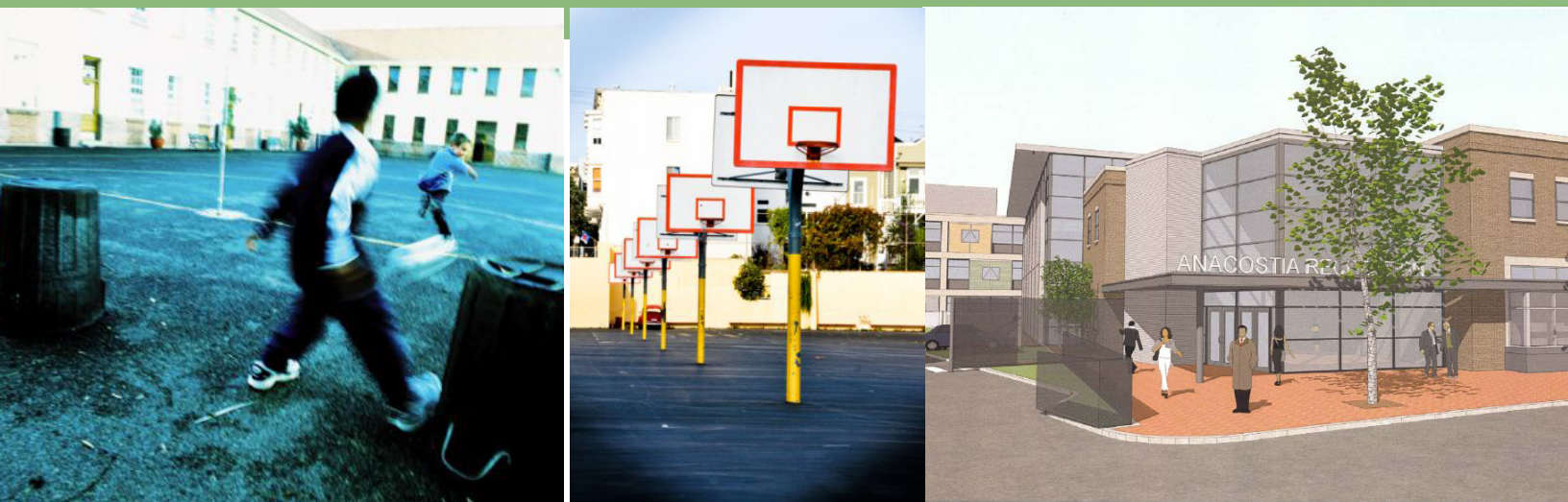


A POLICY FRAMEWORK FOR JOINT USE:

Enabling and Supporting Community Use of K–12 Public School Facilities



February 2014

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ABOUT THIS PAPER

Joint use of public school facilities is a complex but manageable approach to efficiently enhancing the services and programs available to students and supporting the community use of public schools. Building upon our 2010 paper titled *Joint Use of Public Schools: A Framework for a New Social Contract*, this paper identifies the policy framework needed to support sustainable joint use of public schools. Our goal with this paper is to provide local and state leaders with the policy framework needed to enable and support community use. The policy framework addresses the challenges to harnessing the opportunities and benefits of the community use of K–12 public schools. We discuss the policy elements that have been and can be used to incorporate joint use into normal planning and operations of school districts and local and regional public agencies and to do so in a sustainable and fiscally-responsible manner. The framework addresses policy at the state and local levels and acknowledges that joint use requires public and private agencies to work together in new ways. This paper also describes the need for public transparency and understanding of the full cost of ownership of public school facilities as a critical part of policy.

In collaboration with Active Living Research and the Convergence Partnership

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INTRODUCTION

Across the country, there is increasing demand for community use of public-school buildings and grounds. Traditional examples of community use include schools serving as polling places on Election Day, schools allowing local sports leagues to use courts or fields, nonprofit organizations providing before/after-school programming, and schools opening schoolyard gates on weekends for open, informal use. Schools receive a wide range of requests from private-sector entities to rent school spaces for uses that do often not involve children or youth, such as the use of parking lots for event parking, fundraisers by outside groups, and for-profit events such as professional seminars. Particularly in urban school districts, multiple schools are increasingly co-locating into single school buildings or on a single campus that once housed only one school. This joint use can include the co-location of multiple public schools—with separate administrations, enrollments, themes, and/or grade levels—in the same building (*e.g.*, autonomous small schools or learning academies) or the co-location of traditional public schools with public charter schools.

Joint-use policies and agreements are the tools used to support and implement community use of school facilities. Yet, most school districts have **inadequate joint-use policies to guide** decisions about access to buildings and grounds and to determine priorities for use. The typical school district underutilizes its public assets, does not necessarily provide comprehensive or appropriate access to those assets, and is not transparent about costs, fees, and availability. All of these practices exclude some sectors of the community.

Because funding plays a hugely important role in supporting joint use, community access to schools is often more challenging in low-income and high-need neighborhoods and school districts. Community and civic groups, individuals, and organizations seeking agreements or permits for joint use face significant obstacles in large part because the appropriate policies and procedures are not in place to govern and manage effective joint use.

While many local officials understand that joint use of public schools can often provide a host of benefits, doing so requires public agencies to work together in new and different ways. And, as noted earlier, few state or local policies provide the policy structure needed to make joint use the norm. In our 2010 concept paper *Joint Use of Public Schools: Developing a New Social Contract for the Shared Use of Public Schools*, we provided a conceptual frame for the joint use of K–12 public-school facilities, including an in-depth look at the demands for, benefits of, and challenges for joint use. In this paper, we survey today’s joint-use policy landscape and outline the

School District Vision

The School District envisions its school facilities as public assets and places where—first and foremost—children have a healthy, safe, and well-maintained place to learn and play, but also as facilities that are used to their fullest extent to meet the varied educational, cultural, and recreational needs of our community.

needed policy framework for institutionalizing systems supporting effective joint use of K–12 public schools.

DEFINING JOINT USE OF SCHOOL FACILITIES

Joint use of school facilities is the use of school-district-owned facilities by a non-district entity. Because all community users of school facilities—which include members of the public, private organizations (both non-profit and for-profit), and public agencies—are non-district entities, the terms “joint use” and “community use” are often used interchangeably. In this paper, we use the term “community use” to describe the activities undertaken by non-district entities in school facilities and the term “joint use” to describe the relationship between the parties that the policies and other tools facilitate.

Jointly used spaces within a school facility can be used by the school and by other users as “shared joint-use space” or dedicated exclusively to use by a non-district entity as “dedicated joint-use space.” A classroom that is used after regular school hours by an after-school tutoring program is shared space; a health suite in a school that is used exclusively by a non-district health provider is dedicated space. The range of possible joint uses is as broad as the interests of individuals and communities are varied.

BENEFITS OF COMMUNITY USE

In the face of substantial demographic shifts, changing housing patterns, community-health and obesity concerns, and constraints on public budgets across the United States, there is a growing need and demand for joint use of public-school facilities as a strategy to improve educational outcomes for children, advance the health of children and adults, and use public and private funds efficiently. The benefits of joint use of public-school facilities are substantial. Joint use of public-school facilities enables service providers for after-care, youth development, primary health care, and other wraparound services to reach children and families where they are, thus reducing the travel and time costs borne by families and public agencies. Out-of-school-time access to athletic fields, facilities, and recreational-play areas increases the opportunities and time children and adults are physically active and out of

Benefits of Community Use

- **Better Schools:** Expanded programs and services for students.
- **Better Communities:** Increased integration of schools and communities; greater reach for programs serving the community.
- **Child and Community Health:** Expanded opportunities for physical activity.
- **Environmental Benefits:** Increased conservation of land through a reduction in the number of sites needed to deliver public services; decreased traffic and transportation costs through delivery of services in locations that families frequent.
- **Fiscal Efficiencies:** Reduced public expenditures through elimination of duplicative services and costs across public agencies.
- **Fiscal savings for school districts:** Recovery of facilities costs through increased rates of facilities utilization and revenues from non-district users.

doors, thus positively affecting community health.¹ The sharing of school facilities and grounds leverages the community’s capital infrastructure and investments so that every agency that provides services need not build, operate, and maintain its own buildings and grounds.

Joint use is at the heart of the community-school model. Under community-school strategies, public schools serve as community “hubs,” bringing together many partners to offer a range of support services and opportunities to children, youth, families and communities. Schools that house medical, social, and other services have come to be known as “full-service” or “community” schools.²

Overall, joint use increases the services and amenities available to both students and community members and saves public money by enhancing the efficiency of public land and buildings and potentially capturing additional revenue. These benefits are especially important for low-income, low-resource neighborhoods that struggle to meet student and community needs for programs, services, and amenities.

OBSTACLES TO COMMUNITY USE

Although there are tremendous benefits to the intensive sharing of school facilities or use of school facilities by multiple parties, the practice presents challenges for schools and school districts as well as for the general public and entities who seek access to public schools. The first obstacle lies within our thinking about our public schools and the social contract that communities have with them. In *Joint Use of Public Schools: Developing a New Social Contract for the Shared Use of Public Schools* (2010), we proposed a new social contract to govern the use of public school buildings and grounds, by which public school districts need not hold exclusive rights to their buildings and grounds.³ However—even when the public and school-district willingness for joint use exists—without a system of policies, guidelines, and accounting for the access, use, and costs of community use of schools, the benefits of joint use will be far more limited than is desirable.

Although nearly all public schools across the country provide for some community use of their spaces, some do it more than others. A range of issues facing school districts pose real obstacles to joint use, including the following:

- School districts often have **insufficient staff** trained and experienced in asset management who can oversee and negotiate the logistics of terms, legal agreements, scheduling, planning, and communication among multiple users;
- Most school buildings are architecturally **designed for a single school-district use** and are not set up to accommodate multiple users either when a school is in operation or when school is not in session;
- School districts function *in loco parentis* (in place of parents) and so generally are **risk averse**. Rather than taking any chances by granting public access to school facilities during school hours—or even during non-school hours—many school districts opt to exclude non-school-related persons from school property completely;

- Because **educational and municipal planning are rarely integrated**, school districts generally react to external offers or interest rather than pursuing joint use as an intentional strategy; and
- Many public school districts are already **underfunded with regard to maintenance, repair, custodial, and security** needs and therefore cannot afford to be generous in sharing their facilities. Doing so without financial compensation would compromise the quality of the learning environment they provide.

For school districts, sharing school spaces raises many questions that require policy guidance. The following list highlights some questions that can be addressed by joint-use policy:

- How will student **safety and security** be ensured with public access to school facilities and/or grounds?
- Who should have **access** and how should this be determined? Is the approach applied equitably across neighborhoods? How will use and users be **prioritized**? Who makes use and priority decisions? What role does the public have in this decision-making or priority setting?
- How are the interests of the general public weighed against organized and structured/programmed participant use? If playgrounds, fields, and other outdoor areas are always scheduled for activities, how can **open community use** be preserved?
- If the school district believes a group or organization is likely to abuse the building, furniture, and/or equipment, under what rules can it prevent it from renting space for an event? If damage does occur, how are **repair costs** covered?
- Who should bear and who presently bears **liability** for property damage and for injuries to users in joint-use situations?
- Can the school district (or school) assess **fees** for the use of school facilities and grounds by non-school entities? How should fee scales be determined? Can fees be based on the type of user?

Sharing, collaboration, cooperation, partnerships, and teamwork are qualities that characterize a mutually beneficial relationship to support joint use. These qualities require the support of policy and administrative systems. Currently, states and most school districts lack adequate policies and administrative systems to guide and support the complex relationships required for school districts to make joint use an integrated part of their management. Although almost every state has legislation that permits joint use of public schools, most state-level legislation leaves the specifics of community use up to the governing board of the school district.

STATE-LEVEL JOINT-USE POLICY

States have an obligation to ensure that public school buildings and grounds meet their primary responsibility of supporting educational programs and services for the community's children and

youth. But the state can also facilitate more intensive use of these major public buildings and land assets to better serve the education, health, and recreation needs of the wider community and encourage sustainable land management and efficiencies in capital and operating spending. A state's stated interest in and vision for joint use of public schools can help facilitate joint use in local communities.

Traditionally, states are not nearly as involved in school facility standards, maintenance, and management as they are in K–12 educational programming. States have largely left facilities-related decisions and responsibilities to local districts. State policies on the management of existing school buildings and grounds are very limited or nonexistent altogether. However, if more intensive joint use of public school buildings and grounds is to become the norm, state policy will likely play a role.

States can develop legislation and/or policies that facilitate and encourage the sharing of school facilities for community use through appropriate policies, procedures, and financial incentives.

One of the central policy issues related to expanding the joint use of public schools is whether or not a state's law *requires* that school districts allow joint use of school facilities by community users. Each state differs in its approach to the obligations of local school districts. Our review of current state-level policies on the community use of public-school facilities shows that most states have policies that permit joint use, but few states require it or grant community access as a right. In most states, decisions about whether access to school facilities should be granted—and, if so, to whom and for which uses—are left to local school districts.⁴

The community-use policy landscape at the state level can be summarized as follows:

- **Six states do not address the community use of schools in legislation.** They are Illinois (legislation addresses park districts, not schools), Michigan, New Hampshire, New Mexico (law authorizes only partnerships with municipalities and counties), Rhode Island, and Wyoming (law only authorizes partnerships between two or more public entities).
- **Thirty-eight states plus the District of Columbia permit the use** of some or all school property by some or all individuals and/or organizations in the community. Thus, school districts in these states are not required to grant use, but are allowed to grant community use.⁵
- **Six states require that some or all public school boards allow the use** of some or all school property by some or all individuals, groups, and/or organizations in the community. They are California, Hawaii, Maryland, Massachusetts, Ohio, and Utah. For the most part, these state laws mandate at least some degree of community access as a right and leave the specifics—such as management, fee structures, and liability requirements—up to local district preferences.

In recognition of the fact that public K–12 school facilities are constructed first and foremost to support K–12 education, almost all of the states’ laws mandating or permitting community use include language to the effect that community use is secondary to the school districts’ use of the school facilities for K–12 education and may only be authorized to the extent that it does not interfere with the latter.⁶ In addition, some states prohibit—or allow local school boards to prohibit—uses that might cause a breach of the peace or are aimed at overthrowing the local, state, or federal governments.

Community Use by Right

Of the six states currently requiring that their local school districts allow some use of public K–12 school facilities by the community, California has perhaps the most expansive vision statement regarding community access to public school facilities. Enacted in 1913, California’s Civic Center Act (CCA) creates a policy foundation for community use of local K–12 school facilities by establishing California’s public schools as “civic centers” in which

. . . 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.⁷

However, subsequent provisions of the CCA limit the scope of this vision to some degree, mandating that school districts open their school facilities only to “nonprofit organization[s] [and] . . . club[s] or [associations] organized to promote youth and school activities” and making it optional for school districts to grant the use of school facilities to all other types of users.⁸ As a result, the CCA does not open the public K–12 schoolhouse door to as wide a swath of community users as do the laws of at least five other states.⁹

Although the laws of Hawaii, Maryland, Massachusetts, Ohio, and Utah do not include vision statements as broad as that of California, they use broader language in describing the uses for which school districts must grant access to public K–12 school facilities. Enabling perhaps the widest range of community uses of any state, Utah’s statute decrees that “all public school buildings and grounds shall be civic centers; . . . ‘civic center’ means a public school building or ground that is established and maintained as a limited public forum to district residents *for supervised recreational activities and meetings*; . . . and [a] local school board . . . shall allow the use of a civic center, *for other than school purposes*”¹⁰ Hawaii follows closely behind, with a statute stating that “[a]ll public school buildings, facilities, and grounds shall be available for *general recreational purposes, and for public and community use* . . . ,”¹¹ which can be read to encompass practically any sort of activity conducted by members of the community.

Maryland law is nearly as broad, stating that “the county board shall provide for the use of a public school facility for: *[t]he presentation and discussion of public questions; [p]ublic speaking; [l]ectures; or [o]ther civic, educational, social, or recreational purposes or church affiliated civic purposes.*”¹² Massachusetts’s statute grants what appears to be a similarly broad right to community use of school facilities, stating that the school board “shall allow the use thereof by individuals and associations for . . . educational, recreational, social, civic, philanthropic and like purposes”¹³

In its law, Ohio states that “[t]he board of education . . . shall, upon request and the payment of a reasonable fee . . . permit the use of any schoolhouse and rooms therein and the grounds and other property under its control . . . for . . . *[g]iving instructions in any branch of education, learning, or the arts; [h]olding educational, religious, civic, social, or recreational meetings and entertainments, and for such other purposes as promote the welfare of the community*”¹⁴ Ohio law also mandates that public school facilities (as well as all other state buildings) be opened to “use as social centers for *the entertainment and education of the people, including the adult and youthful population, and for the discussion of all topics tending to the development of personal character and of civic welfare, and for religious exercises.*”¹⁵ By imposing these mandates on local school boards and districts, these five states effectively vest in their communities a right to use their public schools for more purposes than just K–12 education.

Community Use Encouraged by State Law

Of the states permitting but not mandating community use of public K–12 schools, North Carolina, Alabama, and Illinois are worthy of note for their explicit support of community use.¹⁶ Although North Carolina law does not mandate joint use, it takes an encouraging stance toward joint use, directing that

[t]he State Board of Education *shall encourage* local boards of education to enter into agreements with local governments and other entities regarding the joint use of their facilities for physical activity. The agreements should delineate opportunities, guidelines, and the roles and responsibilities of the parties, including responsibilities for maintenance and liability.¹⁷

North Carolina follows this policy with its Community Schools Act of 1977, which proclaims an particularly expansive vision for community involvement by declaring that it is the public policy of North Carolina

“to provide for increased involvement by citizens in their local schools through community schools advisory committees; assure maximum use of public school facilities by the citizens of each community in this state; and to the extent sufficient funds are made available, each local board of education shall comply with the provisions of this Article.”¹⁸

North Carolina law also directs the state Superintendent of Public Instruction to present guidelines for “[t]he use of public school facilities by governmental, charitable or civic organizations for activities within the community” and directs the State Board of Education to

“adopt appropriate policies and guidelines for encouraging increased community involvement in the public schools and use of the public school facilities.”¹⁹ Significantly, however, North Carolina’s mandate to school districts to “[d]evelop programs and plans for increased community involvement in the public schools” [and] “increased community use of public school facilities” only applies to school districts that elect to apply for community-schools funding, and it does not explicitly grant school-facilities access to any specific types of community users.²⁰

Alabama’s community-schools law—dating from 1990—closely mirrors that of North Carolina, encouraging community use but omitting the mandate that the State Board of Education promulgate community-schools policies.²¹ But where North Carolina authorizes participating districts to “establish one or more community schools advisory councils” and authorizes all local school districts to employ one or more community-schools coordinators,²² Alabama *mandates* that participating districts establish a council and employ at least one community-schools coordinator.²³

In 2009, Illinois recognized in law that community schools have “a powerful positive impact on students, as demonstrated by increased academic success, a positive change in attitudes toward school and learning, and decreased behavioral problems.”²⁴ Illinois’s statute defines a community school as “a traditional school that actively partners with its community to leverage existing resources and identify new resources to . . . provide enrichment and additional life skill opportunities for students, parents, and community members at-large.”²⁵ The statute requires each participating school to offer before- and after-school programming for students, weekend programming, and summer programming,²⁶ which in many cases are provided by non-district providers and involve joint use of the school’s facilities. The Illinois statute also requires that the school maintain “a local advisory group comprised of school leadership, parents, and community stakeholders that establishes school-specific programming goals, assesses program needs, and oversees the process of implementing expanded programming” and employ “a program director or resource coordinator” to oversee the program.²⁷ In the statute, the Illinois legislature also directed that, beginning with the 2009–2010 school year and subject to funds availability, the Illinois State Board of Education “shall make grants available to fund community schools and to enhance programs at community schools.”²⁸

State Regulation of Joint-Use Funding and Fees

A second key issue related to community use of K–12 school facilities is how the facilities costs resulting from such use are funded. Although some states fund community-focused programs that may operate in school facilities,²⁹ states generally leave the costs of building, maintaining, and operating jointly used facilities to the local school districts.³⁰ Nevertheless, recognizing that the use of school facilities by non-district users can result in added maintenance and operations costs, 29 states and the District of Columbia authorize their local school districts to impose fees for community use of school facilities.³¹ Of those 30 jurisdictions, some restrict local districts’ discretion in setting fees,³² while others do not.³³ At least two states—Indiana and Nevada—bar local school districts from charging fees for certain uses.³⁴ Among those states that authorize fees for community uses, some states place restrictions on the uses of the revenues derived from fees collected from non-district users.³⁵ For the 21 states whose laws do not speak on the

issue of fees for community use of school facilities, decisions in the matter remain the purview of the local school district.

Managing Liability in Joint Use

A third key issue is that of liability for injuries to users and for damage to property or facilities during community use of the school facilities. For school districts, the financial risk associated with potential liability for injuries and damage can be a substantial disincentive to allowing activities outside the district's direct control to take place in school facilities. It is logical that a state that desires to foster community use of its school facilities would find it valuable to provide school districts with protection from liability for injuries and property damage that cannot be attributed to fault on the part of the school district. However, only 11 states address liability issues in their statutes relating to joint use of school facilities. California and Hawaii assign liability for injuries and damage to property to the user except in the cases in which the school district bears liability due to negligence or breach of duty on the part of the school district.³⁶ Maryland, Minnesota, Missouri, New Jersey, Ohio, and Virginia assign liability to the user for property damage, but do not discuss liability for injuries. Delaware, South Dakota, and Washington go the furthest, granting school districts limited or full immunity from liability in some or all cases.³⁷

In light of the potential liabilities, insurance becomes an important ingredient in both policy around and arrangements for joint use. Only seven states, however, address the matter of insurance for joint use. Of those seven, only Arizona mandates that school districts require proof of insurance from community users of school facilities.³⁸ California directs that “[t]he school district and the entity using the school facilities or grounds under this section shall each bear the cost of insuring against its respective risks, and shall each bear the costs of defending itself against claims arising from those risks.”³⁹ The District of Columbia and the remaining five states—Illinois, Minnesota, Pennsylvania, and Washington—authorize their local school districts to either obtain insurance for joint uses or require that the non-district entities applying for community uses post a bond or obtain insurance.⁴⁰

A LOCAL POLICY FRAMEWORK FOR JOINT USE

State policy plays a role in affecting whether or not and how public-school buildings and grounds are made accessible for non-district use. States can enact legislation that helps local school districts craft and establish policies for community use of public-school facilities. States can also enact legislation that authorizes, supports, and encourages joint-use agreements between school districts and a variety of public and private entities in order to better serve the needs of their communities.

However, because implementation of joint use is ultimately school-site specific, the necessary guidance and support for joint use must be built into the policy, management, and operations of local school districts and into their municipal counterpart entities or agencies. Explicit community-use policies provide support by making the rationales and objectives of joint use

clear and help establish a culture of sharing. Comprehensive district-level policies on all aspects of joint use help facilitate the appropriate, effective, and efficient maximization of use across the schools within a district. These policies must be fair, transparent, and driven by accurate fiscal data. They should also be aligned with the larger municipal planning framework. Such policy alignment can significantly enhance the value of K–12 public schools.

Community use of K–12 public schools is best supported by the following key elements, which we discuss in more depth in the next sections:

1. **VISION AND PRINCIPLES:** A local vision of—and guiding principles for—public schools as public spaces;
2. **PLANNING:** Integration of joint use into the planning processes of the school district and the related municipalities and/or county, including requirements for site-specific space planning to support joint use;
3. **FACILITIES:** Facilities designed to support joint use; and
4. **POLICY:** Policies that provide for
 - a. **GOVERNANCE:** Structures that facilitate intergovernmental, interagency, public, and private relationships for joint use;
 - b. **FUNDING:** State and local revenues (operating and capital) and expenditures aligned to support the costs of joint use;
 - c. **ADMINISTRATIVE SYSTEMS:** Local district and municipal staff and other administrative capacity to manage community input, terms, legal agreements, space planning, scheduling, and oversight of joint use; and
 - d. **COMMUNICATION:** Communication of policies, procedures, and opportunities for community use to the public and potential joint users through Web sites, outreach, and other communication media.

These tools comprise a *public-space management infrastructure* that supports the regular use of public schools as public spaces.

Vision and Guiding Principles for Joint Use

In many states, existing policy simply establishes joint use of public schools as permissible, making local action equally important to realizing full community benefit of public educational assets. As part of local planning processes, the formal adoption of a policy that includes a vision statement on facilities use by the Board of Education and the local municipal government will set a clear direction for district and municipal action. The vision statement ensures that the policy framework supports a “culture” of community use within the district, from the leadership level to the school sites. It also encourages buy-in from community stakeholders who have a vested interest in more intensive community use of public school facilities.

In the vision statement, the school district and the municipality should clearly state their agreement on the potential benefits of community use of facilities. The vision statement should be co-constructed and shared with key partners and stakeholders who have a vested interest in community use in the district's facilities. These partners might include representatives of youth agencies; community-based organizations working with children, youth and families; civic and neighborhood organizations; local school representatives, including parent organizations; and other city departments that will be affected by joint use. Strongly recommended is that the vision statement be created and agreed upon by a local *joint-use stakeholder working group* and then a resolution in support of it be brought before the school board and municipal governing body for approval.

The *joint-use stakeholder working group* should also establish and agree upon the guiding principles that will inform the policy framework for implementation. Examples of guiding principles include the following:

- Community-use policies are clearly defined and communicated;
- Community-use policies prioritize (but are not limited to) partnerships with organizations that provide programs and services inside schools to public school students, and are aligned with the school district's goals and strategies;
- Community-use policies require that the costs associated with community use be known and shared by the partners (*e.g.*, school district, local public agencies, and/or organizations providing services/activities to public-school students on school property); and
- Community-use policies, procedures, and outcomes are consistently evaluated to ensure accountability and improvement.

One way in which community use of school facilities takes place is through community-school programs, which often engage outside entities to provide programming to students. States considering community-schools legislation should ensure that their policies address the following elements:

- The duties and responsibilities of the state board of education and the local board of education;
- The authority for jurisdictions to establish community-school advisory councils;
- The authority to employ and fund community-school coordinators;
- Joint-powers clauses that permit school districts and other governmental agencies to use their appropriated funds to collaborate (including with other public nonprofit and private agencies);
- The authority to enter into agreements and to set fees and conditions; and

- The authority to establish special funding, and/or direct funding, and/or incentives to support the planning and implementation of co-location or joint use for community school facilities.⁴¹

Planning that Integrates Communities and Schools

The intensive use of school buildings and grounds by a variety of users, including the school district, is complex and requires ongoing collaborative planning by school districts and their partners. These entities should regularly assess community and school needs and identify where joint-use opportunities exist to meet those needs, both in existing schools and any planned schools. While the planning work ultimately happens at the local level, states can play a supporting role. The most cost-effective way states can advance joint use without overreaching their authority is to establish requirements and funding for educational and municipal planning processes that are integrated, regular, and include extensive public input. For successful joint use, the following processes should be undertaken, coordinated, and supported:

- School-District Education Master Planning
- School-District and Municipal Capital and Land-Use Planning
- School-District Maintenance Planning
- School-District and Municipal Asset-Management Planning
- Other Public-Infrastructure Planning (*e.g.*, for transportation, parks and recreation, etc.)

A few states have made progress in passing legislation aimed at aligning some of these planning processes.

Florida’s “concurrency” policies require intergovernmental agreements when school districts need to site new schools.⁴² Policies such as that of Florida can also promote ongoing joint use of school

buildings and grounds. In Maryland, to receive state funding, school districts must demonstrate that master facility plans were developed with local participation.⁴³ New Jersey law requires that every school district submit its long-range facilities plan—which must be updated every five years—to the planning board(s) of the municipality or municipalities in which the district is situated, which allows for both more community input and the alignment of school-facilities planning with local master planning.⁴⁴ In all three of these states, the legislation is relatively new and stakeholders report mixed results. A potential improvement to the Maryland legislation would be the addition of joint use to the regular master planning process, rather attaching it only at the capital-project level.⁴⁵

Hillsborough County Public Schools and the City of Tampa, Florida

An inter-local agreement between the school district and city for school-facilities planning and siting establishes the mutual importance of shared use and calls for both the school district and city to look for joint-use opportunities when planning and designing new facilities or renovating existing facilities.

Facilities That Support Joint Use

The ease with which school buildings and grounds can be shared by more users and during more of the day and the year is increased when the school facilities are designed to support joint use. Addressing the design and configuration of the facilities themselves—whether through joint development of new facilities or through minor modifications of existing facilities—pays dividends in the utility and benefits provided by the facilities.

Facilities Designed, Configured, and Equipped to Support Joint-Use

The design and condition of spaces to be shared pose difficult but important issues because they have a direct effect on how easy or how problematic it will be to support intensive joint use. It is critical that joint-use endeavors and managers engage the design process from the beginning. The complexities of joint use are best handled by a management structure and staffing that possesses and uses tools of collaboration.

The failure to include joint use as a factor in the design of a school building and its site will limit the building's ability to support the type and intensity of non-school use required by the community. School districts and communities dedicated to implementing a vision for intensive use of their public-school buildings and grounds will want to assess the utilization, design, and condition of their buildings to identify improvements that will facilitate high-quality joint use.

Nevertheless, changes to the design of a school need not be extensive to materially affect the quality and viability of joint use.⁴⁶ Design modifications that assist joint use can be as simple as installing a separate storage unit; creating a controlled access point with bathrooms designated for non-school users; or installing special classroom white boards with slider sections so that what teachers write on the board during the day is not lost if the classroom is used in the evening. Utilizing synthetic turfs on school playing fields—a growing popular practice—allows for more intensive use by the school and the community; however, synthetic turf is far more expensive to install and still requires some maintenance, and therefore a good cost-benefit analysis must be undertaken.

Co-locations, either with a charter school or to support multiple public school district entities within a single building, will likely require building modifications as well. Each school may want or need a separate entrance and administrative suite. Assembly spaces—such as gymnasiums, cafeterias, and auditoriums—may be shared between the different school entities, but this intensive joint use requires ongoing support and management.

Joint Development of Facilities

Competition for capital funds to renovate and improve existing public schools to renovate and to construct new schools to address increasing enrollments is steep. As noted previously, public school districts across the board face the conundrum of limited resources and a list of projects in their capital plan that far exceed their funding capabilities. Furthermore, in most communities, other municipal agencies also have needs for land and capital projects to support their specific program requirements. Through early and collaborative land-use planning efforts, the school district and the municipal entity can jointly develop projects that utilize land and funds more

efficiently and realize financial savings. Joint development can save money in the areas of site-acquisition, design, construction or renovation, operations, and maintenance. Partners interested in using school-district spaces may bring funds to the table for enhancements that will suit their needs as well as those of the school.

The most extensive state law defining a public-private partnership process is Virginia's Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA).⁴⁷ The Act has been invoked many times, and the state legislature has revised parts of it in response to lessons learned from early projects.⁴⁸

Policy Components for Joint Use

Governance Structures that Facilitate Joint Use

Joint use entails integrated planning, honest community processes, and ongoing management, coordination, communication, and cooperation among partnering entities who, at best, may have little or no history of working together or who, at worst, may have competing interests, little trust, and adversarial relationships. Using public schools more intensely requires incentives and structures that facilitate collaboration, cooperation, and trust among diverse entities — school district, municipality, county, civic groups, community members, and other public and private organizations (which may also include local public charter schools). New approaches to local school governance that support joint use include forming special-purpose entities and agreements, establishing commissions and task forces, and the consolidation of control.

Special-Purpose Entities

A number of localities have determined that an entity other than the local school district can best facilitate joint use of the school district's facilities. In Montgomery County, Maryland, the county government created an interagency policy board and an administrative unit to govern the community use of public schools and other public facilities.⁴⁹ Montgomery County's Interagency Coordinating Board for Community Use of Public Facilities (ICB) includes representation from the county council, the county executive, the board of education, the county planning board, the local school-district, the community college, and the local school-administrators' union, as well as citizen representatives.⁵⁰ The ICB approves the policies and procedures for community use of public facilities by agencies and nonprofit organizations, including commercial/business enterprises and citizens' organizations from within or outside the county that desire to use school facilities. The Office of Community Use of Public Facilities

Joint Development: Camino Nuevo Charter Academy, Los Angeles, CA

This PK-8 school was developed on the site of a former mini-mall in MacArthur Park, one of LA's poorest and most densely populated neighborhoods. In addition to after school and enrichment programs organized in partnership with LA nonprofit organizations, Camino Nuevo offers parent workshops and health services to a community where nearly half of adults are uninsured.

[Source: 2008 Richard W. Riley Award: Community Learning Centers for the 21st Century, American Architectural Foundation]

(CUPF), which reports to the ICB, administers the program, including scheduling community use of facilities and collecting fees.⁵¹

Inter-Governmental Agreements

State legislation has also been used to enable individual special projects through what is known as a *joint-powers act*. A joint-powers act permits governmental agencies to enter into agreements, set fees, conditions, and combine funds and protect them for a special purpose. Special-purpose authorities and joint-powers agreements provide a structure for joint use between school districts and other public entities such as libraries, parks, senior centers, health clinics and public charter schools.

In addition to new entities, municipalities and/or school districts have also created new individual positions for improving collaborative planning and management of joint-use and joint-development projects. Offices of community partnerships, deputy mayor positions for education and families, and other such positions have been emerging in municipal government and school districts throughout the country.

2x2 Committees

A relatively simple yet productive approach to fostering joint use is establishing a regular 2x2 committee. Typically, this is a formal or informal group consisting of the mayor, school superintendent, city manager, school board and/or city council members that meet regularly to discuss city-school. Often, this is an informal group of two municipal leaders and two school district leaders (hence the name) that meets for lunch monthly to discuss overlapping issues.

Mayoral Control

A more extreme example can be seen in recent consolidations of control over school districts by mayors in selected jurisdictions across the country, including Boston, Washington, D.C., Chicago, and New York City. This approach largely grants mayoral control over educational matters and—putting the strong debates over this approach aside—may be a mechanism for increasing joint use. In theory, consolidating control eliminates some of the barriers to program and facility collaboration between city agencies and the school district. However, a complete study and outcomes evaluation of mayoral control has not yet been

Formalizing Joint Use: San Marcos, CA

After years of casually sharing fields, parks, and other facilities, city and San Marcos Unified School District officials decided to formalize the arrangements. With the city's community services director and the school district's executive director of facilities, a joint use agreement covering all shared sites, including baseball fields at just about every local elementary school; and a pool and baseball, softball, and soccer fields at several city parks, was developed. . The joint use agreement lays out who gets to use what when, who will be responsible for everything from maintenance to insurance, the types of activities allowed on the properties, and how those activities will be scheduled.

[Source: Andrea Moss. 7 March 2009. San Marcos City, School District Working on Joint –Use Agreement for Shared Facilities. *North County Times*.]

conducted to adequately assess its potential impact on joint use. A 2005 study by 21CSF and the Brookings Institution found that when there is strong leadership at the mayoral and superintendent levels, complex collaborative projects are possible, particularly those associated with joint development. The same study also found that, without explicit leadership for greater collaboration, municipal and school district systems and structures failed to support program and capital coordination. The findings of this preliminary review found joint use in communities with and without mayoral control, and found that centralizing executive power did not in and of itself create greater collaboration.⁵² These findings suggest that the challenges associated with interagency collaboration appear to be as powerful as those associated with intergovernmental collaboration.

Commissions and Task Forces

In some cases, the problem of inadequate governmental structure and practices supportive of joint use is addressed through joint task forces or commissions. For instance, in 2009, the Illinois General Assembly unanimously voted to establish a task force on Chicago public-school facilities planning. The task force was specifically charged with establishing the policy framework for addressing issues associated with the opening, closing, consolidation, and use of Chicago public schools, as well as for setting school-district capital projects.⁵³ The passion that fueled the support of this task force was provoked by a school closing plan in Chicago.

Chicago is not alone in its struggle with public-facilities asset management. As noted earlier, the mayoral control structure does not, by definition, advance a vision of public schools as public space. It also does not necessarily produce integrated planning for joint use of neighborhood and community centered schools; community and local school stakeholders need the power of an overarching governing body to help facilitate and mediate the concerns of the disparate parties of school district, community, municipal planners, developers, and local school parents and staff. For these reasons, the State of Illinois established a legislative task force to help develop a master-plan process that will recommend better policy for major decisions about Chicago public-school facilities. The state legislature became involved in part because Chicago parents and teachers felt that, with the mayoral control arrangement, there was not an independent body with the authority to bring affected stakeholders together to participate in the planning and decision-making process.

In 1995, a joint resolution promoting joint use of public facilities was adopted by the Mecklenburg County, N.C. Board of Commissioners, Charlotte City Council, the Charlotte-Mecklenburg Board of Education, the local community college board, and the county library board. The resolution established the multiagency Joint Use Task Force,⁵⁴ which meets monthly and has representation from two dozen agencies (including transportation, stormwater, parks and recreation, and fire agencies), as well as nonprofit organizations. The Task Force's purpose is to align public capital investment in the region for "win-wins," including reduced facility-development costs and reduced operation costs, and to create superior environments for the community. As a result, many dozens of joint-use facility arrangements are in effect in the county and more than a dozen joint-use projects have been completed, including co-locating a new elementary school next to a new transit park-and-ride structure (the roof of the parking

structure is the school’s playfield); Ballantyne Park, which includes a new elementary school, middle school, fire station, YMCA, and library; multiple joint-use schools and community recreation centers (one of which also houses a stormwater-retention facility); multiple co-located joint-use schools and parks; and multiple joint-use school and library facilities. Moreover, a mandatory referral process requires that the task force review any proposed public purchases of property or transfers of property and make recommendations to the governing bodies. The task force formally brings together the various public agencies that make capital investments in the county and explores what joint-use opportunities are possible given each organization’s plans. Through the adoption of the Joint Resolution, the agencies formally recognized that joint use brings cost savings and that long-range facility planning must be undertaken in a coordinated fashion.

Adequate Facilities Funding

One of the primary obstacles limiting joint use is the lack of sufficient operating and capital funding to cover such use. The costs of more intensive use of public school facilities include: additional custodial materials and staff time; increased security costs and equipment; additional utility costs; and extended hours for principals or other supervisory personnel. Intensifying the use of facilities also has capital-funding implications, and school districts typically face severe capital-funding shortfalls and have long lists of unfunded maintenance needs. The ongoing capital costs for school districts—such as emergency replacements, capital renewals, and new construction—mean that making building modifications or improvements explicitly to support joint use often becomes a low priority. This is often the case even when design modifications would enable more intensive shared use and potentially provide some cost recovery for the school district.

Understanding Facility Requirements, Costs, and Utilization

To responsibly manage the operating and capital budgets associated with joint use, a school district must know

- 1) the cost of providing public school buildings and grounds that are healthy, safe, well-maintained and designed for optimal education and community use;
- 2) the annual operational, utilities, and capital-investment costs of its public-school buildings and grounds by school as well as system-wide;
- 3) what sources and amounts of revenue are currently collected from non-district users; and
- 4) the number, type, and terms of current non-district users of district facilities.

With this information, the school district can begin to strategically approach its joint-use policies and procedures. This might entail structuring use fees and pursuing an intergovernmental agreement that would increase revenues and offset the costs of intensifying the use of buildings and grounds. The school district might also develop capital needs that can be taken to voters in

bond referenda for building improvements or construction that would provide better learning environments *and* support community use of public schools.

School districts should also determine policies to govern the use of revenue from community use permits, leases, or other agreements. In some school districts, these revenues go directly back into supporting community use. Revenues can be placed in a protected fund for operating the asset management office and for maintaining and repairing schools. Because of the extra work associated with sharing space, the school district may consider structuring incentives for individual school sites to encourage community use; these could include directing a percentage of use-permit revenues back to the host school sites for facilities-related expenses or to support a discretionary fund for student activities.

Charging for Community Use of Public Schools: Joint-Use Fees

Charging fees for joint use of school facilities (either through use permits or short- or long-term leases) can both 1) ensure that the costs of the various uses are borne by the users and 2) benefit the annual operating budgets of school districts.

For a school district and a school to properly allocate the costs of community use and set appropriate use fees, the district must calculate the expenses and costs connected with both the facilities being used and the administrative activities that are directly attributable to the community use. The district must then create a fee structure that takes into account the characteristics of both the facilities and the users. Implementing a fee structure enables the school district to align its fees with its priorities and its actual costs. To do so, school districts should use a multi-tiered fee structure that fairly assesses fees based on the types of users. For example, the school district may charge less (or nothing at all) for organizations providing programs or services to its students but charge more for community users (individuals, nonprofit organizations, private groups) that do not directly serve its students or align with the district's priorities, and an even higher amount for entities that charge fees for community members to participate in their programs.

In addition, staff of the community-planning and asset-management offices and the school must maintain accurate records on the terms of use and lease agreements, the spaces used, the fees paid, and the programs and services provided. This information should be stored and made accessible to the public. Applications and forms must be in formats that support viewing, completing, and submitting online.

Another approach to charging for community use and raising revenue is to set fees based on the level of demand for and the quality of spaces and their location. Fees for high-demand, high-quality specialized spaces can be higher than for generic school-facility space. However, care must be taken with this type of approach so that low-wealth communities, groups, and/or organizations are not priced out of access to public space. Informed administration of these spaces ensures that equity concerns are addressed.

If a system of charging is based on cost and demand, and is adjusted to align with district priorities as well as other mitigating factors, then there must be a clear method to assign users

to the various cost tiers. The assignment process should be documented; transparent; enforced; and communicated publicly; additionally, there must be a procedure for resolving disputes regarding facilities use.

In the case of co-location—either with a public charter school or other municipal agency—the terms for joint use of space will be quite distinct from those for other community uses. For instance, a public charter school is likely to be using significantly more building space and for a much longer and more regular period of time than a non-profit running an after-school enrichment program. As a more permanent entity using the school building, a co-located charter school will likely negotiate a multi-year lease with the school district rather than be charged an annual or hourly fee as other users might be. By leasing space to a charter school through a co-location agreement, school districts are able to capture rent dollars that would otherwise be paid to the private real-estate market.

To help school districts assess their facility-related expenses and to aid in the creation of transparent and fair fees that are aligned with school district priorities, 21CSF has created a School Facilities Cost Calculator: A Joint-Use Tool for Fair Fees (available at <http://www.bestschoolfacilities.org/jointusecalc/index.php>).



The regulatory parameters within which school districts may set and charge fees for community use of school facilities are an appropriate area for state legislation. However, even with regulatory guidance from the state, how fee levels are set and how they are applied to various user types will need to be clearly defined in local policy.

Linking Non-District Use to the District's Mission

One approach to setting fees is that which is being developed by San Francisco Unified School District (SFUSD). SFUSD is beginning to seek ways to align the work of the non-profit providers using their facilities to the school district’s own mission, priorities, and initiatives. In SFUSD, the determination as to whether or not a joint user pays a fee is based on how well the programs and/or services provided by the joint user support the school district’s strategic plan. As part of this process, the city’s Department of Children, Youth and Their Families (DCYF) is working with CBOs and SFUSD to develop a method to assess the quality and impact of CBO programs and services for students.⁵⁵ Such a strategy of using program-outcome assessments to establish facilities-use fees is a complex addition to an already challenging set of relationships and agreements. But, at the least, it holds providers accountable and helps promote more relevant

services for students. In this way, external program providers are “earning” a waiver or reduction of facilities-use fees by offering high-quality support services and programs for the district’s students. The partners in San Francisco hope to link uses, fee rates, and service and/or program outcomes with the goal of ensuring that the community use is in fact expanding youth access to services, programs, and supports for success in school and life and closing the achievement gap in the city’s schools.

Administrative Systems for Joint Use

Local school district and municipal guidelines, policies, and procedures for an effective and intensive community-use program must be accompanied by appropriate management structures and staffing. One of the major roles of management is negotiating the relations among and interests of the various stakeholders in joint use, a complex endeavor that requires sensitive decision making. It is essential that all joint-use projects work in accordance with the primary mission of public-school districts—that is, to educate children and youth in the community. This mission is demanding and variable in its space and schedule needs, and it requires an especially conservative approach to security on the part of school districts, which are responsible for the safety of students during the school day.

Management and Staffing

Implementing the vision and principles of a community dedicated to “*facilities ... used to their fullest extent to meet the varied educational, cultural, and recreational needs of our community*” requires management structures and appropriate staff. Ideally, a community-planning and asset-management office should be established to manage the community-use program. The office should not require additional school district funds to support it, but rather should be funded through community-use revenues.⁵⁶

If the office is part of the school district rather than the municipal or county government, the unit’s director should report directly to the superintendent and work closely with the principals at the local schools. This “deputy superintendent for community planning and asset management” should be placed at the same level as the chief facilities officer within the school district’s organizational chart. This person should maintain close communication with the chief financial officer and the executive responsible for student-

District Obstacles to Joint Use

A 2008 *SchoolDude.com* survey of 450 school district officials found that obstacles to recovering costs from joint-use were:

- 41% No knowledge of how much to charge
- 38% No automated scheduling solution
- 32% No knowledge of how to get faculty/staff to embrace a new system and/or process
- 30% Not sure where control of the process belongs
- 28% No process in place
- 24% Don’t know how to introduce a new process system-wide
- 14% No knowledge of how to invoice
- 12% No school-board support

[Source: SchoolDude. 2008. A White Paper Examining the Successful Implementation of Cost Recovery Programs in our Schools.]

support programming and services. In addition, this position should maintain formal communication with the municipal and other public agencies that may be able to use public-school spaces for the delivery of services. The director should have some real-estate management and development experience, as well as familiarity with nonprofit providers, other local governmental agencies, and community-engagement processes. Additional responsibilities of this office include having the ability to do some limited negotiation on terms of long-term leases; as well as using private real-estate advisors and consultants for its own legal support for drafting and reviewing memoranda of understanding, use permits, lease agreements, liability terms, and interagency agreements with other city or county agencies, as well as legislative modifications needed for policy guidelines.

In addition to legal capacity, the community-planning and asset-management office must retain the authority to support school principals with limited space planning. Principals will need district-level guidance and support to schedule uses and communicate with community users. These functions ensure that space is optimized for community use and that the staffs of each school understand and embrace such use.

Guidelines and Procedures for Schools

Informed and prepared school principals, custodians, and security personnel are crucial to a high-quality system of joint use. School districts should develop a *Local-School Guide to Joint Use*. This document will align with the district's community-use policies and procedures and serve to consistently communicate the district's vision, policy, and procedures to school principals and local-school personnel. Principals, in particular, play a major role in promoting, supporting, or discouraging community use and need clear guidance on their roles and responsibilities with regard to community use of their schools. The handbook further helps minimize the reported inconsistencies in non-school users experience from school to school. Handbooks typically include descriptions of the following:

- The benefits of community use of school facilities, with particular attention paid to the role of non-profits (or community-based organizations) as providers of student programs;
- School-board policies, commitment, and intent;
- The role of the principal in community use;
- The role of school-district offices in support of site-level staff;
- The responsibilities of users and program providers;
- Criteria for principals' approvals and denials of use permits; and
- Criteria for principals' decisions on whether to require security guards as a condition of granting a use permit.

Published guidelines and documents should contain basic information about the school program, buildings, and grounds so that prospective users are familiar with the school, its location and layout, and the condition of its facilities.

Communications in Support of Joint Use

For a school district and a community to take full advantage of the benefits and savings that can flow from vibrant community use of school facilities, the public must have access to information about joint use. The administrative unit must communicate the joint-use policies, procedures, and opportunities to the public and potential joint users through Web sites, outreach, and other communication media. Central to this effort is the maintenance of a website that does the following:

- Welcomes the community and conveys the vision and guiding principles;
- Makes available all policies, requirements (including those pertaining to insurance if applicable), guidelines, and recommendations;
- Provides tools and resources to support school administrators in their duties as well as community users; and
- Provides transparent explanations of fees, user categories, and the prioritization of user types.

The website should also provide a map and descriptions of all sites and facilities open to community use as well as a calendar and/or schedule of availability. In addition, many public entities are moving to online registration and reservation systems. Online scheduling tools save time and help match non-district users with their preferred school sites and times. Content-management systems with web interfaces can enable applicants to request permits; help analyze permit applications and demand; and track users and permits. Technology helps streamline, market, and coordinate joint-use activities. A useful example is the information provided by the public-school management partnership of Montgomery County, Maryland Public Schools and Montgomery County.⁵⁷

Although the Internet is an important outlet (and perhaps the primary one today) for the dissemination of information to the public, print versions should also be made available. And, in both cases, the information about policies and procedures describing access to public school buildings and grounds must be clearly and consistently written and translated into the languages other than English that are spoken by substantial numbers of people in the community.

OTHER RESOURCES

This policy paper is part of a set of materials developed by 21CSF and CC&S for school-district practitioners and policymakers charged with implementing and sustaining joint use and for public or private entities who are interested in the joint use of public-school buildings and grounds. The materials include the following:

- *Joint Use of Public Schools: A Framework for a New Social Contract*—a concept paper that defines joint use and illuminates its benefits and challenges;
- *Partnerships for Joint Use: Expanding the Use of Public School Infrastructure to Benefit Students and Communities*—a research paper presenting case studies of joint use and joint development;
- A catalog and analysis of state-level K–12 school-facilities policies and expenditures, available online at <http://www.Bestfacilities.org>; and
- A School Facilities Cost Calculator tool for computing the real costs of owning and operating public-school facilities, available in web-based and Excel versions at <http://www.BestFacilities.org>.

Please also visit www.21csf.org and www.citiesandschools.berkeley.edu for information on these and other resources and tools related to the planning, policy, and management of public-school facilities.

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ENDNOTES

¹ See Active Living Research. 2012. Promoting Physical Activity Through the Shared Use of School and Community Recreational Resources. La Jolla, CA: Active Living Research.

² See 21CSF and CC&S. 2010. *Joint Use of Public Schools: Developing a New Social Contract for the Shared Use of Public Schools*. Washington, D.C.: 21st Century School Fund (citing Dryfoos, Joy, Jane Quinn, and Carol Barkin. 2005. *Community Schools In Action: Lessons From A Decade Of Practice*. Oxford: Oxford University Press; and Blank, Martin J. Atelia Melville, and Bela P. Shah. 2003. *Making the Difference: Research and Practice in Community Schools*. Washington, D.C.: Coalition for Community Schools). See also National Trust for Historic Preservation. 2010. *Helping Johnny Walk to School: Policy Recommendations for Removing Barriers to Community-Centered Schools*. Washington, DC: NTHP; International City/County Management Association. 2008. *Local Governments and Schools: A Community-Oriented Approach*. *ICMA IQ Report*, Volume 40 Special Edition. Washington, DC: ICMA.

³ See 21CSF and CC&S. 2010. *Joint Use of Public Schools: Developing a New Social Contract for the Shared Use of Public Schools*. Washington, D.C.: 21st Century School Fund.

⁴ Our analysis of state policies on community access to public schools is based on our own research as informed by National Policy and Legal Analysis Network. 2009. *Fifty-State Scan of Laws Addressing Community Use of Schools*. Oakland, CA: NPLAN.

⁵ They are AL, AK, AZ, AR, CO, CT, DE, DC, FL, GA, ID, IN (inferred), IA, KS, KY, LA, ME, MN, MS, MO, MT, NE, NV, NJ, NY, NC, ND, OK, OR, PA, SC, SD, TN, TX, VT, VA, WA, WV, and WI.

⁶ See, e.g., Hawaii Rev. Stat. § 302A-1148; Cal. Educ. Code § 38133(c); Md. Educ. Code Ann. § 7-108(e); Ohio Rev. Code §§ 3313.75(c), 3313.76; Utah Code §§ 53A-3-413(3), 53A-3-414(e).

⁷ Cal. Educ. Code §§ 38131–38139.

⁸ Cal. Educ. Code § 38131(b).

⁹ Note, however, that California law extends the civic-center concept to its community colleges through similar statutes. See Cal. Educ. Code §§ 82537 and 82542.

¹⁰ Utah Code §§ 53A-3-413, 53A-3-414 (emphasis added).

¹¹ Hawaii Rev. Stat. § 302A-1148 (emphasis added).

¹² Md. Educ. Code Ann. §7-108 (emphasis added).

¹³ XI Mass. Gen. Laws § 71-71 (emphasis added).

¹⁴ Ohio Rev. Code § 3313.77 (emphasis added).

¹⁵ Ohio Rev. Code § 3313.76 (emphasis added).

¹⁶ The community schools concept is implemented to lesser extent in the laws of a number of other states, including Arizona, Arkansas, Iowa, and Kentucky.

¹⁷ N.C. Gen. Stat. § 115C-12(35) (emphasis added).

¹⁸ N.C. Gen. Stat. § 115C-204.

¹⁹ N.C. Gen. Stat. § 115C-206. See also North Carolina’s supporting community-schools regulations in 16 NCAC §§ 06F.0101 through 06F.0104; and N.C. Department of Public Instruction. 2008. *Community Schools in North Carolina*. Raleigh, N.C.: N.C. Department of Public Instruction.

²⁰ N.C. Gen. Stat. § 115C-207.

²¹ Code of Ala. §§ 16-63-1 et seq.

²² N.C. Gen. Stat. §§ 115C-208 and 115C-209.

²³ Code of Ala. §§ 16-63-5 and 16-63-6.

²⁴ 105 Ill. Comp. Stat. § 5/2-3.152(b)(10).

²⁵ 105 Ill. Comp. Stat. § 5/2-3.152(b)(8).

²⁶ 105 Ill. Comp. Stat. § 5/2-3.152(d).

²⁷ 105 Ill. Comp. Stat. §§ 5/2-3.152(d)(4) and 5/2-3.152(d)(5).

²⁸ 105 Ill. Comp. Stat. § 5/2-3.152(c).

²⁹ See, e.g., Alabama’s Community Learning Center grants; California’s Healthy Start Support Services for Children program; Connecticut’s inclusion of community schools in initiatives funded under its 2012 Education Reform Agenda; Illinois’s grant funding of community schools as described in Public Act 96-746 (105 ILCS 5/2-3.152); Kentucky’s Family Resource and Youth Services Centers program (Ky. Rev. Stat. §§ 156.496, 156.497); and Washington’s Readiness to Learn program (Education Reform Act of 1993, § 901; Rev. Code of Wash. 28A.300.555), cited in http://www.communityschools.org/policy_advocacy/state.aspx.

³⁰ There are examples of states providing capital dollars for joint-use purposes (see Code of Maryland Regulations § 23.03.02.06(O) and Cal. Educ. Code §§ 17077.40–17077.45 and 17052). However, these funds are very limited.

³¹ See National Policy and Legal Analysis Network. 2009. *Fifty-State Scan of Laws Addressing Community Use of Schools*. Oakland, CA: NPLAN.

³² See, e.g., Ind. Code § 20-26-8-13 (permitting local districts to charge fees only for admission to outdoor swimming pools owned by the school district); Md. Educ. Code Ann. § 7-110 (allowing only “a reasonable charge for heating, lighting, and janitorial services for use of public school facilities”); and Cal. Educ. Code § 38134 (authorizing local districts to charge certain users fees that do not exceed the district’s “direct costs;” requiring that local districts charge church or religious users fees “an amount at least equal to the school district’s direct costs;” and requiring that local districts charge direct costs plus “the amortized costs of the school facilities or grounds used for the duration of the activity” in the case of “an entertainment or a meeting where an admission fee is charged or contributions are solicited, and the net receipts are not expended for the welfare of the pupils of the school district or for charitable purposes).”

³³ See, e.g., Idaho Code § 33-601(7) (authorizing the local school board to “establish a policy of charges, if any, to be made for [the use of school facilities as a community center].”

³⁴ See Ind. Code § 20-26-8-1 and Nev. Rev. Stat. Ann. §§ 393.0714, 393.0719. In addition, Ariz. Rev. Stat. § 15-1105(B) may be interpreted as preventing school districts from imposing fees for the use of school buildings, grounds, buses, equipment and other school property by “any school related group, including

student political organizations or by any organization whose membership is open to the public and whose activities promote the educational function of the school district.”

³⁵ See, e.g., Hawaii Rev. Stat. § 302A-1148 (requiring local districts to place revenues into a separate school-facilities fund and subaccounts); and Cal. Educ. Code § 38134(g)(1)(B)(iii) (stating that “funds collected under this subparagraph shall be deposited into a special fund that shall only be used for purposes of this section.”)

³⁶ See Cal. Educ. Code § 38134(h)(1)(i).

³⁷ See 14 Del. Code § 1056 (granting immunity from liability even in the case of negligence in the construction or maintenance of school property); N.J. Stat. § 18A:4-12 (liability for damage to state-controlled school property resulting from recreational uses by municipality is borne by the municipality); S.D. Codified Laws § 13-24-20 (making school district “not liable for any damages that might arise” from community use); and Rev. Code of Wash. §§ 4.24.660, 28A.335.150, and 28A.335.155 (granting limited immunity to school districts).

³⁸ See Ariz. Rev. Stat. § 15-1105(D).

³⁹ See Cal. Educ. Code § 38134(h)(1)(i).

⁴⁰ See D.C. Code § 38-401.02; 70 Ill. Comp. Stat. § 1205/8-18; Minn. Stat. § 123B.51; Penn. Publ. School Code of 1949 § 775; and Rev. Code of Wash. §§ 4.24.660.

⁴¹ Building Educational Success Together. 2006. *Model Policies in Support of High Performance School Buildings for All Children*. Washington, D.C.: Building Educational Success Together.

⁴² Fla. Stat. ch. 163.3177 (2013).

⁴³ COMAR §§ 23.03.02.02 and §23.03.02.03.

⁴⁴ See 18A N.J. Stat. §§ 7G-4(a) and 7G-4(g); and 40 N.J. Stat. §§ 55D-28 and 55D-31(b).

⁴⁵ COMAR §§ 23.03.02.07 to §23.03.02.27 (outlining the administration of the public-school construction program, including requirements for annual local district education-facilities master plans and capital improvement).

⁴⁶ For examples of joint use, see <http://bestfacilities.org/best-home/InnovativePractice.asp>.

⁴⁷ 56 Va. Code 575.1 et seq.; see also <http://dls.virginia.gov/commissions/ppe.htm>.

⁴⁸ The most recent update to the PPEA was in 2009 in the form of Senate Bill 1153.

⁴⁹ Code of Montgomery County, Md. § 44-3.

⁵⁰ See Code of Montgomery County, Md. §§ 44-1 through 44-5A; COMCOR §§ 44.00.01.01 through 44.00.01.05. See also <http://www.montgomerycountymd.gov/cupf/>.

⁵¹ Code of Montgomery County, Md. § 44-4.

⁵² Mary Filardo, David Garrison, Carol O’Cleireacain, and Alice Rivlin. 2005. *Capital Program Coordination*. Washington, D.C.: Brookings Institution and the 21st Century School Fund.

⁵³ Illinois Public Act 096-0803 (2009), codified as 105 Ill. Comp. Stat. § 5/34-18.43.

⁵⁴ See

<http://charmeck.org/CITY/CHARLOTTE/PLANNING/AREAPLANNING/CAPITALFACILITIES/Pages/JointUseTaskForce.aspx>

⁵⁵ For more information on the joint-use efforts in San Francisco, see Center for Cities & Schools. 2010. *San Francisco's Public School Facilities as Public Assets: A Shared Understanding and Policy Recommendations for the Community Use of Schools*. Berkeley, CA: Center for Cities & Schools; and San Francisco Department of Children, Youth, and Their Families. 2008. *Examples of Scorecard Measures for School-Community Partnerships: Possible Ways to Align School-Community Partnerships with SFUSD's Plan and Balanced Scorecard Approach*(PowerPoint) at <https://www.google.com/url?q=http://www.dcyf.org/Modules/ShowDocument.aspx%3Fdocumentid%3D222&sa=U&ei=QmkOU7n4Ou3IsAT71oDoDA&ved=0CAYQFjAA&client=internal-uds-cse&usg=AFQjCNH6S2rDixdhg6JRkMx9R2JVUTn0UQ>

⁵⁶ See, e.g., the enterprise-fund-based model used by the Interagency Coordinating Board (ICB) in Montgomery County, Maryland.

⁵⁷ See <http://www.montgomerycountymd.gov/cupf/>.