

AMENDED IN ASSEMBLY MAY 11, 2016
AMENDED IN ASSEMBLY APRIL 26, 2016
AMENDED IN ASSEMBLY MARCH 15, 2016
AMENDED IN ASSEMBLY MARCH 8, 2016
AMENDED IN ASSEMBLY FEBRUARY 25, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1557

Introduced by Assembly Member Mathis
(Coauthors: Assembly Members Chávez, Chu, Cooley, Cooper,
Harper, Lackey, and Wagner)
(Coauthors: Senators Anderson, Huff, and Runner)

January 4, 2016

An act to amend Section 38134 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1557, as amended, Mathis. School facilities: use by nonprofit youth organizations: recreational youth sports leagues.

Existing law, known as the Civic Center Act, authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center, for specified purposes, upon terms and conditions deemed proper by the governing board of the school district. The act requires the governing board of a school district to authorize the use of school facilities or grounds by a nonprofit organization, or by a club or an association organized to promote youth and school activities, including, but not necessarily limited to, the Girl Scouts, the Boy Scouts,

Camp Fire USA, the YMCA, a parent-teacher association, or a school-community advisory council. The act authorizes and requires the governing board of a school district to charge certain fees for use of its school facilities or grounds.

This bill would specifically authorize a governing board of a school district to authorize the use of school facilities or grounds by a nonprofit organization, or by a club or an association organized to promote youth and school activities, that is a recreational youth sports league that charges participants an average of no more than \$60 per month.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38134 of the Education Code, as amended
 2 by Section 2 of Chapter 764 of the Statutes of 2012, is amended
 3 to read:

4 38134. (a) (1) The governing board of a school district shall
 5 authorize the use of school facilities or grounds under its control
 6 by a nonprofit organization, or by a club or an association
 7 organized to promote youth and school activities, including, but
 8 not necessarily limited to, any of the following:

9 (A) The Girl Scouts; the Boy Scouts; Camp Fire USA; or the
 10 YMCA.

11 (B) A parent-teacher association.

12 (C) A school-community advisory council.

13 (D) A recreational youth sports league that charges participants
 14 *no more than a nominal fee. As used in this subparagraph,*
 15 *“nominal fee” means an average of no more than sixty dollars*
 16 *(\$60) per month.*

17 (2) This subdivision does not apply to a group that uses school
 18 facilities or grounds for fundraising activities that are not beneficial
 19 to youth or public school activities of the school district, as
 20 determined by the governing board of the school district.

21 (b) Except as otherwise provided by law, a governing board of
 22 a school district may charge an amount not to exceed its direct
 23 costs for use of its school facilities or grounds pursuant to this
 24 section. A governing board of a school district that levies these
 25 charges shall first adopt a policy specifying which activities shall
 26 be charged an amount not to exceed direct costs.

1 (c) The governing board of a school district may charge an
2 amount, not to exceed its direct costs for use of its school facilities
3 or grounds by the entity using the school facilities or grounds,
4 including a religious organization or church, that arranges for and
5 supervises sports league activities for youths as described in
6 paragraph (6) of subdivision (b) of Section 38131.

7 (d) The governing board of a school district that authorizes the
8 use of school facilities or grounds for the purpose specified in
9 paragraph (3) of subdivision (b) of Section 38131 shall charge the
10 church or religious organization an amount at least equal to the
11 school district's direct costs.

12 (e) In the case of an entertainment or a meeting where an
13 admission fee is charged or contributions are solicited, and the net
14 receipts are not expended for the welfare of the pupils of the school
15 district or for charitable purposes, a charge equal to fair rental
16 value shall be levied for the use of the school facilities or grounds.

17 (f) If the use of school facilities or grounds under this section
18 results in the destruction of school property, the entity using the
19 school facilities or grounds may be charged for an amount
20 necessary to repay the damages, and further use of the facilities
21 or grounds by that entity may be denied.

22 (g) As used in this section:

23 (1) "Direct costs" to the school district for the use of school
24 facilities or grounds includes all of the following:

25 (A) The share of the costs of supplies, utilities, janitorial
26 services, services of school district employees, and salaries paid
27 to school district employees directly associated with the
28 administration of this section to operate and maintain school
29 facilities or grounds that is proportional to the entity's use of the
30 school facilities or grounds under this section.

31 (B) The share of the costs for maintenance, repair, restoration,
32 and refurbishment, proportional to the use of the school facilities
33 or grounds by the entity using the school facilities or grounds under
34 this section as follows:

35 (i) For purposes of this subparagraph, "school facilities" shall
36 be limited to only nonclassroom space, and "school grounds" shall
37 include, but not necessarily be limited to, playing fields, athletic
38 fields, track and field venues, tennis courts, and outdoor basketball
39 courts.

1 (ii) The share of the cost for maintenance, repair, restoration,
2 and refurbishment shall not apply to:

3 (I) Classroom-based programs that operate after school hours,
4 including, but not necessarily limited to, after school programs,
5 tutoring programs, or child care programs.

6 (II) Organizations retained by the school or school district to
7 provide instruction or instructional activities to pupils during school
8 hours.

9 (iii) Funds collected under this subparagraph shall be deposited
10 into a special fund that shall only be used for purposes of this
11 section.

12 (2) “Fair rental value” means the direct costs to the school
13 district plus the amortized costs of the school facilities or grounds
14 used for the duration of the activity authorized.

15 (h) By December 31, 2013, the Superintendent shall develop,
16 and the state board shall adopt, regulations to be used by a school
17 district in determining the proportionate share and the specific
18 allowable costs that a school district may include as direct costs
19 for the use of its school facilities or grounds.

20 (i) (1) A school district authorizing the use of school facilities
21 or grounds under subdivision (a) is liable for an injury resulting
22 from the negligence of the school district in the ownership and
23 maintenance of the school facilities or grounds. An entity using
24 school facilities or grounds under this section is liable for an injury
25 resulting from the negligence of that entity during the use of the
26 school facilities or grounds. The school district and the entity using
27 the school facilities or grounds under this section shall each bear
28 the cost of insuring against its respective risks, and shall each bear
29 the costs of defending itself against claims arising from those risks.

30 (2) Notwithstanding any other law, this subdivision shall not
31 be waived. This subdivision does not limit or affect the immunity
32 or liability of a school district under Division 3.6 (commencing
33 with Section 810) of Title 1 of the Government Code for injuries
34 caused by a dangerous condition of public property.

35 (j) This section shall remain in effect only until January 1, 2020,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2020, deletes or extends that date.

38 SEC. 2. Section 38134 of the Education Code, as added by
39 Section 3 of Chapter 764 of the Statutes of 2012, is amended to
40 read:

1 38134. (a) (1) The governing board of a school district shall
2 authorize the use of school facilities or grounds under its control
3 by a nonprofit organization, or by a club or an association
4 organized to promote youth and school activities, including, but
5 not necessarily limited to, any of the following:

6 (A) The Girl Scouts; the Boy Scouts; Camp Fire USA; or the
7 YMCA.

8 (B) A parent-teacher association.

9 (C) A school-community advisory council.

10 (D) A recreational youth sports league that charges participants
11 *no more than a nominal fee. As used in this subparagraph,*
12 *“nominal fee” means an average of no more than sixty dollars*
13 *(\$60) per month.*

14 (2) This subdivision does not apply to a group that uses school
15 facilities or grounds for fundraising activities that are not beneficial
16 to youth or public school activities of the school district, as
17 determined by the governing board of the school district.

18 (b) Except as otherwise provided by law, a governing board of
19 a school district may charge an amount not to exceed its direct
20 costs for use of its school facilities or grounds pursuant to this
21 section. A governing board of a school district that levies these
22 charges shall first adopt a policy specifying which activities shall
23 be charged an amount not to exceed direct costs.

24 (c) The governing board of a school district may charge an
25 amount, not to exceed its direct costs for use of its school facilities
26 or grounds by the entity using the school facilities or grounds,
27 including a religious organization or church, that arranges for and
28 supervises sports league activities for youths as described in
29 paragraph (6) of subdivision (b) of Section 38131.

30 (d) The governing board of a school district that authorizes the
31 use of school facilities or grounds for the purpose specified in
32 paragraph (3) of subdivision (b) of Section 38131 shall charge the
33 church or religious organization an amount at least equal to the
34 school district’s direct costs.

35 (e) In the case of an entertainment or a meeting where an
36 admission fee is charged or contributions are solicited, and the net
37 receipts are not expended for the welfare of the pupils of the school
38 district or for charitable purposes, a charge equal to fair rental
39 value shall be levied for the use of the school facilities or grounds.

1 (f) If the use of school facilities or grounds under this section
2 results in the destruction of school property, the entity using the
3 school facilities or grounds may be charged for an amount
4 necessary to repay the damages, and further use of facilities or
5 grounds by that entity may be denied.

6 (g) As used in this section:

7 (1) “Direct costs” to the school district for the use of school
8 facilities or grounds means the costs of supplies, utilities, janitorial
9 services, services of school district employees, and salaries paid
10 to school district employees directly associated with the
11 administration of this section necessitated by the entity’s use of
12 the school facilities or grounds.

13 (2) “Fair rental value” means the direct costs to the school
14 district plus the amortized costs of the school facilities or grounds
15 used for the duration of the activity authorized.

16 (h) (1) A school district authorizing the use of school facilities
17 or grounds under subdivision (a) is liable for an injury resulting
18 from the negligence of the school district in the ownership and
19 maintenance of the school facilities or grounds. An entity using
20 school facilities or grounds under this section is liable for an injury
21 resulting from the negligence of that entity during the use of the
22 school facilities or grounds. The school district and the entity using
23 the school facilities or grounds under this section shall each bear
24 the cost of insuring against its respective risks and shall each bear
25 the costs of defending itself against claims arising from those risks.

26 (2) Notwithstanding any other law, this subdivision shall not
27 be waived. This subdivision does not limit or affect the immunity
28 or liability of a school district under Division 3.6 (commencing
29 with Section 810) of Title 1 of the Government Code for an injury
30 caused by a dangerous condition of public property.

31 (i) This section is operative on and after January 1, 2020.