

## **1500 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, entertainments 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 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.

### **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 fire fighters or volunteer ambulance workers.

C. Any purposes that will in any way interfere with the use of school buildings, grounds, or other school property by the school;

D. Use of district facilities by any person or profit-making organization for personal or private gain, financial or otherwise.

### **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 school 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. Children's activities must be under strict supervision of adult sponsors at all times. Responsibility for order and safety must be assured by the applicant. Any damages to school property shall be promptly reimbursed by the organization using same.

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;
6. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
7. For any use prohibited by law.

H. Where permission to use district facilities is granted, it shall be understood that:

1. The custodian on duty is to be regarded as the representative of the Board of Education.
2. There shall be no use of intoxicating beverages at any time in the school buildings.
3. There shall be no smoking or vaping.
4. Regular gym shoes must be worn when sports or games are conducted on the gymnasium floor.
5. The space used shall be vacated not later than sunset unless specific exception is granted in the permit.

### **Use of School Facilities by School Personnel**

A. Any use of school facilities for school-related activities will be scheduled through the Building Principal and the Business Office. Any other use outside the regular school week will be scheduled through the Superintendent of Schools.

Scheduling in advance will ensure that the space requested is available.

B. Certain District facilities (e.g., the gymnasiums, weight room, tennis courts, track; etc.) are made available as a courtesy for faculty and staff use with the understanding

that students have priority. Personal use of these facilities is at the user's sole option, and is not related to, or part of, any employee's job duties and responsibilities.

Employees may not bring guests to use District facilities without the advance written permission from the Athletic Director or designee. Sharing or duplication of keys, cards, access codes; etc. is strictly prohibited.

The District does not provide supervision during hours of faculty and staff use. Any issues with equipment or facilities or a potentially hazardous condition must be reported to the Athletic Director or designee. Employees are encouraged to place a notification on the equipment or near the potentially hazardous condition to prevent others from being injured.

Faculty and staff use of District facilities and equipment is at each employee's risk. It is each employee's responsibility to engage in the level of activity that is appropriate based upon their health status, ability and any restrictions prescribed by their health care provider. Likewise, it is the employee's responsibility to become familiar with equipment and learn how to safely use it. This includes, but is not limited to, reading and following all posted directions and warning signs. Those who are unsure how to use any piece of equipment are encouraged to refrain from use. Use of District facilities and equipment are made available to faculty and staff in "where is" and "as is" conditions. Each employee must make their own independent assessment whether it is safe to use any particular piece of equipment or use a facility. Employees knowingly and voluntarily assume the risk of their activities and the use of District facilities and equipment. By choosing to use them, employees release, and forever discharge and hold harmless, the District, its officers, Board members, employees, students and agents, and their respective heirs, executors and administrators, successors and assigns of and from any responsibilities or liability for injuries or other damages, (including but not limited to any medical or rehabilitation expenses) arising out of or resulting from their use of District facilities and equipment. This assumption of risk and release specifically includes any claims arising from any negligent act or omission, or failure of supervision.

Employees must sign and return an acknowledgment stating that they have read, understand, and agree to the above provisions with the intent to be legally bound by them.

### **Use of Athletic Fields**

The district's athletic fields, including the tennis courts and the track, are intended for the exclusive use of the district and its students for physical education classes and other extracurricular activities.

If space and time permit, other outside youth sports leagues may make application to the district requesting field space. (Sample permit form attached.) All requests must be accompanied by proof of required insurance coverage.

All district fields will be assigned at the discretion of the Board of Education upon recommendation from the Superintendent and the Athletic Director. In reviewing these requests, priority will be given to those leagues in which a significant number of district students participate.

Adult leagues may apply for field usage on an event only basis.

All district residents with photo identification will be permitted to use the tennis courts, track and the outside basketball courts during non-school hours and school vacations.

### **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 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 described the intended use of the district facility in the 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 agreement 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.

E. 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.

F. 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.

G. 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.

H. Issuance of a permit shall not limit the right of access to the facility by district staff.

Ref:

[Education Law §414](#)

Adoption date: November 17, 2007

**Rye Neck Union Free School District**