

2000 SCHOOL FACILITIES USE

Public Use of School Facilities

It is the intent and the policy of the Board of Education to balance the interests of preserving school buildings and school property for the principle purpose of educating students within the District, and the desire to permit specific uses of school facilities when such use will not interfere with educational activities. This policy is intended to permit specific types of beneficial uses of specific District facilities. This policy is intended to comply with Section 414 of the New York State Education Law which authorizes, but does not require, school districts to open school facilities for certain types of activities. This policy is intended to create and preserve a limited public forum within specific District facilities described below while creating and maintaining the closed nature of all other District facilities which are not described below.

Rules and Regulations Governing the Use of Specific District Facilities

Introduction

Since District facilities are the property of the District and are supported by the residents of the District, the Board wishes to make certain District facilities designated below available in a manner that is consistent with the educational goals of the District, the interests of the District community and federal and state laws governing access to public school buildings.

Definitions

- A. "Programs of a Social, Civic or Educational Nature" shall mean those programs, lectures and presentations which are open to all school district residents and (1) are for the purpose of instruction in any branch of education, learning or the arts; or (2) for holding social, recreational or civic meetings and entertainment and other uses pertaining to the welfare of the community. Any such use must be consistent with all applicable state and federal laws and shall not be deemed an endorsement by the district of the activity or the purpose for which the buildings or athletic facilities are used.
- B. "School District Residents" shall mean those persons who maintain a permanent domicile within the boundaries of the District and are qualified voters in the District, and shall include students attending District schools. All facilities open only to District residents shall also be open to non-District resident guests of District residents, insofar as the non-school district resident guests are accompanied in the use of the facilities by a school district resident.

- C. "Non-School District Residents" shall mean those persons who either do not maintain a domicile within the boundaries of the District or are not qualified voters in the District.
- D. "School or Government Sponsored" shall mean an event sponsored by: the students, teachers, administrators, or employees of the District events sponsored by or directly related to any governmental or municipal body; a union which represents District employees; a PTO or PTA related to the District; or other organization whose published mission is to serve the school, its students, teachers, administrators, or employees.
- E. "Outside Group" shall mean any group or organization whose event would not qualify as a "school or government sponsored event," as defined above.
- F. "Public Sales" shall mean commercial activities, including flea markets or antique sales, where the proceeds of such activities are to benefit educational or charitable purposes.

District Facilities Available for Use

- A. The following District facilities shall be made available for the following activities, subject to the conditions and limitations set forth in this policy:
 - 1. The auditorium, classrooms, gymnasiums, community rooms and cafeterias shall be available for school sponsored theatrical presentations, musical presentations, and programs of a social, civic or educational nature, as defined above.
 - 2. The District's gymnasiums shall be available to school district residents, as defined above, for: (i) school sponsored theatrical presentations, musical presentations, programs of a social, civil or educational nature; and (ii) basketball, volleyball, aerobics, wrestling, and dances. Casual use of the gymnasiums is permitted only when such use does not interfere with regular school use or use by those organizations who have received formal approval.

3. The outdoor grounds and outdoor athletic facilities shall be available for basketball, tennis, running, walking, baseball, softball, football, soccer, field hockey, rugby, and lacrosse. Casual use of the grounds and fields is permitted only when such use does not interfere with regular school use or use by those organizations who have received formal approval.
- B. All other District facilities, including but not limited to administrative offices, bulletin boards, signs and other secured portions of District buildings are not available for use by outside groups.

Conditions of Use for District Facilities

- A. Access to District facilities may be permitted unless such facilities are in use for school purposes or during educational programs. It is the exclusive and unreviewable judgment of the District to determine if the requested access to school facilities would interfere with or disturb the District's educational programs.
- B. Access to the above District facilities will only be permitted where the activities authorized above are non-exclusive and open to the general public.
- C. The District reserves the right to give preference in the use of District facilities to school district residents, as defined above.
- D. Access to the above District facilities will be permitted only where, if an admission fee is charged, the proceeds are used for educational or charitable purposes.
- E. Fundraising activities involving the use of school facilities shall be subject to this policy and to the Board of Education's policy governing fundraising. The Board of Education may approve the use of school facilities for public sales, in accordance with this policy, when the proceeds are to benefit educational or charitable purposes.

- F. Access to the above 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. Access 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 access 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 school or government sponsored events.
- G. Where the requested access to District facilities described above, in the estimation of the District, requires special equipment or supervision, the District reserves the right to deny such access, or in the alternative, to condition such access upon the applicant's payment of additional fees in accordance with paragraph "F" above.
- H. Access to the auditorium 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 for each proposed use.
- I. The Board of Education reserves the discretion to deny access to District facilities described above, or terminate access to these 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 Constitution or New York Constitution;
 3. for any use which, in the estimation of the Board of Education, could reasonably be expected to, or actually does, give rise to a riot or public disturbance;
 4. for any use not authorized by Section 414 of the New York Education Law, or other applicable law;
 5. for any use prohibited by law;

6. for any use which the Board of Education deems inconsistent with this policy
7. 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;
8. for any use which, in the estimation of the District, does not advance or is not consistent with the goals of this policy
9. in any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed
10. in any instance where use of tobacco products occurs by minors in any location, or by adults in any location;
11. in any instance where fire code regulations are not abided by;
12. in any instance where the activity, in the estimation of the Board, may cause damage to District facilities.

Application Procedures

All requests for use of District facilities must be submitted in writing using the Request for Use of School Facilities by Outside Groups form. Such forms are available in each main office. Request forms must be signed by an authorized agent or officer of the outside group or organization, and submitted to the Principal of the school in which facilities are requested at least 45 days in advance of the requested date(s). Proof of adequate insurance, where required, must be provided by the applicant at least ten (10) days before the proposed use. With regard to scheduling of activities, the District retains the right to give preference to groups which are associated with or sponsored by the District. The District further retains the right to deny any application which is not submitted 45 days in advance or for which proof of insurance 10 days in advance of the requested date(s) has not been provided.

The Board of Education reserves the right to change this policy and thereby change the nature of District facilities and limited public forum created therein, at any time in the future by the adoption of a new policy or amendment(s) to this policy.

References:

New York State Constitution, Art. I, section 11; Art. VIII, section 1; Article XI, section 3
Education Law, section 414
Lamb's Chapel v. Center Moriches UFSD, 508 U.S. 384 (1993)
The Good News Club v. Milford CSD, 533 U.S. 98 (2001)
Policy 2010, Greene County Youth Fair

ADOPTED 10/12/06

