

What are Joint-Use Projects?

One of the primary challenges to reducing obesity and diabetes in low-income communities of color is creating appropriate places to engage in regular physical activity. One solution advocates and policymakers have pursued is creating new—or opening up existing—school facilities for use by the community. Such a policy change allows the playgrounds and other school recreation facilities to be ‘jointly used’—by students during school hours, and by members of the community during non-school hours, providing the community with increased opportunities to improve their health through regular physical activity.

Funding Mechanisms

The state has a pot of money to establish and improve joint use projects. To obtain joint-use funding from the state, the projects require partnerships between school districts and non-profit organizations or government agencies. These resources can then be used to build or modernize facilities for the community and the school, such as libraries, gymnasiums, health clinics, athletic and recreational fields, and child care centers.¹

Funding for joint-use projects is primarily available through the School Facility Program (SFP), which is overseen by the State Allocation Board (SAB). The funding is available to school districts and universities to buy land, construct new buildings, or modernize existing buildings. Funding for new construction projects will occur before funding for modernization projects.² The filing period is from June 1st to May 31st for the coming year’s funding cycle.

Type of Funding for Joint-Use Projects through School Districts³

- **State General Obligation Bonds:** These funds are voted on by the entire state. They can be directed one or several areas such as education, transportation, and parks.
 - **Proposition 1D:** Passed in 2006, it included \$29 million specifically for joint-use projects. As of June 2008, \$15.7 million funds were released to fund 56 projects.
 - **Proposition 55:** Passed in 2004, these bond funds were for the construction and renovation of school facilities. It included \$59 million for joint-use funding. As of June 2008, \$47.3 million had been released for 63 projects.⁴
 - **Proposition 47:** Passed in 2002, these bond funds included \$50 million for joint-use projects. To date, \$45.8 million have been released for 57 projects.⁵As of June 2008, there was \$1.3 million left from Prop. 47, \$8.2 million from Prop. 55, and 2.5 million from Prop. 1D, for a total of \$12.1 million.⁶
- **Local General Obligation Bonds:** School districts use these bond funds to match the state required contribution for school construction projects. Local bonds must be

¹ Description adapted from New Schools for Better Neighborhoods, an organization working on joint-use projects and policies. www.nsbnn.org.

² State Allocation Board publication, “An overview on the State School Facility Program.”

³ The bond fund descriptions were adapted from an analysis and backgrounder on Proposition 1D prepared by the Legislative Analyst Office.

⁴ Office of Public School Construction, School Facility Program, “Capital Outlay Report: Statistical and Fiscal Data. December 16, 1998 through June 25, 2008.”

⁵ Id.

⁶ State Allocation Board Meeting, July 23, 2008. Report to the Executive Officer on School Facility Program Joint-Use Projects.

- approved by 55% of the vote within the district. They are repaid using local property tax revenue. Local bonds have raised \$41 billion in the past decade.
- **Developers Fees:** School districts are allowed to levy fees on new residential, commercial, or industrial developments for school construction projects. These fees can provide a moderate amount but vary significantly by community depending on local development.
- **Special Bond Funds:** Known as “Mello-Roos” Bonds, these funds allow school districts to form special districts to sell bonds for school construction projects. These bonds require 2/3 voter approval and are paid off by the property owners in the special district. These bond funds have produced \$3.7 billion in the past 10 years.

Distribution of Funding

Funding is allocated based on number of students expected to enroll that cannot be served in existing space. New construction projects costs require an equal match of funds between the state and school districts. Modernization projects require the state to pay 60 percent and the school district to pay 40 percent.⁷

Eligibility for Joint-Use Funding

Education Section 17077.40 - .45

A school district can apply for funding if it meets any of the following criteria:

- Applies for *new construction funding* that will increase the school for: a multipurpose room, gymnasium, child care facility, library, or teacher education facility.
- Proposes to reconfigure existing school buildings or construct new buildings on a school site for one of the above mentioned facilities and does not have the type of facility which it is applying for.
- Will reconfigure or construct new school buildings, or both, for facilities that improve pupil academic achievement, and the plans were approved before 1/1/04.

Other Requirements Include:

- A joint-use agreement must be with a governmental agency, public community college, public college or public university, or a non-profit organization approved by the State Allocation Board.
- Partners must agree on capital sharing and operating costs, responsibilities for operation and staffing of the facility, and specify how pupil safety will be ensured.
- The school district must be able to finance 25% of the project and the joint use partner finances the other 25%, with the joint use partner paying no less than that amount.
- The school district demonstrates that the facility will be used to the maximum extent possible for both school and community purposes.

Other Education Code Sections for Joint-Use Community Recreation Programs

§ 10900 - § 10912

- Provide adequate programs of community recreation
- Authorizes public corporations or districts, cities, counties and school districts to organize, promote, and conduct programs of community recreation.

⁷ Office of Public School Construction, www.opsc.dgs.ca.gov.

- School grounds may be used (free or for a fee)
- Public authorities may cooperate to establish, improve, or maintain recreation facilities

Joint use

§ 17051 & § 17052

- Authorizes school districts to enter into joint use agreements for parks and recreation facilities as with another governmental entity
- State may fund the building of libraries, gymnasias, and multipurpose rooms on school property where jointly used for school and community purposes.

Civic Center Act

§ 38131 - § 38134 & § 82537 - § 82546

Every School is designated as a Civic Center. They can be used for supervised recreational activities. When no other location is available, school must allow use by organizations promoting youth and school activities.

Liability

§38134 (f)

If any group activity results in the destruction of school property, the group may be charged for an amount necessary to repay the damages, and further use of facilities may be denied.

§38134 (i)

Any school district authorizing the use of school facilities or grounds [as a civic center] shall be liable for any injuries resulting from the negligence of the district in the ownership and maintenance of those facilities or grounds. Any group using school facilities or grounds [as a civic center shall] be liable for any injuries resulting from the negligence of that group during the use of those facilities or grounds.

Joint-Use Case Studies⁸

School and Athletic Field: A community in northern California incorporated a joint-use project in their general obligation bond strategy. The bond funds built and modernized school facilities which included athletic fields. User fees helped maintain the field and a local community athletic association oversees the field.

Sun Valley Community Clinic: This project is a partnership between LA County, LAUSD, the Northeast Valley Health Corporation, and the UCLA Geffen School of Medicine. The school district gave the land to the clinic for free for 40 plus years. The County is building the clinic and the Northeast Health Valley Corporation will provide the health care services. The UCLA Geffen school is providing an asthma clinic.

Potential Challenges to Joint-Use⁹

- **Aligning Partnership Goals:** The long-term nature of the partnership requires parties to develop similar goals and objectives for the funding and management of the project.

⁸ New Schools for Better Neighborhoods. www.nsbns.org.

⁹ www.nsbns.org

- **Operations and Maintenance:** The hours of use, security, and cost maintenance should be addressed upfront to avoid confusion and misunderstandings.
- **Regulatory Constraints:** Construction projects have various levels of regulation depending on the community and the environment. The Field Act contains higher construction standards for school facilities. Therefore, if community centers and buildings are to be used by school districts, they must also comply with the Field Act. These types of differences should be reconciled among partners before the project advances.
- **Joint-Use Fund Restrictions:** Requirements set forth in SB 50 state that projects using state school construction funding must be on property owned by school districts.
- **Restrictions on Private-Public Partnerships:** There are currently limited opportunities for public-private joint use partnerships.
- **Long-Term Commitment:** School districts and their partners have stated concerns about joint-use projects and the long-term costs associated with them. Liability issues may also arise.

Previous Joint-Use Legislation

SB 1677 (Torlakson) – 2006

- Would have expanded the definition of joint use to include a career technical building or shop, science and technology laboratory, science center, historical or cultural education center, performing arts center, physical education or outdoor recreational site development, parking lot, and child wellness center.
- Would have expanded the partnership options to include private entities.
- Would have allowed school districts to include the value of the property or land for the joint use project as a portion of the contribution requirement.
- Would have lessened the requirement that joint use partners have to contribute at least 25% of the contribution and would have allowed for the inclusion of equipment, consumable materials and personnel as part of the contribution.

Governor’s Veto Message of SB 1677

In the Governor’s veto message, he stated the following concerns:

- The bill would undermine the fiscal responsibility of joint use partners.
- It allowed for the funding of projects that are “lower-priority” and not dedicated to the educational achievement of students.
- Allowing joint use facilities to be built on private lands would jeopardize the tax-exempt nature of the bond proceeds.

SB 35 (Torlakson) – 2007

- Would have expanded the definition of joint use to include a career technical building or shop and physical education or outdoor recreational site.
- Expands the types of partnerships allowed under joint use agreements.
- Allows joint use partners to consider equipment for career and technical shops, up to 10%, as part of the joint use funding requirement (currently at 25%).

Governor’s Veto Message of SB 35

The Governor’s primary concern was a lack of funding for future joint use projects, which are not currently connected to any future bond funds.