

## USE OF SCHOOL FACILITIES AND GROUNDS

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.

1. Instruction in any branch of education learning arts.
2. Social, civic and recreational meetings and entertaining, and other uses pertaining to the welfare of the community that are nonexclusive and open to the general public.
3. Meetings, entertainment and occasions where admission fees are charged, and when the proceeds are to be expended for an educational or charitable purpose.
4. Recreation, physical training and athletics, including practices and free admission meets.
5. Public Library purposes, subject to the provisions of the Education Law, or as stations of public libraries.
6. Polling places for holding primaries and elections for the registration of voters.
7. Civil forums and community centers.
8. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious services are performed.

### Prohibited Uses

State Education Law and the Constitution of New York State specifically prohibit the following uses of school buildings and property:

1. A purpose that will in any way interfere with the use of school buildings, grounds or other school property by the school.
2. By any person or profit-making organization for personal or private gain, financial or otherwise.
3. Meetings sponsored by political organizations.
4. 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 organizations of veterans of the military, naval and marine

service of the United States and organizations of volunteer fire fighters or volunteer ambulance workers.

### **Conditions of Use for District Facilities**

1. 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.
2. 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.
3. Use of District facilities by the Boy Scouts or other patriotic youth groups listed as a patriotic society in Title 36 of the U.S. Code will be permitted to the same extent as other outside groups.
4. The District shall not deny access to or otherwise discriminate against youth groups based solely on the group's membership or leadership criteria or oath of allegiance to God or country.
5. Use of District facilities will be permitted only where the applicant agrees to pay the District a use 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 ten (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.
6. Where, at 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. The District reserves the right to require an organization to hire security protection or provide other assurances of adequate supervision.
7. Use of District facilities will only be permitted where the organization provides the District timely evidence of adequate insurance coverage to save the District harmless from all liability, property damage, personal injuries and/or medical expenses, as set forth herein. The District will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.
8. The Board reserves the discretion to deny use of District facilities described above, or to terminate use of District facilities:
  - i. By an applicant who has previously misused or abused District facilities or property or who has violated this policy;
  - ii. 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 Constitutions;

- iii. 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;
  - iv. For any use which the Board deems inconsistent with this policy;
  - v. 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;
  - vi. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
  - vii. For any use prohibited by law.
  - viii. In order to provide other assurance of adequate supervision before an activity takes place.
1. Use of lighting and sound systems in the Auditorium requires the prior written consent of the Superintendent. The use of equipment requires the assistance of a trained lighting and sound technician acceptable to the District. The costs and expenses for such services are the responsibility of the user.
  2. If the District's cafeteria facilities are utilized, cafeteria personnel are required to be used. The costs and expenses for cafeteria personnel are the responsibility of the user.
  3. Any custodian who returns to school (or remains at school) after his regular hours for an organization will submit hours worked and be paid at the current overtime rate, which, along with fringe benefits, will be charged to the organization using the facility. Normal services include setting up for a meeting place and cleanup after the activity. Charges incurred for custodial services will reflect set-up and clean-up hours as needed to support the event, and put the space back to its pre-event condition. If additional custodial help is needed or special kitchen service is required, the normal hourly charge will be in effect.
  4. NYS requires that all school-approved and extra-curricular functions and events (including athletic contests and intramural events) that include children need to have an on-site Automated External Defibrillator (AED) during the event. At least one staff person trained in the use of an AED (an AED Responder) must be present at all school sponsored or extra-curricular events.
  5. Groups requesting usage of exterior facilities, such as soccer or baseball fields, should assume that they will NOT have access to interior spaces on the campus without specific arrangement. There may be NO access to washrooms, water, or restroom facilities on the campus.
  6. Payment of use and service charge must be made to the Business Office within thirty (30) days of receipt of the bill.
  7. No alterations, permanent or temporary, are to be made to ANY school property or equipment.
  8. Any custodian present represents the Board of Education and will be responsible for the rules and regulations stated above. Persons requesting use of school facilities will be expected to fully cooperate with the custodian.

### **Application Procedure for Use of District Facilities**

1. All applications for use of school facilities shall be made in writing and submitted to the appropriate building office, approved by the building Principal and approved by the Superintendent of Buildings and Grounds or School Business Administrator, before any permission can be granted. The Buildings and Grounds Department will ascertain the availability of the buildings and facilities concerned, and will forward a copy of all requests to the building Principal.
2. Building use may not commence until approval is given by the Superintendent of Schools or his/her designee. Applicants must not advertise the event until approval has been granted.
3. Applicant must clearly and completely describe the intended use of the District facility in application.
4. 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 application.
5. All applicants must agree to assume responsibility for all damages resulting from its use of District facilities.
6. No person under the age of 21 may contract for the use of District facilities.
7. 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 25 participants). Further, the applicant must report injury or property damage to the Superintendent, must clean-up afterwards, and enforce the following regulations governing conduct:
  - i. The activity shall be orderly and well governed; the facility shall be left in the same condition it was found.
  - ii. No indecent, immoral or illegal actions are permitted.
  - iii. No use of alcohol, tobacco, or any illegal substances is permitted.
  - iv. No part of the school grounds except the lobby, restrooms and space requested in the application will be entered or used.
  - v. When the gym is used for an athletic event, all participants must wear clean sneakers or soft-soled shoes.
  - vi. The dates and times indicated on the application shall be the times of usage.
  - vii. 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.
  - viii. No alterations are to be made to any District property.

1. Groups using facilities are expected to vacate the building by 11:00 P.M. on week nights and by midnight on Saturdays unless special permission to exceed these times is granted by a designated administrator. Organizations seeking long-term usage may be given use of facilities for a limited period of time in order to allow other organizations to have the use of the facilities on a rotated basis should there be other requests.
2. Permits shall be valid only for the facility, use, and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Superintendent. Permits are not transferable.
3. The Superintendent is authorized to alter or cancel any use of District buildings or facilities if it becomes necessary to use the facility for school purposes or for other justifiable reason.
4. 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. In the event of a facilities scheduling conflict, the allocation of the use of facilities shall be made on the following priority basis:
  - i. Curriculum-based student activities
  - ii. District-recognized extracurricular clubs and activities
  - iii. Youth activities ( Boy Scouts, Girl Scouts, Cub Scouts, Brownies)
  - iv. NFP Community Organizations (501C3 Cert. may be requested)
  - v. Other community based organizations

## **Materials and Equipment**

Non-school groups are expected to furnish their own supplies, materials and equipment. The Board of Education permits the use of District-owned materials and equipment (e.g. laptop computers, cell phones, audio-visual equipment, etc.) by Board members, officers, and employees of the District when such material and equipment is needed for District-related purposes.

The Superintendent of Schools shall establish regulations governing the loan and use of such equipment. Such regulations must address:

1. The individuals who may properly authorize the use of such material and/or equipment;
2. The lack of authority of the borrower to use such material or equipment for private, non-business purposes;
3. The responsibilities of the borrower for proper use, care and maintenance;
4. That, regardless of condition or other factors, all loaned equipment must be returned to the District. No item may be sold to or purchased by the borrower unless such equipment has been returned to the District for evaluation, and if necessary, disposal in accordance with District policy and procedures.

All equipment shall be inventoried and a list shall be maintained of the date such equipment was loaned, to whom it was loaned, and the date of expected and actual return.

Individuals borrowing District-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return.

The Business Office shall maintain records of all equipment that is loaned for long-term use (e.g. school year, term of office, etc.) and shall review such list yearly.

### **Insurance Requirements**

Liability insurance will be required for all individuals or groups, other than District sponsored clubs and organizations, who use District facilities. Applicable individuals and organizations shall attach a certificate of insurance naming the Peru Central School District as additional insured, to the application for building use, at a minimum of certificate of insurance must meet the following coverage requirements; \$1,000,000 combined single limit for bodily injury and property damage liability. If the organization is using its own paid employees it must provide a certificate of workers' compensation insurance, and of general and automobile liability insurance with at least a \$1,000,000 combined single limit for bodily injury and property damage insurance covering all exposures generated by the entity's activities on school premises, including products liability, with the school district and the using group as additional insured. All parties must be issued by a firm licensed in New York State. Proof of adequate insurance must be provided by the applicant at least ten days before the date of the requested use. Permission to use school district buildings, facilities and grounds is subject to the district's acceptance of the evidence of insurance.