

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.

Schools belong to the community and shall be available for maximum community use insofar as there is no conflict with the use described above provided that:

1. The community use falls within what is permitted by Section 414 of the Education Law;
2. The proper form of application is submitted by the party interested in using school facilities; and
3. The charge of admission fees or the taking of collections is permissible under Section 414 of the Education Law and is approved in advance by authorized District personnel.
4. A facilities use application may be denied if the applicant or other individuals from the organization who will be participating in the event have ever been convicted of a crime or other violation of law (other than a traffic infraction), or have such charges currently pending against any of them. In determining such an application, the criteria set forth in Article 23-A of the New York Correction Law shall be considered as a guide.

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 (including but not limited to meetings of parent associations and parent-teacher associations) 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, and for the registration of voters and for holding political meetings.
- 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. Graduation exercises held by not-for-profit elementary and secondary schools provided that no religious service is performed.
- J. Classes of instruction for intellectually disabled minors by a private organization approved by the Commissioner of Education.

Additionally, 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 or 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 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 nonreviewable 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.

- 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. 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.
- F. Use of District facilities will be permitted only where the applicant agrees that it will not discriminate against participants in its intended activity on the basis of disability, as required by the Americans with Disabilities Act or Section 504 of the Rehabilitation Act, as applicable.
- G. 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 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 or not authorized by the Commissioner of Education;
 - 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. The form, “Application for Use of School Building”, may be obtained from the Office of the Principal of the school building the use of which is being requested.
- B. The applicant must clearly and completely describe the intended use of the district facility in the application.
- C. The application should be completed in quadruplicate and returned to the office of the building Principal.
- D. 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.
- E. 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.
- F. 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.
- G. The Superintendent is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for any other justifiable reason.
- H. With regard to scheduling activities, the district retains the right to give preference to groups and organizations which are associated with or sponsored by the district.
- I. Issuance of a permit shall not limit the right of access to the facility by district staff.
- J. The applicant shall indicate on the application form whether he/she (if the applicant is an individual) or individuals from the organization who will be participating in the event have ever been convicted of a crime or other violation of law (other than a traffic infraction), or have such charges currently pending against them and, if so, shall provide details of those convictions or pending charges.

Fees

- A. Parties sponsoring or running activities that are not related to the programs and operations of the East Greenbush Central School District or of the school the use of which is being requested, and that require building or district personnel to work other than their regular work schedule, shall be charged for additional costs incurred by the district in providing the building for such use. Fees shall reflect actual costs to the district for the personnel whose presence beyond regular work hours is required.
- B. Collection of fees shall be the responsibility of the Business Office. No monetary payment is to be made to building personnel, or to any individual, organization or entity, except the Business Office of the East Greenbush Central School District, by the party or agents of the party using the facilities.
- C. A current fee schedule for use of specific facilities in the district shall be available from the Principal of the building the use of which is desired. Such fees shall reflect costs for lighting, heat, air conditioning, depreciation of school equipment, custodial supplies, and similar expenses.

Supervision

A designated and available employee of the District shall be in the building at all times during after school use of the facility. Nevertheless, the party authorized to use the building shall assume full responsibility for supervision of the activity at all times. Sufficient adult supervision to ensure the safety of persons and property shall be provided by the party using the facility.

Use of School Equipment

- A. Use of equipment that is property of the district by any party using a school facility shall be limited to uses and items of equipment specified on the application form.
- B. Any request for use of special equipment that is the property of the district other than that listed on the form shall be referred to and approved by the building principal of the facility to be used, or the principal's authorized representative.
- C. The use of equipment that is not the property of the district, and that is to be brought onto the premises by the party requesting use of the facility shall be identified on the application form, and the use of such equipment shall be described there. Permission to use such equipment shall be at the discretion of the building Principal of the facility to be used, or the principal's authorized representative.

Keys

Keys to buildings, rooms, or areas within the buildings, shall not be issued by any employee of the district to any party authorized to use school facilities in this policy.

Interim Administrative Changes in Facilities Use Regulations

The Superintendent may, as circumstances require, make appropriate interim changes in the regulations developed under this policy; but he/she shall only do so when also giving notice to the Board of the changes made. Permanent changes in facilities use regulations may be made only by the Board of Education.

Ref: Education Law §2-a; §414

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