

POLICY FOR PUBLIC USE OF SCHOOL FACILITIES

While the district's school buildings and grounds are maintained primarily for the purpose of educating students within the district, the Board of Education recognizes that the buildings and grounds are a valuable community resource and believes that this resource should be available to the community for specific uses that will not interfere with educational activities. This policy is intended to identify the uses that community groups may make of those facilities.

Permitted Uses

District facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

- A. Instruction in any branch of education, learning or the arts.
- B. Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.
- C. Social, civic, and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.
- D. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
- E. Polling places for holding primaries and elections, for the registration of voters and for holding civic meetings.
- F. Civic forums and community centers.
- G. Recreation, physical training and athletics, including competitive athletic contests.
- H. Child-care programs when school is not in session, or when school is in session for the children of students attending schools of the district and, if there is additional space available, for children of employees of the district.
- I. Graduation exercises held by not-for-profit elementary and secondary schools provided that no religious service is performed.

Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

- A. Meetings sponsored by political organizations.
- B. Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer firefighters or volunteer ambulance workers.

Conditions of Use for District Facilities

- A. Use of district facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The district reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the district's educational programs or place undue burden on the district or its facilities.

- B. Use of district facilities will be permitted only where the applicant agrees to pay the district a usage fee according to a schedule adopted by the district to cover the costs of heat, electricity, maintenance, custodial services and any other expenses associated with the requested use. Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The district retains the right to condition use upon an applicant depositing with the district a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. The district retains the further right to waive use fees for groups that are associated with or sponsored by the district.
- C. Where, in the judgment of the district, the requested use of district facilities requires special equipment or supervision, the district reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees in accordance with paragraph B above. Only authorized personnel shall operate district equipment.
- D. Use of district facilities will only be permitted where the organization provides the district timely evidence of adequate insurance coverage (\$1,000,000 minimum) to save the district harmless from all liability, property damage, personal injuries and/or medical expenses. The district will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.
- E. The board reserves the discretion to deny use of district facilities described above or to terminate the use of district facilities:
1. By an applicant who has previously misused or abused district facilities or property or who has violated this policy;
 2. For any use which could have the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States or New York State Constitutions;
 3. For any use which, in the estimation of the Board, could reasonable be expected to or actually does give rise to a riot or public disturbance;
 4. For any use which the Board deems inconsistent with this policy;
 5. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
 6. In any instance where tobacco, alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
 7. For any use prohibited by law.
- F. The use of school lunchrooms by outside groups is limited, because extreme caution must be exercised to safeguard sanitary conditions. Permission may be extended to parent-teacher and other groups connected with the schools for serving light meals at their meetings. The district may require that an employee of the school lunch program be present when kitchen facilities are used. Groups using the facilities shall be charged the cost for such personnel and for the use of the equipment.
- G. The number of persons in attendance at indoor events shall not exceed the seating capacity of the facility. Permits for the use of outdoor facilities will be cancelled if inclement weather threatens to damage the facility. The Board retains the right to reject any application for facilities that are overused or deteriorating due to overuse.
- H. School facilities may not be used for profit-making purposes that benefit neither educational nor charitable organizations. Individuals or organizations applying for use of school facilities for profit-making purposes must file a statement with the application form indicating the educational or charitable recipient of the event's profits.

- I. In the event of a natural or man-made disaster, the district's facilities, equipment, supplies, and/or other resources may be used by the County Executive. Such use is conditioned upon terms, set by the Superintendent of Schools, deemed necessary to promote the public welfare.

Applicant Procedure for Use of District Facilities

- A. All applications for use of school facilities shall be made in writing and submitted as per the instructions on the application, depending on the facility, at least 30 days prior to the date of the requested use. Use permit applications are available in all building front offices, the PAC office and the Athletic office.
- B. The application must clearly and completely describe the intended use of the district facility in this application.
- C. All applicants must review this policy prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant's signature on the application shall attest to the group or organization's intent to comply with all Board policies and regulations and to use district facilities strictly in accordance with the use described in the application.
- D. All applicants must agree to assume responsibility for all damages resulting from its use of district facilities. Proof of adequate insurance must be provided by the applicant at least 10 days before the date of the requested use.
 - a. Certificates of insurance must name the Board and/or its members as additional insured and the district as co-insured or additional insured.
 - b. If the application for facility use covers an extended period, the insurance certificate must state the period of coverage and must provide for prior notification of cancellation by the insurer.
 - c. Organizations using their own paid employees must provide a certificate of Worker's Compensation Insurance.
 - d. All policies must be issued by a firm licensed in New York State.
 - e. The applicant name must be the same as the name indicated on the certificate of insurance.
- E. No person under the age of 21 may contract for use of district facilities. If an individual or group of people under age 21 wishes to use a facility, the Facilities Use Form must be signed by a person at least 21 years old, who shall act as a supervisor and will be considered the personal liable for the cost of repairing or replacing any damaged district policy.
- F. The applicant assumes responsibility for the preservation of order, prior inspection of the area, conduct of those in attendance, and safe use of the facilities. The applicant shall be personally responsible for the strict observance of school, fire, police and safety ordinances, assignment of adequate adult supervision (one adult present in each room being used, and in addition, one adult present for every 30 school-aged children.) Further, the applicant must report injury or property damage to the Assistant Superintendent for Business, must clean up afterwards, and enforce the following regulations governing conduct:
 - a. The activity shall be orderly and well governed; the facility shall be left in the same condition it was found;
 - b. No indecent, immoral, illegal, or unpatriotic actions are permitted;
 - c. No use of alcohol, tobacco, or any illegal substances is permitted;
 - d. No part of the school grounds except the lobby, restrooms and the space requested in the application will be entered or used;
 - e. The dates and times indicated on the application shall be the times of usage;

- f. The applicant will act in all respects to protect the safety and security of the students and employees of the district and to protect the district's property.
- G. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Assistant Superintendent for Business. Permits are not transferable.
- H. The Superintendent and the Assistant Superintendent for Business are authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for any other reason that is in the best interest of the district.
- I. With regard to scheduling activities, the district retains the right to give preference to groups and organizations that are associated with or sponsored by the district. Regular school activities shall have first preference in requests for the use of any of the district's facilities providing the facility has not already been reserved and a permit given. In situations where numerous permits are requested, preference will be given to those organizations concerned with school-aged children.
- J. Issuance of a permit shall limit the right of access to the facility by district staff.

Ref:

Education Law §414