

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 503 (Mark González) – As Amended February 25, 2025

SUBJECT: School facilities: Civic Center Act: direct costs

SUMMARY: Makes permanent, as an urgency statute, an authorization within the Civic Center Act (Act) allowing school districts to assess “direct costs,” a proportionate amount for maintenance, repair, restoration, and refurbishment for the use of nonclassroom facilities and grounds when authorizing the use of school facilities or grants by a nonprofit organization, or by a club or association organized to promote youth and school activities. Makes changes to the definition of direct costs. Specifically, **this bill:**

- 1) Removes the sunset date of January 1, 2025, of the Act, therefore making the authorization permanent.
- 2) Defines “direct costs” to the school district for the use of school facilities or grounds to include 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 the Act to operate and maintain school facilities or grounds that is proportional to the entity’s use of the school facilities or grounds;
 - 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 as follows:
 - i) Requires “school facilities” to be limited to only nonclassroom space, and “school grounds” to include, but not necessarily be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts; and
 - ii) Requires the share of the cost for maintenance, repair, restoration, and refurbishment to not apply to: classroom-based programs that operate after school hours, including, but not necessarily limited to, after school programs, tutoring programs, or child care programs, and organizations retained by the school or school district to provide instruction or instructional activities to pupils during school hours.
- 3) Requires funds collected from direct costs to be deposited into a special fund to only be used for purposes of the Act.
- 4) States that this Act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect in order for school districts to provide safe and high-quality public spaces as soon as possible, it is necessary that this act take effect immediately.

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 (EC) 38130, 38131)
- 2) Authorizes the governing board of any school district to 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; and
 - 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 requires the adoption of a policy specifying which activities to 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 to include 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 the Act to operate and maintain school facilities or grounds that is proportional to the entity's use of the school facilities or grounds; and
 - 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, 2025. (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)

FISCAL EFFECT: This bill has been keyed as non-fiscal by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, “School districts struggle with adequate resources to maintain and preserve their facilities. The Civic Center Act, up until January 1, 2025, allowed school districts to charge for both the operating and maintenance costs relating to the use of school facilities by outside entities. Without the authorization to charge outside organizations for a prorated share of maintenance costs, school districts are being forced to take on the entire burden for all wear and tear to their facilities. School districts want to continue to be able to offer their facilities for community use, but they must be able to recoup some of the costs to ensure the facilities are safe and accessible to all for years to come.”

History of the Civic Center Act. The Act was established by SB 1562 (Greene), Chapter 277, Statutes of 1996, as a component of the Leroy Greene School Facilities Act. The Act authorizes the governing board to change an amount not to exceed its direct costs for use of its school facilities, as specified. The Act also requires each governing board that decides to levy these charges to first adopt a policy specifying which activities to be charged an amount not to exceed direct costs.

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. According to the Assembly Education Committee analysis of SB 1404, “The sunset date of January 1, 2020 was added to the bill at the recommendation of the Senate Education Committee, arguing that the fee should only be allowed temporarily, during bad budget times.”

AB 1557 (Mathis), Chapter 120, Statutes of 2016, adds a recreational youth sports league to the list of organizations that districts are authorized to charge participants no more than a nominal fee under the Act and defines a “nominal fee” as an average of no more than \$60 per month. According to the Senate Education Committee analysis of AB 1557, “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.”

SB 1303 (O'Donnell), Chapter 541, Statutes of 2019, extends, by five years, from January 1, 2020, to January 1, 2025, the sunset of the provisions in the Act allowing school districts to

assess a proportionate amount for maintenance, repair, restoration and refurbishment for the use of nonclassroom facilities and grounds.

This bill has two components:

- 1) To remove the sunset date of January 1, 2025, for school districts to charge direct costs to entities specified under the Act, as well as nominal fees for recreational sports fees, and fair market value, as specified; therefore making the authorization permanent, and
- 2) Update the definition of direct costs to the school district for the use of school facilities or grounds to include 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 the Act to operate and maintain school facilities or grounds that is proportional to the entity's use of the school facilities or grounds; and 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.

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 would help school districts pay for these costs.

Arguments in support. The Association of California School Administrators (ACSA) writes, "ACSA has been a long-time proponent of this fee authority to ensure well-maintained, accessible facilities for community members. Up until January 1, 2025, the Civic Center Act included authorization for school districts to collect prorated fees to address the wear and tear on our facilities and fields caused by community groups, to ensure that they remain safe and functional for our students and community members. Schools are often the heart of a community and may offer the only communal, welcoming space for a variety of activities and events. However, this service will come at the expense of our students without restored fee authorization. We believe it is in the best interests for students and the community alike."

Related legislation. AB 932 (Irwin) of the 2025-26 Session would prohibit a school district, COE, or charter school from discriminating against a person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs or in the allocation or rental to a third-party community youth athletics program of school and recreation facilities and resources that support or enable the program.

SB 1303 (O'Donnell), Chapter 541, Statutes of 2019, extends, by five years, from January 1, 2020, to January 1, 2025, the sunset of the provisions in the Act allowing school districts to assess a proportionate amount for maintenance, repair, restoration, and refurbishment for the use of nonclassroom facilities and grounds.

AB 1557 (Mathis), Chapter 120, Statutes of 2016, 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.

SB 1404 (Hancock), Chapter 764, Statutes of 2012, authorizes a governing board of a school district to, until January 1, 2020, charge an entity for using school facilities or grounds an

amount for maintenance, repair, restoration, and refurbishment, proportional to the use of the school facilities or grounds.

SB 1562 (Greene), Chapter 277, Statutes of 1996, established the Leroy Greene School Facilities Act, including the Civic Center Act. Authorized the governing board to change an amount not to exceed its direct costs for use of its school facilities. Requires each governing board that decides to levy these charges to first adopt a policy specifying which activities to be charged an amount not to exceed direct costs.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Office of Education
Anaheim Union High School District
Association of California School Administrators
Bassett Unified School District
Beaumont Unified School District
Caitlin Quinn, Board President, Petaluma City Schools
California Association of School Business Officials (CASBO)
California School Boards Association
California School Employees Association
Castro Valley Unified School District
Coalition for Adequate School Housing (CASH)
County School Facilities Consortium
Grossmont Union High School District
Hanford Joint Union High School District
Jurupa Unified School District
Los Angeles County Office of Education
Los Angeles Unified School District
Natomas Unified School District
Office of The Riverside County Superintendent of Schools
Placer Union High School District
Riverside County Public K-12 School District Superintendents
San Diego Unified School District
San Jose Unified School District
Santa Cruz City Schools
Sierra Sands Unified School District
Small School Districts Association

Opposition

None on file

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