

## **COMMUNITY RELATIONS**

### **SUBJECT: Use of Facilities**

The County Board of Education and County Superintendent of Schools recognize that County Office of Education facilities and grounds are a community resource and authorize their use by community groups for purposes provided for in the Civic Center Act.

The facilities of the County Board of Education are primarily for the activities of the programs of the County Board of Education and the County Superintendent of Schools. Facilities may be made available to responsible organizations, associations, and individuals of the community for appropriate educational, civic, cultural, welfare, or recreational activities which do not infringe upon nor interfere with the conduct and best interests of the programs of the County Board of Education and the County Superintendent of Schools.

The County Superintendent of Schools or designee shall maintain procedures and regulations for the use of County Office of Education facilities and grounds that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school buildings and on school grounds and protect County Office of Education facilities, designating a person to supervise this task, if necessary

(cf. 0450 - Comprehensive School Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. Ensure that the use of County Office of Education facilities or grounds is not inconsistent with their use for County Office of Education purposes and does not interfere with the regular conduct of County Office of Education work

### **Facilities may not be used for:**

1. Activities promulgating any theory or doctrine subversive to the laws of the United States, or any political subdivision thereof, advocating governmental change by violence.
2. Any activity that may violate the canons of good morals, manners or taste.
3. Any activity that may be injurious to the buildings, grounds, or equipment.
4. Any purpose in conflict with school activities.
5. Any activities which are discriminatory in the legal sense.

6. Commercial advertising, or fund raising campaigns, except as permitted by County Board of Education policy or special action of the County Board of Education.

### **Granting of Approval**

The County Superintendent of Schools is authorized to approve and arrange for scheduling the use of school facilities by applicants who agree to the above purposes and limitations.

### **Fees**

Direct costs to all community groups

The County Office of Education believes that the use of school facilities or grounds should not result in costs to the County Office of Education. The County Office of Education shall charge at least direct costs to all groups granted facility use under the Civic Center Act.

Groups using school facilities or grounds by invitation of an RCOE employee acting in an official capacity in conducting the business of the County Superintendent of Schools shall not be charged direct costs.

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the County Office of Education's students. (Education Code 38134)

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

37220 School holidays

32282 School safety plan

38130-38138 Civic Center Act: use of school property for public purposes

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises

MILITARY AND VETERANS CODE

1800 Definitions

UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

COURT DECISIONS

Good New Club v. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

Cole v. Richardson, (1972) 405 U.S. 676

Connell v. Higgenbotham, (1971) 403 U.S. 207

ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

Ellis v. Board of Education, (1945) 27 Cal.2d 322

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.AttyGen. 90 (1999)

79 Ops.Cal.Atty.Gen. 248 (1996)

Management Resources:

CDE LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89