

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.

School facilities may be used by district residents for activities which are educational, cultural, social, recreational or civic in nature, primarily for the benefit of district residents and consistent with all applicable state laws. Any such use, however, shall not be deemed an endorsement of the activity or the purpose for which the facilities are used.

#### Permitted Uses

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

1. Instruction in any branch of education, learning or the arts.
2. Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.
3. 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.
4. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
5. Polling places for holding primaries and elections, for the registration of voters and for holding political meetings only if such use is expressly authorized by voters. (See "Prohibited Uses" below.)
6. Civic forums and community centers.
7. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
8. 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.

Permitted Uses

9. 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 prohibited.

1. Meetings sponsored by political organizations. (*NOTE: Pursuant to Education Law §414, district facilities may be used for political meetings if the use is authorized by the voters or, in city school districts, authorized by the Board. See "Permitted Uses", #5 above.*)
2. Political campaigning, including partisan advertising or signage on district grounds or right of ways.
3. 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 of 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. (*NOTE: This use is specifically prohibited by Education Law §414.*)

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.
- B. To ensure that district facilities are preserved for the benefit of the greater district community, only community based groups and organizations (that is, groups which are located within the geographic area covered by the district) may be granted access to district facilities.

Conditions of Use for District Facilities

- C. Use of district facilities will be permitted only where the applicant agrees to pay the district a user 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 user fees for groups that are associated with or sponsored by the district.
- D. 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 C above. Only authorized personnel shall operate district equipment.
- E. The district reserves the right to determine whether staff and associated special user fees are required.
- F. 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.
- G. All groups that use any school space are asked to leave the room in the condition noted upon arrival. In addition, all groups must empty trash accumulated and leave bagged or boxed outside the door upon conclusion of the activity.
- H. The Board reserves the discretion to deny use of district facilities described above, or to terminate use of district facilities:

Conditions of Use for 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 reasonably 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 alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
7. For any use prohibited by law.

Application Procedure for Use of District Facilities

- A. All applications for use of school facilities shall be made in writing and submitted to the Superintendent of Schools or his/her designee at least 14 (fourteen) days prior to the date of the requested use. Given warranting circumstances and space/location availability, short term requests with less than 14 days notice will be considered as well. A Public Use of School Facilities form is available in the school and district offices and on the school website. If applying for use of a gymnasium, please first go to the athletics portion of the District website and review the "Building Use Calendar" to ensure you are not requesting usage at a date/time which is already reserved.
- B. Applications will be accepted and acted upon in the order in which they are received, not dated.
- C. The use of individual gym space will be limited to 2 hour intervals to ensure equitable usage time for all applicants. If more than 2 hours of gym space is needed, it must first be cleared with school administration. Activities native in nature to the gym (i.e., basketball, volleyball etc.) will be given preference to other activities not reliant on the gym.

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- D. The applicant must clearly and completely describe the intended use of the district facility in the application.
- E. 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.
- F. 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 the time of application, unless a current certificate is on file with the district. Any damage that does take place must be immediately disclosed to district administration either via phone or email contact.
- G. Proof of non-profit status must be provided, if applicable, at the time of the application unless current proof is on file with the District.
- H. Upon approval, 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 administration. Permits shall not be transferable.
- I. The Superintendent is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason. Because school facilities exist primarily for the benefit of the educational programs, school activities have priority in the scheduling of facilities. Although the District will attempt to avoid these conflicts, it may be necessary to reschedule an applicant's use of a facility in the event the school schedules an activity for the same time.
- J. Issuance of a permit shall not limit the right of access to the facility by district staff.
- K. Any cancellations of permitted usage must be reported to school administration in a timely manner. Any cancellation relating to athletic areas specifically must be directly reported to the Athletic Director so rescheduling of other groups can take place.

Ref: Education Law §414

Adoption Date – September 7, 2017