

# Fifty-State Scan of Laws Addressing Community Use of Schools

STATE	STATUTE	USE OF SCHOOL PROPERTY BY COMMUNITY		LIABILITY			FEES		INSURANCE	JOINT USE	GRADE SCHOOLS OR UNIVERSITIES/ COLLEGES		NOTES
		Statute Requires	Statute Authorizes	Imposes Liability for Property Damage on User	Imposes Liability for Injury on User	Imposes Liability on School	Statute Requires Free Use	Statute Permits Fee for Use	Statute Addresses Insurance	Statute Provides for Joint Establishment or Joint Use of Property/Facilities	Statute Applies to K-12 Schools	Statute Applies to State Universities and Colleges	
AL	<i>Code of Ala.</i> §16-10-11		Yes								Yes	No	A board of school trustees may authorize community use. The applicant must respond to any damages resulting from use; if it does not, the board may refuse use to that applicant again.
	<i>Code of Ala.</i> §16-63	Yes									Yes	No	If funded under this chapter (the Community Schools Act), a local school board must develop programs and plans for increased community use of public school facilities and work to provide the maximum opportunity for public schools to serve the communities.
AK	<i>Alaska Stat.</i> §14.03.100		Yes								Yes	No	The governing body of a school district may allow the use of school facilities for any legal gatherings or assemblies.
AZ	<i>A.R.S.</i> §15-1105		Yes				Yes	Yes	Yes		Yes	No	The governing board may lease school property for any lawful purpose, including recreational, educational, political, economic, artistic, moral, scientific, social, religious, or other civic or governmental purpose in the interest of the community. Free use of property may be allowed for school-related groups or by organizations whose membership is open to the public and whose activities promote the educational function of the school. The governing board shall annually approve a fee schedule for the lease of school property and shall require proof of liability insurance for such use.
	<i>A.R.S.</i> §§15-1141 - 15-1143		Yes					Yes			Yes	No	A school governing board may establish a "community school program" furnishing supervised recreational instruction and meeting places for community groups.

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AR	<i>A.C.A.</i> § 6-21-101		Yes					Yes			Yes	No	The directors of any school district may permit use of schools for social, civic, and recreational purposes or any other community purpose. The directors may charge a fee.
	<i>A.C.A.</i> §§ 6-21-501 - 6-21-505									Yes	Yes	No	A school district may operate a program of public recreation and playgrounds and build or maintain facilities and equipment, alone or in conjunction with any other public corporation, board, or body. The program may be conducted on school property, public property, or private property.
	<i>A.C.A.</i> §§ 14-54-1301 - 1307									Yes	Yes	No	A city, town, or board may operate a program of public recreation and playgrounds and build or maintain facilities and equipment, alone or in conjunction with counties or school districts.
CA	<i>Cal. Educ. Code</i> §§ 10900 - 10914.5		Yes					Yes		Yes	Yes	No	Community Recreation Act. A governing body of a city, county, school district, or other public authority may conduct programs of community recreation (defined specifically); establish systems of playgrounds and recreation; and construct, improve, maintain, and operate recreation centers independently or with other public entities. The governing bodies of two or more public authorities may cooperate with each other and enter into agreements to carry out the purposes of this chapter, including jointly establishing a system or systems of recreation.
	<i>Cal. Educ. Code</i> §§ 17051 - 17052									Yes	Yes	No	A school district may enter into an agreement with another governmental entity for the purposes of joint use park and recreational facilities. The state may fund projects to construct such facilities on school campuses; schools may request such funding if (among many other requirements) the school shows that the facilities will be used to the maximum extent possible for school and community purposes.
CA	<i>Cal. Educ. Code</i> §§ 17077.40 - 17011.45									Yes	Yes		The State Allocation Board may provide a grant to fund joint-use projects to construct facilities on K-12 school sites as long as the school district has entered into a joint use agreement with a governmental agency, public community college, public college or public university, or a nonprofit organization approved by the board, and the school district demonstrates that the facility will be used to the maximum extent possible for both school and community purposes.
	<i>Cal. Educ. Code</i> §§ 38131 - 38134	Yes		Yes	Yes	Yes		Yes	Yes		Yes	No	There is a civic center at each and every public school facility and grounds where the citizens and associations formed for recreational activities of the public school districts may engage in supervised recreational activities. The governing board may grant the use of school facilities or grounds as a civic center upon the terms and conditions the board deems proper, for recreational meetings, supervised recreational activities, and a community youth center. The governing board has discretion and control of school property, but must allow use of school property, when an alternative space is not available, to nonprofit organizations organized to promote youth activities. Liability rests upon the negligent entity. The district and group using the property must bear their own insurance and defense costs.

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	<i>Cal. Educ. Code</i> §82537 §82542 §82544	Yes		Yes		Yes		Yes	Yes		No	Yes	There is a civic center at each and every community college where the citizens and associations formed for recreational activities of the public school districts may engage in supervised recreational activities. The governing board may grant the use of college facilities or grounds as a civic center upon the terms and conditions the board deems proper, for recreational meetings, supervised recreational activities, and a community youth center. The governing board has discretion and control of college property, but must allow use of college property, when an alternative space is not available, to nonprofit organizations organized to promote youth activities. Liability rests upon the negligent entity. The district and group using the property must bear their own insurance and defense costs.
CO	<i>C.R.S.</i> §22-32-118		Yes					Yes		Yes			A board of education may establish and maintain open-air playgrounds. It may also, individually or with other governmental entities, establish and maintain year-round use of the facilities for off-hours recreational activities for children, youth, and adults. The board may charge a fee for such use.
CT	<i>Conn. Gen. Stat.</i> §10-239		Yes								Yes		A board of education may allow the use of school property for nonprofit educational or community purposes whether or not school is in session.
DE	<i>14 Del. Code</i> §1056		Yes	Yes		No		Yes			Yes	No	A board of education may consider a written request by ten citizens of any community to participate in community activities as long as the facility is not already scheduled for use, the use of the facility will be beneficial to children and youth and consistent with the program of education, and the use of the facility will serve a purpose that is educational, civic, or recreational (among others). Any groups of citizens permitted to use school property shall be responsible for any damages done to such property over and above the ordinary wear. Any school board that permits use of public school property for any use other than public school use shall not be liable in tort for any damages by reason of negligence in the construction or maintenance of such property.
DC	<i>D.C. ST.</i> § 38-401		Yes					Yes			Yes	No	The board of education may approve the use or lease of school property for any person or organization providing an educational or recreational program involving children, youth or adults, for a playground or center for recreational activity, or any other use in the best interest of the local community.
	<i>D.C. ST.</i> §38-401.02								Yes		Yes	No	The board of education may require persons or organizations with use or lease agreements to carry public liability insurance.
FL	<i>Fla. Stat.</i> §1013.1		Yes								Yes	Yes	A board of education may permit the use of educational facilities for any legal assembly or for community use centers.
	<i>Fla. Stat.</i> §1013.15		Yes					Yes			Yes	Yes	A board of education may lease any land, facilities, or educational plants to any person or entity on such terms as are in its best interests.

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GA	<i>Ga. Code Ann.</i> §20-2-85 §20-2-86		Yes								Yes	No	School councils shall provide advice, recommendations, and assistance and represent the community of parents and businesses. School councils may advise school regulatory bodies on community use of school facilities.
	§36-34-B253+B31									Yes	Yes	Yes	Any municipal corporation shall have the power to accept by gift, acquire, construct, lease, own, regulate, operate, and improve recreational facilities and grounds and buildings for educational purposes. Any municipal corporation may contract with any other political subdivision for the joint use of any such facilities.
HI	<i>H.R.S.</i> §302A-1147		Yes								Yes		Upon request by the county, a board of education must make the school grounds available after school hours for use by the county.
	<i>H.R.S.</i> §302A-1148.		Yes					Yes					All public school buildings, grounds, and facilities are available for general recreational purposes and public and community use. A department may charge for use of the property.
	<i>H.R.S.</i> §302A-1148.5				Yes	Yes							Any non-student or non-employee entering school grounds for the purpose of recreation assumes risk of liability unless the person is an invitee or licensee or if the injury is due to willful or wanton misconduct.
	<i>H.R.S.</i> §302A-1150	Yes											The "fullest freedom" shall be given to state citizens to use all public school buildings when not in use for educational purposes, provided that the user has a permit and is using the building for a lawful use.
ID	<i>Idaho Code</i> §33-601		Yes					Yes		Yes	Yes		A board of trustees of a school district can rent school property to others; authorize the use of any school building as a community center for any public purpose; and enter into contracts with any city in the school district for the joint purchase, construction, or maintenance of playgrounds and other recreational facilities on district or city property.
IL	<i>70 Il. Code</i> §1205/ 8-18								Yes	Yes	Yes		Every park district may develop, operate, finance, and participate in joint recreational programs with contiguous park districts, cities, city recreation commissions, school districts, or other municipal governments, and enter into joint agreements for the joint use of facilities and equipment and the securing of liability insurance in connection with such use.
IN	<i>Burns Ind. Code Ann.</i> §§20-26-8-1-20-26-8-2	Yes	Yes				Yes	Yes, of swimming pools		Yes	Yes		A board of school trustees in second or third class cities, towns, or townships may of their own initiative (and must upon petition) establish and maintain community centers, gymnasiums, public playgrounds, and similar activities and accommodations without charge to the residents of the cities, towns, or townships. A board may also cooperate with other commissioners or boards with custody and management of public parks, grounds, or buildings or provide the equipment, supervision, instruction, and oversight. A board must establish and maintain such activities if a petition for such use is filed and is signed by at least 10 percent of the number of voters of the last election held in the city or at least 100 freeholders living in a town or township.

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	<i>Burns Ind. Code Ann.</i> §36-10-4-11		Yes								Yes		A governing body of a school corporation of the city may permit the use of public school grounds or buildings that are required or adaptable for recreation purposes.
<b>IA</b>	<i>Iowa Code</i> §297.9		Yes					Yes			Yes		A school district's board of directors may authorize the use of any schoolhouse and grounds for community recreational activities, meetings of public interest, and other community purposes. The board may charge for the use and set terms and conditions for the proper protection of the schoolhouse and property.
	<i>Iowa Code</i> §350.1 §350.8		Yes							Yes			This statute creates county conservation boards whose goals include providing adequate programs of public recreation. School districts may grant the use of any buildings, grounds, or equipment to any county conservation board for recreation use.
<b>KS</b>	<i>K.S.A.</i> § 72-1033		Yes								Yes		A school board may open the schoolhouse for public purposes under such rules and regulations as the board shall adopt.
<b>KY</b>	<i>K.R.S.</i> §160.293		Yes							Yes	Yes		A board of education may enter into agreements with public agencies to develop and maintain recreational facilities on school property for school and community purposes.
	<i>K.R.S.</i> §162.05		Yes										A board of education may permit the use of the schoolhouse by any lawful public assembly of educational, religious, agricultural, political, civic, or social bodies under rules it deems proper.
<b>LA</b>	<i>La. R.S.</i> §17:3361		Yes								No	Yes	Campus grounds may be leased to benevolent organizations, nonprofit corporations, or public bodies.
	<i>La. R.S.</i> 33:1324									Yes	Yes		Any parish, municipality, or political subdivision of the state, or any combination thereof, may make agreements to engage jointly in the construction, acquisition, or improvement of any public project or improvement. Such arrangements may provide for the joint use of funds, facilities, personnel, or property, or any combination thereof necessary to accomplish the purposes of the agreement, which may include recreational and educational facilities, such as playgrounds, recreation centers, parks, and libraries.
<b>ME</b>	<i>20-A M.R.S.</i> §1654		Yes								Yes		A district school committee of a community school district may acquire, construct, and operate related recreational and athletic facilities, which may also meet other community needs.
	<i>20-A M.R.S.</i> § 3302-A		Yes					Yes			Yes		The statute applies only to "unorganized territory." The commissioner may rent or lease any unused school building or portion of a building for any purpose.
<b>MD</b>	<i>Md. Educ. Code Ann.</i> §7-108 -7-110	Yes		Yes				Yes			Yes		A county board must encourage the use of public school facilities for community purposes, and if a written application is made to the county superintendent, a county board must provide the school facility for use for civic or recreational purposes (among others) that are open to the public. Nonprofit daycare programs have priority, and the person who applies for the use of the facilities is responsible for all property damage.

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MA	<i>A.L.M. GL</i> <i>ch. 71</i> <i>71B</i> <i>71C</i>	Yes						Yes			Yes		Subject to such regulations as it may establish, a school committee of any town shall allow the use of school property by individuals and associations for recreational, educational, social, civic, and philanthropic purposes as it deems for the interest of the community. Adult fitness programs may be offered in school gyms, and all moneys received by the school committee in connection with community school programs must be deposited with the treasurer of the town or city.
MI	<i>M.C.L.A.</i> <i>§380.11</i> <i>§380.601a</i>										Yes		No statutes that expressly addressed community use of schools were located. Statutes cited authorize school districts to enter into agreements or cooperative arrangements with other entities, public or private, as part of performing the functions of a school district.
MN	<i>Minn. Stat.</i> <i>§123B.51</i>		Yes	Yes				Yes	Yes		Yes	No	A board of education may authorize the use of any schoolhouse for community purposes, and it may determine a reasonable charge for its use. Also, the board may require cash or a corporate surety bond conditioned for the proper use of the schoolhouse.
MS	<i>Miss. Code Ann.</i> <i>§37-7-317</i>		Yes								Yes		The statute permits the school board of any school district to transfer jurisdiction and control of any recreational property during summer break to the governing authorities of the municipality or county in which the property is located. The agreement may include a provision that the municipality or county is liable for the upkeep, maintenance, and repair of the property during that time.
MO	<i>R.S. Mo.</i> <i>§177.031</i>		Yes	Yes				Yes			Yes		A school board may allow the free use of school property or require the expenses paid for the meeting of organizations of citizens and for any other civic or social purpose. Persons or groups using property are jointly and severally liable for any injury or damage that results from the use.
	<i>R.S. Mo.</i> <i>§177.101</i>		Yes					Yes			Yes		This statute applies only to "seven-director districts." A school board may lease or purchase grounds for public parks and playgrounds. The board of education will maintain full control of the parks and playgrounds and permit use of the grounds in the best interest of the district.
	<i>R.S. Mo.</i> <i>§177.151</i>									Yes	Yes		A board of education may let out to others, for compensation, an auditorium or public hall suitable for public gatherings. The proceeds must be used for the purchase of books for the library.
MT	<i>Mont. Code Ann.</i> <i>§§20-7-801 -</i> <i>20-7-805</i>		Yes							Yes	Yes		Any school district, independently or in cooperation with any other city, town or board of park commissioners, may acquire, equip, and maintain land, buildings, and other recreation facilities for the purpose of operating a program of public recreation.
	<i>Mont. Code Ann.</i> <i>§20-6-607</i>							Yes			Yes		The district's trustees may lease or rent school property under the terms specified by them, and any money collected may be used for any proper school purpose.

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NE	R.R.S. Neb. §79-10,106		Yes					Yes			Yes		Public school buildings may be used for public assemblages, and rental fees may be charged to meet the expense of such meeting, restore the property, and pay for any extra help required.
NV	Nev. Rev. Stat. Ann. §§393.071 - 393.0719		Yes				Yes, of libraries	Yes			Yes		School buildings and grounds may be used for recreational or public meetings under such terms as the board of trustees determines. While Attorney General Reports state that community use of schools is not mandatory, if community use is allowed, then the board of trustees must make regulations for the use of school property for the aid, assistance, and encouragement of recreational activities. School districts may seek reimbursement for expenses in connection with use.
NH	No statutes were located.												
NJ	N.J. Stat. §18A:4-12		Yes	municipality liable for property damage		No					Yes		A municipality may allow the use of board of education land as playgrounds or recreation centers for the children of the municipality when not required for school or state purposes. The municipality is liable for any damage done to property.
	N.J. Stat. §18A:20-22								Yes		Yes		A school district may expend any of its surplus funds for the joint acquisition of land for recreation and conservation purposes with a municipality.
	N.J. Stat. §18A:20-34		Yes								Yes		The board of education may permit the use of any district property, when not in use for school purposes, for the holding of social, civic, and recreational meetings and entertainments and any other purposes approved by the board.
	N.J. Stat. §40:61-5							Yes		Yes	Yes		The controlling authority of a public park or playground, except county parks, may permit it to be used for athletic purposes or as playgrounds by the pupils of the public schools and the public subject to reasonable fees. The board of education may charge and collect a reasonable admission fee from each person entering such public place for the purpose of witnessing an athletic contest or game involving pupils of the public schools.
NM	N.M. Stat. Ann. §5-4-5									Yes	Yes		A school board may join with any municipality or county in conducting and maintaining a recreational system.
	N.M. Stat. Ann. § 5-4-16		Yes							Yes	Yes		A school district may construct, own, or operate community recreational facilities on land owned by the school district or on land acquired for the community recreational facilities. A local school board may enter into agreements with any state or federal agency to obtain assistance in this effort.
NY	N.Y. C.L.S. Educ. §414		Yes					Yes			Yes		A board of education may permit the use of school property, even during school hours if not disruptive of school operations, for holding public social, civic, and recreational meetings and entertainments, and other uses pertaining to the welfare of the community for recreation, physical training and athletics. The board of education may determine the terms and conditions for such use, which may include a rental fee sufficient to cover expenses. Additionally, no child may be excluded on the basis that the child is not attending a district school.





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SC	<i>S.C. Code Ann.</i> §59-19-120 §59-19-140		Yes					Yes			Yes		A district board of trustees may adopt rules and regulations governing the use of school buildings and equipment for purposes other than normal school activity.
	<i>S.C. Code Ann.</i> § 59-19-125		Yes					Yes			Yes		A district board of trustees may permit the free use, or lease for a reasonable fee, of school property for civic or public purposes.
SD	<i>S.D. Codified Laws</i> §13-24-20		Yes	Yes	Yes	No		Yes			Yes		A school board may grant the use of school facilities or land for any purpose which it considers advisable for a community service for such compensation as it determines. The school is not liable for any damages resulting from the use, and the users are responsible to the school district for any and all damages resulting from the use.
TN	<i>Tenn. Code Ann.</i> §11-21-101 §11-21-108		Yes							Yes	Yes		Any board of education may grant the use of any school property to any county conservation board for the purpose of making available public parks, preserves, parkways, playgrounds, recreational centers, and other conservation areas to the inhabitants of the county to promote and preserve the health and general welfare of the people and to provide adequate programs of public recreation.
	<i>Tenn. Code Ann.</i> §11-24-110		Yes							Yes			Any county board of education may grant the use of any buildings, grounds, or equipment to any municipal recreation system.
TX	<i>V.T.C.A. Educ. Code</i> §11.165		Yes								Yes		The statute permits a board of trustees to adopt rules to keep school campuses open for recreational activities after school hours.
UT	<i>Utah Code Ann.</i> §53A-3-413 §53A-3-414	Yes						Yes			Yes		All public school buildings and grounds are civic centers and may be used by district residents for supervised recreational activities. A local school board controls such use and may charge a reasonable fee for the use, and it may refuse the use of school property as a civic center only if it determines the use inadvisable.
VT	<i>VT. St. T.</i> 16 <i>V.S.A.</i> . §563		Yes								Yes		The statute permits a school board to make available school facilities and equipment for specified purposes if such purposes appear to be in the best interests of the district and are an efficient, economical, and appropriate use of the facilities and equipment.
VA	<i>Va. Code Ann.</i> 22.1-80									Yes	Yes		A school board is authorized and encouraged to develop or improve undeveloped or unused public park areas owned by the state or other municipalities and adjacent to any public school.
	<i>Va. Code Ann.</i> §22.1-131 §22.1-132		Yes	Yes							Yes		A school board may permit the use of school property under such terms and conditions as it deems proper. Permits may limit the use of the property, among other ways, while classes are in session and by requiring that the property is returned in as good condition as when leased, normal wear and tear excepted.

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WA	<i>Rev. Code Wash.</i> §4.24.660					No			Yes		Yes		A school district shall not be liable for the injury or death of a person due to action or inaction of persons employed or under contract with a youth program if the action occurs on school property during the delivery of services of the youth program and the program provides proof of insurance meeting certain specifications.
	<i>Rev. Code Wash.</i> §28A.335.150 §28A.335.155		Yes			No		Yes	Yes		Yes		A board of directors of a school district may permit the use of or renting of school playgrounds, athletic fields, or athletic facilities, by or to any person or corporation for any athletic purposes. Use must be for such compensation and under the terms that the board of directors adopts. School districts have limited immunity in accordance with RCW 4.24.660.
	<i>Rev. Code Wash.</i> §28A.335.250 §28A.335.260		Yes							Yes	Yes		Second class school district boards may provide for the free, comfortable, and convenient use of school property to promote and facilitate association of people for recreation and other community purposes. Each second class school district may establish communal assembly places.
WV	<i>W. Va. Code</i> §18-5-19		Yes							Yes	Yes		A county board may provide for the free, comfortable, and convenient use of any school property to promote and facilitate frequent meetings and associations of people for recreation and other community activities.
WI	<i>Wis. Stat.</i> §119.70		Yes							Yes	Yes		A board of education may establish and maintain gymnasiums, public playgrounds, and similar activities and accommodations in the school buildings and on the school grounds for children and adults. The board may cooperate with other boards having the custody and management of public parks, buildings, and grounds to provide the equipment, supervision, instruction, and oversight necessary to carry on such recreational activities in and upon other buildings and grounds.
WY	<i>W. S.</i> §18-2-108									Yes	Yes	Yes	Each county, municipality, school, hospital, or other special district, or any two or more of them, may enter into contracts or agreements to jointly establish and operate recreation facilities, public school facilities, and community college facilities.

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