

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 6/7/66****REVISED: 11/10/21****SUBJECT: Facilities, Use of****PAGE: 1 of 8**

The San Diego County Office of Education is for the primary purposes of the operation of the offices, programs, and activities of the county superintendent of schools. At the discretion of the designee of the county superintendent of schools, facilities, grounds, and equipment/furniture may be made available for use for temporary periods by authorized persons or groups/organizations.

The executive director or director of Maintenance and Operations shall serve as the designee of the county superintendent of schools to implement the guidelines of this administrative regulation.

Meetings scheduled by employees of the county superintendent of schools must be related to the objectives established by the programs of the county superintendent of schools. An employee must be present at all meetings for those meetings to be considered an official San Diego County Office of Education (SDCOE)-sponsored event.

PERMITTED ACTIVITIES

At the discretion of the designee of the county superintendent of schools, use of the facilities may be granted subject to the terms of this administrative regulation for the following purposes:

1. Public, literary, scientific, recreational, or educational meetings of:
 - A. Employee groups and employees of the county superintendent of schools
 - B. Organizations cosponsoring activities in conjunction with the county superintendent of schools
 - C. Other governmental agencies, public agencies, and public affairs groups
2. Mass care and welfare shelters during disaster or other emergencies affecting the public health and welfare. The county superintendent of schools shall grant the use of buildings, grounds and equipment to public agencies, including the American Red Cross, and shall cooperate in furnishing and maintaining such services as he/she deems necessary to meet community needs.

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3. The discussion of matters of general or public interest
4. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of services, provided the county superintendent of schools imposes a charge equal to the fair rental value of the facilities being used
5. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization
6. Other purposes deemed appropriate by the County Board of Education or the county superintendent of schools

NONPERMITTED ACTIVITIES

The following uses or actions are prohibited and shall serve as a reasonable basis for the designee of the county superintendent of schools to deny or revoke a permit:

1. Any use of facilities or grounds which would interfere or that is inconsistent with the regular conduct of business of the county superintendent of schools
2. Any use by an individual or group for the commission of any crime or any act prohibited by law
3. Any use which creates a clear and present danger or the commission of unlawful acts on the grounds (e.g., rioting, disturbance of the peace) or the substantial disruption of the use of the grounds for normal operations
4. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances.
5. The use of tobacco products anytime, anywhere on the grounds and facilities is prohibited and any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco products.
6. Any use which violates existing federal or state statutes prohibiting discrimination

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DESIGNEE OF THE COUNTY SUPERINTENDENT OF SCHOOLS

The executive director or director of Maintenance and Operations, shall serve as the designee of the county superintendent of schools and shall be responsible for:

1. Establishing facilities reservation procedures at the SDCOE by employees of the county superintendent of schools and outside groups/organizations
2. Approving and processing all *Facilities Reservation Requests and Use Agreements*, Form 75, requests and ensuring that facility users adhere to the terms of the facilities reservation procedures
3. Determining and assessing fees for use of facilities in accordance with terms of this administrative regulation and board policy

TERMS OF USE

All facility users must acknowledge acceptance of terms of use by filing a completed *Facilities Reservations Request and Use Agreement*, Form 75, with the designee of the county superintendent of schools in accordance with the facilities reservation procedures and this administrative regulation.

EQUIPMENT/FURNITURE USE

SDCOE equipment/furniture shall not be used unless specifically authorized in writing.

Employees may borrow portable audiovisual equipment for off-site use for SDCOE sponsored events/activities on an as-available basis in accordance with Administrative Regulation No. 3512.

SDCOE audiovisual equipment/furniture are only for use at SDCOE meeting facilities. Arrangements for audiovisual equipment/furniture needed for conferences and other activities scheduled off-site should be made directly with an audiovisual equipment vendor or the facility provider at user's expense.

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PRIORITY OF USE

Use or occupancy of any facilities and/or grounds shall be primarily for official activities of the county superintendent of schools and public education purposes. Any authorized use or occupancy of the facilities and/or grounds for other than official activities and public education purposes shall be secondary and subordinate to this primary purpose. The county superintendent of schools reserves the right to assign, reassign, or cancel the use of facilities and/or grounds.

FEES FOR USE OF FACILITIES

Free Use of Facilities

The free use of facilities is as follows:

1. Free use of facilities is available for all official activities sponsored by the County Board of Education and the county superintendent of schools.
2. When an alternative location is not available, the temporary use of facilities by clubs, associations, or nonprofit organizations, shall be granted without charge for activities that promote and advance public education and serve a public purpose. These groups include, but are not limited to: Girl Scouts, Boy Scouts, Camp Fire, YMCA, parent-teacher associations, school/community advisory councils, and recreational youth sports leagues that charge participants no more than an average of \$60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with California Code of Regulations, Title 5, sections 14037-14041.
3. Should the use of facilities be requested at a time when custodial services are not normally available or a special equipment/furniture set up is requested, the designee of the county superintendent of schools may charge a fee equal to the cost of those services. The designee shall first check other times when the facility could be provided without charge, and this availability shall be pointed out to the free-use group.
4. This exemption from the payment of fees shall not apply to any group which intends to use SDCOE facilities for fund-raising activities which are not beneficial to public

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education.

5. Reservation cancellation must be received in writing at least three working days prior to the scheduled event or a penalty fee may be charged.

Fees for Use of Facilities

When appropriate, fees for use of SDCOE facilities by community and private groups shall be charged as follows:

1. Direct Operating Costs

Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed direct costs to SDCOE.

The following activities shall be charged direct costs:

- A. Charitable fund-raising activities which serve a public purpose, but which are not beneficial to youth or public education activities of the county, as determined by the designee of the county superintendent of schools.
- B. Events sponsored by religious or community groups which serve a public purpose, except those which qualify for free use.
- C. Public agencies
- D. Veterans' organizations
- E. Activities not previously identified which do not fall within the free-use or fair-rental-value classifications which serve a public purpose and which are included here through subsequent San Diego County Board of Education action.

2. Fair-Rental-Value Fee

Groups shall be charged fair rental value when using facilities, grounds, or equipment/furniture as follows:

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- A. For services conducted by religious groups
- B. For entertainment or meetings where admission and/or fees are charged, or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of students
- C. Whenever the activities do not serve a public purpose

Fair rental value will be based on rental charges for comparable facilities in the area.

The designee of the county superintendent of schools is responsible for determining the amount of such fees and for correctly invoicing the facility user. All fees are payable to the County School Service Fund within 30 days of receipt of the invoice.

EXCLUSIONS

Sites leased by the County Board of Education may not be used by community and private groups without the written consent of the lessor.

The grounds and facilities of SDCOE's Outdoor Education schools and programs are excluded from use under this administrative regulation.

WAIVER

Procedures and fees may be waived upon the prior written approval of the County Board of Education or the county superintendent of schools. Special contracts or joint use agreements may supersede any part of the facilities use board policy, administrative regulation or supporting documents.

DAMAGE AND LIABILITY

Groups or persons using grounds and/or facilities under the provisions of this administrative regulation shall be liable for any property damages caused by the activity.

The designee of the county superintendent of schools shall charge the amount necessary to

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repair the damages and may deny the group further use of facilities.

Any user and/or group using facilities shall be liable for any injuries resulting from its negligence during such use. The user and/or group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.

Users other than free-use groups shall upon request of the designee of the county superintendent of schools be required to submit a certificate of insurance with limits of one million dollar (1,000,000) bodily injury and property liability coverage, per occurrence, combined single limit insuring against property damage or personal injury, including death, resulting from the negligence of the user, relating to the use of the facility, grounds or equipment/furniture. Users other than free-use groups shall, upon request of the designee of the county superintendent, also name the San Diego County Board of Education, the San Diego County Superintendent of Schools, their officers, agents, and employees as an additional insured on the policy and provide for a 30-day notice of cancellation or reduction in coverage.

HOLD HARMLESS AGREEMENT

All users shall agree to hold the San Diego County Board of Education, the San Diego County Superintendent of Schools, their officers, agents, and employees harmless from all property damage or personal injury, including death, resulting from the negligence of the users, relating to the use of the facilities, grounds, or equipment/furniture.

Administrative Regulation: 3513.4

Board Policy: 3513, 3513.4, 3513.5

Derivation: Former Administrative Regulation No. 7400, Adopted 6/7/66, Amended 9/25/79 and 12/18/92. Amended, Renamed, and Renumbered 3513, 9/13/95. Amended 5/9/18, 11/10/21.

Legal Reference: Education Code
38130 – 38139, 10902, 10910, 10912

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Business and Professions Code

25608

Military and Veterans Code

1800

California Code of Regulations, Title 5

14037-14042

United States Code, Title 20

7905