

Policy 1330.1: Joint Use Agreements

Status: ADOPTED

Original Adopted Date: 02/01/2010 | **Last Reviewed**
Date: 02/01/2010

In order to ensure the efficient use of public resources and increase access to needed services, the Governing Board may enter into an agreement with any public agency, public institution, and/or community organization to use community facilities for school programs or to make school facilities or grounds available for use by those entities. Such an agreement shall be based on an assessment of student and community needs and may be designed to increase access to spaces for recreation and physical activity, library services, school health centers, preschool programs, child care centers, before- or after-school programs, or other programs that benefit students and the community.

When it is determined that joint use of facilities is in the best interest of the district and community, the Superintendent or designee shall identify a potential partner agency, institution, or organization. He/she shall involve that partner, appropriate district and school staff, and community members in establishing planning processes, goals and priorities for joint use, locations where programs or facilities are most needed, and protocols for ongoing communication and coordination between the partners.

The Superintendent or designee shall work with the partner agency, institution, or organization to develop a written site-specific joint use agreement that delineates the terms and conditions for joint use of the district or community facilities and the responsibilities of all parties. As appropriate, the agreement may address:

1. The underlying philosophy or reasons for entering into the joint use agreement
2. The specific district or community facilities or grounds that will be made available to the other party and areas that will be restricted
3. Priorities for use of the property
4. Hours that the property will be available for use by the district, the partner, or other parties
5. Projected capital costs, if any, and operating costs
6. Resources to be allocated by the district and the partner
7. Rental or other fees, if any, to be charged to either party or third parties using the facilities

8. Responsibilities for management, scheduling, maintenance, on-site supervision, accounting, and other operations
 9. Procedures and timelines for requesting use of the facilities
 10. Code of conduct for users of the facilities and consequences for violations of the code
 11. Provision for regular inspection and notification of damage, as well as restitution and repair of property
 12. Safety and security measures
 13. Liability, insurance, and risk management issues
 14. Duration of the agreement, process for amending the agreement, and the bases for canceling or terminating the agreement before the expiration date
 15. Process for resolving disputes regarding any aspect of the agreement
 16. How any equipment purchased or other investments made through the agreement will be disposed of at the termination of the agreement
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The agreement shall be reviewed by legal counsel and approved by the Board.

The Superintendent or designee shall provide regular reports to the Board regarding progress toward project goals, including, but not limited to, levels of participation in joint use programs held at school or community facilities, feedback from program participants, and any report of damage to property or harm to individuals resulting from the joint use. As needed, the Superintendent or designee shall recommend amendments to the joint use agreement.

State	Description
Bus. Code 25608	<u>Alcohol on school property; use in connection with instruction</u>
Ed. Code 10900-10914.5	<u>Community recreation programs</u>
Ed. Code 17051-17052	<u>Joint use</u>
Ed. Code 17077.40-17077.45	<u>Eligibility for joint use funding</u>
Ed. Code 17565-17592.5	<u>Board duties; management and control of school property</u>
Ed. Code 35200-35214	<u>Liabilities</u>
Ed. Code 37220	<u>School holidays; use of facilities when school is closed</u>
Ed. Code 38130-38138	<u>Civic Center Act; use of school property for public purposes</u>
Ed. Code 44808	<u>Exemption from liability when students are not on school property</u>
Ed. Code 8482-8484.6	<u>After School Education and Safety Program</u>
Ed. Code 8484.7-8484.9	<u>21st Century Community Learning Centers</u>
Gov. Code 814-825.6	<u>Liability of public entities and employees</u>
Gov. Code 830-840.6	<u>Liability; dangerous conditions on property</u>
Gov. Code 895-895.8	<u>Liability; agreement between public entities</u>
Gov. Code 989-991.2	<u>Local public entity insurance</u>
Federal	Description
20 USC 7171-7176	21st Century Community Learning Centers

20 USC 7905

Management Resources

CSBA Publication

CSBA Publication

NPLAN Publication

NPLAN Publication

NPLAN Publication

Public Health & Policy Publication

Website

Website

Website

Website

Website

Website

Website

Equal access to public school facilities

Description

Building Healthy Communities: A School Leader's Guide to

Collaboration and Community Engagement, 2009

Maximizing Opportunities for Physical Activity Through Joint

Use of Facilities, Policy Brief, February 2010

Model California Joint Use Agreements

Liability for Use of School Property After Hours: An Overview of
California Law, July 2009

Checklist for Developing Joint Use Agreements, March 2009

Opening School Grounds to the Community After Hours: A
Toolkit for Increasing Physical Activity Through Joint Use
Agreements, 2010

CSBA District and County Office of Education Legal Services

Joint Use Statewide Task Force

National Policy and Legal Analysis Network

Public Health Law and Policy

California Project LEAN (Leaders Encouraging Activity and
Nutrition)

Cities Counties and Schools Partnership

CSBA

Code

0450

0450

0500

1220

1220

1330

1330

1400

3100

3100

3320

3320

3511

3511

3513.3

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3552

5030

5131

5131.5

5141.6

5141.6

Description

Comprehensive Safety Plan

Comprehensive Safety Plan

Accountability

Citizen Advisory Committees

Citizen Advisory Committees

Use Of School Facilities

Use Of School Facilities

Relations Between Other Governmental Agencies And The
Schools

Budget

Budget

Claims And Actions Against The District

Claims And Actions Against The District

Energy And Water Management

Energy And Water Management

Tobacco-Free Schools

Tobacco-Free Schools

Drug And Alcohol Free Schools

Campus Security

Campus Security

Disruptions

Disruptions

Unmanned Aircraft Systems (Drones)

Recovery For Property Loss Or Damage

Recovery For Property Loss Or Damage

Emergencies And Disaster Preparedness Plan

Emergencies And Disaster Preparedness Plan

Facilities Inspection

Facilities Inspection

Risk Management/Insurance

Risk Management/Insurance

Summer Meal Program

Summer Meal Program

Student Wellness

Conduct

Vandalism And Graffiti

School Health Services

School Health Services

5142	<u>Safety</u>
5142	<u>Safety</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.2	<u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u>
5148.3	<u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>
6163.1	<u>Library Media Centers</u>
6177	<u>Summer Learning Programs</u>
7000	<u>Concepts And Roles</u>
7110	<u>Facilities Master Plan</u>
7131	<u>Relations With Local Agencies</u>
7150	<u>Site Selection And Development</u>
7150	<u>Site Selection And Development</u>
7210	<u>Facilities Financing</u>
7214	<u>General Obligation Bonds</u>
7214	<u>General Obligation Bonds</u>
9260	<u>Legal Protection</u>