

Use of Facilities

All Solano County Office of Education (SCOE)-related activities shall be given priority in the use of facilities and grounds. Thereafter, the use shall be on a first-come, first-served basis.

The County Superintendent (Superintendent) or designee shall maintain procedures and regulations for the use of SCOE facilities and grounds that:

1. Aid, assist, and encourage applicants requesting to use SCOE’s facilities for approved activities.
2. Preserve order in SCOE’s buildings and grounds and protect its facilities, designating a person to supervise this task, if necessary.
3. Ensure the use of SCOE’s facilities or grounds is consistent with SCOE’s purposes and does not interfere with the regular conduct of school or work.

Definitions

“Applicant” and “Entity” shall mean the direct cost fee payer requesting use of SCOE facilities or grounds.

“Direct costs” are the estimated costs identified by SCOE as follows:

1. “Capital direct costs” includes the estimated costs for maintenance, repair, restoration, and refurbishment, for use of the SCOE facilities or grounds.
 - a. Capital direct costs do not apply to classroom-based programs that operate after school hours, including, but not limited to, after school programs, tutoring programs, or childcare programs.
 - i. A program is defined as classroom-based for these purposes if participants spend at least 50 percent of operational hours in a classroom.
 - b. Capital direct costs do not apply to organizations retained by SCOE to provide instruction or instructional activities to pupils during school hours.
2. “Operational direct costs” includes the estimated costs of supplies, utilities, custodial services, services of SCOE employees, and/or contracted workers and total compensation paid to SCOE employees directly associated with the administration of the operation and maintenance of school facilities or grounds.

“Fair Rental Value” means the direct costs to SCOE plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized.

The term “school grounds” shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.

“EC” shall mean Education Code or Education Code Sections.

“CCR” shall mean California Code of Regulations or California Code of Regulations Sections.

“Veterans' organization” means any duly recognized or chartered organization of honorably discharged members of the Armed Forces of the United States, or any of their auxiliaries.

“SCOE Work Hours” shall mean Monday through Friday 8:00 AM to 5:00 PM, excluding days SCOE is closed for holidays or closed to the public.

Fees

SCOE believes that the use of its facilities or grounds should not result in costs to SCOE. Education Code section 38134 authorizes the charging of fees not to exceed direct costs for the use of school facilities or grounds by nonprofit organizations, clubs, or associations organized to promote youth and school activities. SCOE may charge fees for the use of its facilities. These fees may include a charge for fair rental value as specified below.

SCOE will charge fair rental value when its facilities or grounds are used for entertainment; meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of SCOE's students; or fundraising activities which are not beneficial to youth, public school activities, or charitable purposes.

Classifications of Groups

1. Classification I – Free Use
 - a. SCOE or other school employee groups
 - b. Solano County Board of Education
 - c. School districts, academies, colleges, and universities
 - d. Parent-teacher associations
 - e. School-community advisory councils
 - f. City, county, state, or federal agencies
 - g. Civic or child/family welfare associations or organizations
 - h. Partner Non-Profit Agencies
 - i. Youth development clubs or service organizations

2. Classification II – Cost Use

A fee for use of facilities or grounds will be charged to those agencies that do not fall within the enumerated list of Classification I – Free Use. The cost will be addressed on the application form or contract to use the facilities or grounds.

Use of Facilities Outside of SCOE Regular Work Hours

A SCOE manager must be present during the use of facilities after regular SCOE work hours. Staff will be paid in accordance with established SCOE policies and procedures. The entity using the facility shall be responsible for the cost to SCOE for requested staff as well as for the use of the facility.

Application for Use of Facilities

All applicants applying for the use of SCOE facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

All entities applying for the use of SCOE facilities or grounds shall submit a statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use SCOE premises to commit unlawful acts. (Attachment A)

Reservations are not to be confirmed more than three months in advance. Reservations will be scheduled tentatively. Entity must reconfirm one month prior to the event date to retain the reservation beyond the one-month period prior to the event date.

Cancellation

SCOE reserves the right to cancel a reservation if SCOE deems necessary. Any fees paid for use of a facility or grounds will be returned to the paying entity within 30 days of cancellation.

Entities must cancel their facility reservation at least 2 weeks before the event in order to be refunded the fees paid for the use of facilities or grounds.

Restrictions

SCOE facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law.
2. Any use which is inconsistent with the use of the facility for educational purposes or which interferes with the regular conduct of school or work.
3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco use.

SCOE may exclude certain facilities from non-SCOE use.

Damage and Liability

SCOE is liable for an injury resulting from the negligence of SCOE in the ownership and maintenance of the facilities or grounds.

If the use of facilities or grounds results in the destruction of, and/or damage to, property, the entity using the facilities or grounds shall be charged for an amount necessary to pay for the damages, and SCOE shall deny the group further use of its facilities or grounds. Such amount is in addition to the facility, grounds, and personnel charges.

Amounts for damages shall be assessed to any group and is not dependent on whether or not the entity paid a fee to use the facility.

Any entity using SCOE facilities or grounds shall be liable for any injuries resulting from its negligence during the use of SCOE's facilities or grounds. The entity shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.

Entities shall provide SCOE with evidence of insurance against claims arising out of the entity's own negligence. Entities shall also be required to include SCOE as an additional insured on their liability policies for claims arising out of the negligence of the group. Certificates of insurance shall be required in advance. If certificates of insurance are required and not provided, use of facilities or grounds shall not be allowed.

As permitted, the Superintendent or designee shall require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facility being used.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

37220(g) School holidays

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises

MILITARY AND VETERANS CODE

1800 Definitions

Legal Reference: (Continued)

UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

CALIFORNIA CODE OF REGULATIONS, TITLE 5

14037-14042 Calculation of fees for use of school facilities or grounds by outside entities

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

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

ATTORNEY GENERAL OPINIONS

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

Policy Cross-Reference:

3513.3 Tobacco-Free Schools

3516 Emergencies and Disaster Preparedness Plan

Use of Solano County Office of Education Facilities

STATEMENT OF INFORMATION

The undersigned, as duly authorized representative for _____, states that, to the best of his/her knowledge, the property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence or other unlawful acts.

That _____, the organization on whose behalf he or she is making application for use of school property, does not, to the best of his or her knowledge, advocate the overthrow of the government of the United States or of the State of California by force, violence, or other unlawful means, and that, to the best of his or her knowledge, it is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the Unified States. This statement is made under the penalties of perjury.

Signed: _____

Print name: _____

Organization name, if applicable: _____

Date: _____

NOTE: Any person applying for the use of school property on behalf of any society, group, or organization shall be a member of the applicant group, and, unless he or she is an officer of the group, must present written authorization from the applicant group to make the application.

This Statement of Information will expire on _____ which is the date one year from the date of when this Statement of Information was written/completed.