
- 2) ***Recreational sports and after school programs.*** Under current law, classroom-based programs that operate after school, including after school programs, are exempted from the additional maintenance fee for the use of athletic fields, playing fields, etc. However, the law allows school districts to charge fair rental value for gatherings where a fee is charged and the proceeds are not used for the welfare of the pupils of the school district or for charitable purposes.

This bill provides that a recreational youth sports league that charges participants no more than a nominal fee, defined as an average of no more than \$60 per month, are to be assessed direct costs rather than fair rental value. The fee is used to differentiate between sports leagues that are local and community-based and those that are more competitive. According to the author's office, the programs intended to be covered by the bill are those that are run by volunteers, are local, do not pay coaches, and that may be affiliated with local high schools. They charge only a nominal fee to pay for necessities, such as uniforms, equipment, facilities, snack bars, and trophies, compared with competitive sports teams that may charge higher amounts for participation, pay coaches, and travel outside a region for competitions.

- 3) **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.
- 4) **Prior legislation.** SB 1404 (Hancock, Chapter 764, Statutes of 2012) authorizes, until January 1, 2020, school districts to charge a proportional amount for the maintenance, repair, restoration and refurbishment for the use of nonclassroom space and school grounds, defined as playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts, in addition to the school district's direct costs.

SUPPORT

American Youth Soccer Organization
California Alternative Payment Program Association
California College and University Police Chiefs Association
California State Alliance of YMCAs
California State PTA

OPPOSITION

Small School Districts' Association

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