

USE OF FACILITIES

The Monterey County Board of Education (County Board) believes that Monterey County Office of Education (MCOE) facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the County Board authorizes the use of MCOE facilities by Monterey County residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with MCOE activities or other MCOE-related uses.

MCOE-related activities shall have priority in the use of MCOE 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 MCOE facilities and grounds, the Monterey County Superintendent of Schools (County Superintendent) or designee shall maintain procedures and regulations that: [Education Code (EC) 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 MCOE purposes and does not interfere with the regular conduct of MCOE work

There shall be no advertising on MCOE facilities and grounds except by special permission by the County Superintendent.

Fees

The following rules will be followed when determining fees for MCOE facilities use:

1. Meetings and workshops conducted under the auspices of the County Superintendent are authorized without charge.
2. Meetings held by non-profit organizations related to public education shall have free use of available meeting rooms. If overtime is required by MCOE staff, the actual cost shall be charged to the user.
3. Other non-profit organizations using meeting rooms, where there is no admission

charge or other fees for attendees, shall be charged a fee covering cost of utilities and any MCOE staff time required.

4. A fee schedule shall be established for other users reflecting fair market rental for similar meeting space.

In determining direct costs to be charged for community use of MCOE facilities or grounds, the Associate Superintendent of Finance and Business or designee shall include a proportionate share of the costs of the following: [EC 38134]

1. Supplies, utilities, janitorial services, other services of MCOE employees, and salaries of MCOE employees directly associated with operation and maintenance of the MCOE facilities or grounds involved
2. Maintenance, repair, restoration, and refurbishment of the MCOE facilities or grounds

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the MCOE facilities or grounds. [EC 38134]

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

Groups shall be charged fair rental value when using MCOE 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 Monterey County's students. [EC 38134]

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 beverages 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)

Adopted: 11/19/86

Revised: 7/1999; 6/2012; 09/03/14