

(Combines current BP 1320, 1330, and 7400.)

El Dorado County Office of Education Board Policy

BP 1330

Community Relations

Use of County Facilities

The El Dorado County Office of Education (EDCOE) believes that EDCOE facilities and grounds are a vital community resource which should be used to foster community involvement and development.

Therefore, the El Dorado County Board of Education authorizes the use of EDCOE facilities by residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

The County Superintendent or designee shall give priority to school-related activities in the use of EDCOE facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of EDCOE facilities and grounds, the County Superintendent or designee shall maintain procedures and regulations that: (Education Code [38133](#))

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

There shall be no advertising on EDCOE facilities and grounds except as allowed by Superintendent's policy and administrative regulation 1325.

Fees

The County Superintendent shall adopt a comprehensive schedule of fees to be charged for community use of EDCOE facilities and grounds, including, but not limited to, the multipurpose room(s) and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR [14037-14041](#). (5 CCR [14041](#))

The County Superintendent authorizes the use of EDCOE facilities or grounds without charge to EDCOE-related organizations whose activities are directly related to or for the benefit of County schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR [14037-14041](#).

Additionally, when any use of EDCOE facilities or grounds is for religious services, the County Office of Education shall charge an amount at least equal to the County Office's direct costs. (Education Code [38134](#))

Groups shall be charged fair rental value when using EDCOE 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's students. (Education Code [38134](#))

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, EDCOE 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, custodial services, other services performed by County Office employees and/or contracted workers, and salaries and benefits paid to County Office employees directly associated with the administration of the Civic Center Act to operate and maintain EDCOE 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 EDCOE facilities and grounds. (5 CCR [14042](#))

Use of EDCOE Facilities as Polling Place

The County Office of Education may authorize the use of EDCOE buildings as polling places on any election day, and may also authorize the use of EDCOE 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 EDCOE building as a polling place, the County Office of Education 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 EDCOE buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code [12283](#))

When an EDCOE facility is used as a polling place, the County 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. He/she shall make a reasonable effort to ensure that the site is accessible to persons with disabilities. (Elections Code [12283](#))

The County 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.

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

25608 Alcoholic beverage on school premises

ELECTIONS CODE

12283 Polling places: schools

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

MILITARY AND VETERANS CODE

1800 Definitions

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

Adopted: August 1999

Revised First Reading: February 4, 2020

Revised Second Reading: March 3, 2020

Approved:

DRAFT

Community Relations

Use of County Facilities

Application for Use of Facilities

Any person applying for the use of any El Dorado County Office of Education (EDCOE) facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Persons or organizations applying for the use of EDCOE facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use EDCOE premises or facilities to commit unlawful acts.

Civic Center Use

Subject to EDCOE policies and regulations, facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization. A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)
10. Other purposes deemed appropriate by the County Superintendent or designee

Restrictions

EDCOE 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 facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco
4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the County Superintendent or designee pursuant to Business and Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of EDCOE facilities shall be subject to any limitations that may be necessary to reduce risks to EDCOE and ensure the safety of participants, as determined by the County Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

EDCOE may exclude certain facilities from nonschool use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using EDCOE facilities or grounds shall be liable for any property damage caused by the activity. EDCOE may charge the amount necessary to repair the damages and may deny the group further use of EDCOE facilities or grounds. (Education Code 38134)

Any group or organization using EDCOE facilities or grounds shall be liable for any injuries resulting from its negligence during the use of EDCOE facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide EDCOE with evidence of insurance against claims arising out of the group's own negligence when using EDCOE facilities. (Education Code 38134)

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

First Reading: February 4, 2020

Second Reading: March 3, 2020

Adopted: