

USE OF SCHOOL FACILITIES

Merced County Office of Education (MCOE) recognizes that MCOE facilities and grounds are a community resource whose primary purpose is to be used for MCOE programs and activities. MCOE authorizes the use of MCOE facilities by community groups for purposes provided for in the Civic Center Act (Education Code 38130) when such use does not interfere with MCOE activities.

(cf. 6145.5 – Student Organizations and Equal Access)

All MCOE activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Thereafter, the use shall be on a first-come, first-served basis.

MCOE shall maintain procedures and regulations for the use of MCOE facilities and grounds that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use MCOE facilities for approved activities
2. Preserve order in MCOE buildings and on MCOE grounds and protect MCOE 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 MCOE facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work.

Fees for Use of MCOE Facilities

Fees for the use of MCOE facilities and grounds shall be charged in accordance with the following:

1. *Direct Costs Use:* (Direct costs for supplies, utilities, and services of MCOE employees shall be collected) Activities other than those specified for fair rental value shall be charged a fee not to exceed direct costs to MCOE.
2. *Fair Rental Value Use:* (Rent for use of facilities and current costs for services of MCOE employees shall be collected) Groups shall be charged fair rental value when using MCOE facilities or grounds for entertainment, commercial purposes or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the benefit of MCOE's programs. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity.

USE OF SCHOOL FACILITIES

The Assistant Superintendent of Business Services shall be authorized to review and adjust rates as needed.

MCOE authorizes the use of MCOE facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities. In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. Other groups, including nonprofit groups not organized to promote youth and school activities or for-profit groups that request the use of MCOE facilities under the Civic Center Act, may be charged according to the MCOE facility rental rates as appropriate.

Prohibited Activities

1. Any use of MCOE facilities or grounds which is inconsistent with their use for MCOE purposes or which interferes with the regular conduct of MCOE programs
2. Any use by an individual or group for the commission of any crime or any act prohibited by law
3. Any use which involves the possession, use or sale of alcoholic beverages, tobacco or any restricted substance on MCOE property except where allowed by law (Business and Professions Code 25600-25621)
4. Any use which is unlawfully discriminatory

Rules of Use

Groups or persons using MCOE facilities shall be liable for any property damages caused by the activity. MCOE may charge the amount necessary to repair the damages and may deny the group further use of MCOE facilities.

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

Groups shall be required to execute a “hold harmless/indemnification” agreement and include MCOE as additional insured on their liability policies and provide MCOE with a Certificate of Insurance in the amount of one million dollars or more in commercial general liability coverage, unless granted an exception in writing by MCOE.

Applications for the use of MCOE facilities shall be made in writing, using the “Application and Permit for use of Facilities” form. Applications are available from the MCOE Support Services Branch, Room J-10, 632 W. 13th Street, Merced, CA 95341, and must be filed at least two weeks prior to the proposed date of the meeting. The application must be signed by

USE OF SCHOOL FACILITIES

the person authorized to represent the group or organization concerned, and must state the date of use, hours of use, and if the permit is to cover one use or several uses over a period of time.

All approvals will be issued for specific rooms and for specific hours. It shall be the responsibility of the organization or individual to see that MCOE facilities are not disrupted or damaged and that the premises are vacated as scheduled. No approval will be given to extend beyond 9:30 p.m.

MCOE custodians shall open buildings for facility users only upon presentation of an approved "Application and Permit for Use of Facilities," signed by the County Superintendent or designee.

*Legal Reference:*EDUCATION CODE*10900-10914.5 Community recreation programs**32282 School safety plan**37220 School holidays**38130-38138 Civic Center Act, use of school property for public purposes*BUSINESS AND PROFESSIONS CODE*25600-25621 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 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)**Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES*1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89*WEB SITES*CSBA: <http://www.csba.org>**California Department of Education: <http://www.cde.ca.gov>*