

COMMUNITY USE OF OFFICE OF EDUCATION FACILITIES

Office of Education facilities and grounds are community resources, and use by community groups is authorized for purposes provided for in the Civic Center Act under the guidelines and procedures of this policy and administrative regulations.

The facilities of the Office of Education are primarily for the activities of the programs of the Office of Education. 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 of and best interests of the programs of the Office of Education.

Granting of Approval

The Superintendent or designee is authorized to approve and arrange for scheduling the use of Office of Education facilities by applicants who agree to abide by Office of Education policies and guidelines.

For the effective management and control of Office of Education facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that:

1. Aid, encourage and assist groups desiring to use Office of Education facilities for approved activities.
2. Preserve order in Office of Education buildings and on grounds and protect facilities, designating a person to supervise this task, if necessary.
3. Ensure that the use of facilities or grounds is not inconsistent with their use for Office of Education purposes and does not interfere with the regular conduct of Office of Education work.

Priority for Use

Programs of the Office of Education shall have priority for all facilities. Thus, community use of the facilities may be denied or cancelled if a conflict arises between an internal and external request for use of the same facility at the same time or in case of an emergency. The Superintendent or designee shall give priority to school-related activities in the use of county office facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of Office of Education facilities and grounds.

The use of facilities should not result in costs to the Office of Education. The Superintendent or designee shall charge all groups granted the use of facilities under the Civic Center Act an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041.

In determining direct costs to be charged for community use of each, or each type of facility, the Superintendent or designee shall calculate, in accordance with 5 CCR 10438, the community's proportionate share of the following costs:

- 1) Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

However, capital direct costs shall not be charged to organizations retained by the Office of Education to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs.

- 2) Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs or supplies, utilities, janitorial services, other services of employees and/or contracted workers, and salaries and benefits paid to Office of Education employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds.

Additionally, when any use of school facilities is for religious services, the Office of Education shall charge an amount at least equal to the 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 students.

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and may reflect the community's proportionate share of the following costs:
(Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds
2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Use of School Facility as Polling Place

The Board may authorize the use of school buildings as polling places, or vote centers for election day. The Board may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, or vote center on election day and/or during the 10 days preceding election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as a polling place or vote center. (Elections Code 12283)

When a school is used as a polling place or vote center, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. The Superintendent or designee shall make a reasonable effort to ensure that the site is accessible to persons with disabilities. (Elections Code 12283)

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place or vote center.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

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

CODE OF REGULATIONS, TITLE 5

14037-14042 Proportionate direct costs for use of school facilities and grounds

UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

COURT DECISIONS

Good News 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 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.Atty.Gen. 90 (1999)

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

Policy

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HUMBOLDT COUNTY OFFICE OF EDUCATION

Eureka, California