

**SUBJECT: PUBLIC USE OF DISTRICT FACILITIES, MATERIALS,
EQUIPMENT, AND BUSES**

DISTRICT FACILITIES:

While the District's school buildings and grounds are maintained primarily for the purpose of educating students within the District, the Board 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 in accordance with Section 414 of Education Law. This policy is intended to identify the uses that community groups may make of those facilities.

District Facilities Available for Use

The District facilities, except for administrative offices, bulletin boards, signs, and any other secured portions of the District buildings, may be made available to the public, subject to the conditions and limitations set forth in this policy, and include, but are not limited to, classrooms, auditoriums, gymnasiums, cafeterias, athletic fields, and tracks.

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 secular 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 (including but not limited to meetings of parent associations and parent-teacher associations), 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, and for the registration of voters.

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- F. Civic forums and community centers.
- G. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
- 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. Classes of instruction for intellectually disabled minors operated by a private organization approved by the Commissioner of Education.
- J. As a condition of receiving state funding, the District permits access to military recruiters to school buildings, grounds and facilities to the same extent it provides access to those who inform students of educational, occupational or career opportunities.

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, where admission fees are charged, 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 fire fighters or volunteer ambulance workers.

Conditions of Use

A. Use of District facilities may be permitted unless such facilities are in use for school purposes and educational programs. Scheduled or rescheduled school-sponsored activities, classes, meetings, etc. will have priority over all requests by outside organizations. The District reserves exclusive and nonreviewable judgment to determine if a requested use would interfere with or disturb the District's educational programs. Issuance of a permit shall not limit the right of access to the facility by District staff.

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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. With regards to scheduling activities, the District retains the right to give preference to groups and organizations which are associated with or sponsored by the District.

C. Use of District facilities will only be permitted where the organization provides the District timely evidence of adequate Comprehensive General Liability insurance coverage (\$1,000,000 minimum) and any other insurance coverage the District deems necessary for the specific use. The District will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use. Such policies will list the District as the certificate holder and additional insured and shall be primary and non-contributing with any insurance carried by the District.

Facility Users will agree to indemnify and hold harmless the District, its Board, employees, and agents from all liability for personal injury, bodily injury/medical expense, contractual liability, property damage, and Workers Compensation claims arising from Facility User activities or those of its officers, employees, agents, or invitees, whether or not such activity is authorized by this agreement. Facility User will also pay for all loss or damage to District property. Furthermore, the District assumes no responsibility for any property placed on the premises by the Facility user. Finally, Facility User will agree to waive all rights of subrogation against the District. Proof of adequate insurance in the form of a Certificate of Insurance must be provided by the applicant at least 10 days before the date of the requested use. The insurance shall be maintained by the Facility User during the entire period of the use of the facility. Failure to maintain insurance shall be cause for immediate suspension and/or cancellation of the use agreement.

D. All users will follow school rules and procedures, including those concerning safety/capacity limits, smoking, parking, and vehicle use. At the beginning of the function the person in charge will notify persons in attendance of procedures to be followed in the case of an emergency.

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E. All users will provide for appropriate adult supervision for their activity. Failure to provide adult supervision may result in the rescinding of permission to use District facilities.

F. A custodian, administrator or other school employee with authorized access must be present in the building or location where the event is taking place during all activities. Assignment of custodians shall be at the discretion of the District. The designation of an employee other than a custodian or an administrator is the sole discretion of the District.

G. When making requests users shall include time for preparations and for cleanup after the event. Users shall be expected to be completely out of the building at the time specified on their approval form. Failure to leave on time or to clean up thoroughly may result in additional fees.

H. All applicants must agree to assume responsibility for all damages resulting from its use of district facilities. All damage or breakage must be reported by the facility user immediately to the on-duty District representative and to the building principal the next business day. The facility user agrees to pay costs of repair or replacement for any damage or breakage to restore the facility to a condition equal to that prior to the event. In the case of an accident resulting in injury to any person or damage to personal property, the incident must be reported in writing to the Superintendent within 24 hours.

I. 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 Superintendent. Permits shall not be transferable.

J. 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. All scheduled after-school functions and facility use will be cancelled whenever inclement weather or an emergency causes the closing of District schools.

K. The applicant must submit any advertising of planned use to the Superintendent for pre-approval.

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L. The Board reserves the discretion to deny use of District facilities described above, or to terminate 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 reasonably be expected to 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.

Fees for Use

The District reserves the right to charge a fee for the use of its facilities in a manner consistent with law, and on terms by agreement with these organizations. No school-sponsored event will incur any fees for use of school facilities.

Application Procedures:

- A. All applications for use of school facilities shall be made in writing and submitted to the Superintendent of Schools at least 30 days prior to the date of the requested use. A use permit application is available in the Superintendent's office.
- B. The applicant must clearly and completely describe the intended use of the District facility in the application.
- C. All applicants must review this Policy No. 3280 prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. A copy of this Policy will also be attached to the permit application. 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.

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DISTRICT MATERIALS AND EQUIPMENT:

School-owned materials or equipment will be used for school related purposes only except as provided below. Private or personal use of school-owned materials and equipment is strictly prohibited.

Exceptions:

The Board will permit the use of school materials and equipment as follows:

A. When used in conjunction with Education Law Section 414 permitted uses of District facilities.

B. By staff members when such use is directly or peripherally related to their employment;

C. By students when the material and equipment is to be used in connection with their studies or extracurricular activities;

D. By Community members for educational purposes that relate to school operations;

E. By local governments and other entities that benefit the welfare of the surrounding community if the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations. The Board supports this inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

In all exception cases, the use of any school computer and electrical equipment will only be allowed after instruction in its proper use.

The Fees for Use and Application Procedures provisions under the preceding District Facilities section will also apply to the District Materials and Equipment.

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DISTRICT SCHOOL BUSES:

The school buses are purchased and maintained for the transportation of the school children of the District, and no use will be made of the buses which would interfere or disrupt their most effective use for the transportation of children to and from school and approved field trips or athletic events. The Board of Education will permit the use of school buses, when not in use for school purposes, for any of the purposes consistent with Education Law. The Board wishes to do all that is possible to make school buses available to community organizations. The guidelines and application for use of the buses are available in the District Office. The Superintendent will ensure the development and implementation of the appropriate procedures and fee schedule.

Education Law §§2-a; 414

NY Constitution Article 8

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property

#5640 -- Smoking/Tobacco Use

*#7320 -- Alcohol, Tobacco, Drugs and Other
Substances*

#7410 -- Extracurricular Activities

District Code of Conduct

Adoption Date April 17, 2018

Revised & Readopted 7-9-19