

**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:

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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

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.

| <b>State</b>               | <b>Description</b>   |
|----------------------------|--|
| 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>                                     |
| <b>Federal</b>             | <b>Description</b>   |
| 20 USC 7171-7176           | 21st Century Community Learning Centers                                  |

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|------------------------------------|--|
| 20 USC 7905                        | Equal access to public school facilities   |
| <b>Management Resources</b>        | <b>Description</b>   |
| CSBA Publication                   | <u>Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009</u>                       |
| CSBA Publication                   | <u>Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010</u>                 |
| NPLAN Publication                  | Model California Joint Use Agreements  |
| NPLAN Publication                  | Liability for Use of School Property After Hours: An Overview of California Law, July 2009   |
| NPLAN Publication                  | Checklist for Developing Joint Use Agreements, March 2009  |
| Public Health & Policy Publication | Opening School Grounds to the Community After Hours: A Toolkit for Increasing Physical Activity Through Joint Use Agreements, 2010 |
| Website                            | <u>CSBA District and County Office of Education Legal Services</u>   |
| Website                            | <u>Joint Use Statewide Task Force</u>  |
| Website                            | <u>National Policy and Legal Analysis Network</u>  |
| Website                            | <u>Public Health Law and Policy</u>  |
| Website                            | <u>California Project LEAN (Leaders Encouraging Activity and Nutrition)</u>  |
| Website                            | <u>Cities Counties and Schools Partnership</u>   |
| Website                            | <u>CSBA</u>  |

| <b>Code</b> | <b>Description</b>   |
|-------------|--|
| 0450        | <u>Comprehensive Safety Plan</u>                                     |
| 0450        | <u>Comprehensive Safety Plan</u>                                     |
| 0500        | <u>Accountability</u>  |
| 1220        | <u>Citizen Advisory Committees</u>                                   |
| 1220        | <u>Citizen Advisory Committees</u>                                   |
| 1330        | <u>Use Of School Facilities</u>                                      |
| 1330        | <u>Use Of School Facilities</u>                                      |
| 1400        | <u>Relations Between Other Governmental Agencies And The Schools</u> |
| 3100        | <u>Budget</u>  |
| 3100        | <u>Budget</u>  |
| 3320        | <u>Claims And Actions Against The District</u>                       |
| 3320        | <u>Claims And Actions Against The District</u>                       |
| 3511        | <u>Energy And Water Management</u>                                   |
| 3511        | <u>Energy And Water Management</u>                                   |
| 3513.3      | <u>Tobacco-Free Schools</u>  |
| 3513.3      | <u>Tobacco-Free Schools</u>  |
| 3513.4      | <u>Drug And Alcohol Free Schools</u>                                 |
| 3515        | <u>Campus Security</u>   |
| 3515        | <u>Campus Security</u>   |
| 3515.2      | <u>Disruptions</u>   |
| 3515.2      | <u>Disruptions</u>   |
| 3515.21     | <u>Unmanned Aircraft Systems (Drones)</u>                            |
| 3515.4      | <u>Recovery For Property Loss Or Damage</u>                          |
| 3515.4      | <u>Recovery For Property Loss Or Damage</u>                          |
| 3516        | <u>Emergencies And Disaster Preparedness Plan</u>                    |
| 3516        | <u>Emergencies And Disaster Preparedness Plan</u>                    |
| 3517        | <u>Facilities Inspection</u>   |
| 3517-E(1)   | <u>Facilities Inspection</u>   |
| 3530        | <u>Risk Management/Insurance</u>                                     |
| 3530        | <u>Risk Management/Insurance</u>                                     |
| 3552        | <u>Summer Meal Program</u>   |
| 3552        | <u>Summer Meal Program</u>   |
| 5030        | <u>Student Wellness</u>  |
| 5131        | <u>Conduct</u>   |
| 5131.5      | <u>Vandalism And Graffiti</u>  |
| 5141.6      | <u>School Health Services</u>  |
| 5141.6      | <u>School Health Services</u>  |

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| 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>                    |