

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Community Relations  
JOINT USE AGREEMENTS**

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

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

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

1. The underlying philosophy or reasons for entering into the joint use agreement.
2. The specific community facilities or grounds that will be made available to the other party and areas that will be restricted.
3. Priorities for use of the property.
4. Hours that the property will be available for use by the County Superintendent, the partner, or other parties.
5. Projected capital costs, if any, and operating costs.
6. Resources to be allocated by the partner.
7. Rental or other fees, if any, to be charged to either party or third parties using the property.
8. Responsibilities for management, scheduling, maintenance, on-site supervision, accounting, and other operations.
9. Procedures and timelines for requesting use of the property.

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10. Code of conduct for users of the property and consequences for violations of the code.
11. Provision for regular inspection and notification of damage, as well as restitution and repair of property.
12. Safety and security measures.
13. Liability, insurance, and risk management issues.
14. Duration of the agreement, process for amending the agreement, and the bases for canceling or terminating the agreement before the expiration date.
15. Process for resolving disputes regarding any aspect of the agreement.
16. How any equipment purchased or other investments made through the agreement will be disposed of at the termination of the agreement.

The agreement shall be reviewed by legal counsel and approved by the County Superintendent and/or designee. As needed, the County Superintendent or designee shall recommend and approve amendments to the joint use agreement.

Adopted: 10/18/2018

**Legal Reference**

Education Code

8482-8484.6 After School Education and Safe Schools  
8484.7-8484.9 21st Century Community Learning Centers  
10900-10914.5 Community recreation programs  
35160 Authority of governing boards  
37220 School holidays; use of facilities when school is closed  
44808 Exemption from liability when students not on school property

Business and Professions Code

25608 Alcoholic beverages on school premises

Government Code

814-825.6 Liability of public entities and employees  
830-840.6 Liability; dangerous conditions on property  
895-895.8 Liability; agreement between public entities  
989-991.2 Local public entity insurance

United States Code, Title 20

7171-7176 21st Century Community Learning Centers  
7905 Equal access to public facilities

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**Management Resources**

CSBA Publications

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

National Policy and Legal Analysis Network to Prevent Childhood Obesity Publications

Model California Joint Use Agreements

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

Checklist for Developing Joint Use Agreements, March 2009

Public Health Law and Policy Publications

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

Web Sites

CSBA: <http://www.csba.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

Joint Use Statewide Task Force: <http://www.jointuse.org>

National Policy and Legal Analysis Network: <http://www.nplan.org>

Public Health Law and Policy: <http://www.phlpnet.org>