

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, 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, 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. Licensed school-based health, dental or mental health clinics as defined in Education Law §414, operated by an entity other than the District.
- J. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.
- K. Classes of instruction for intellectually disabled minors operated 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 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 non-reviewable 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 pursuant to this Policy.
- C. Use of District facilities will be permitted only where the applicant agrees to pay the District a use fee according to the use fee regulation 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 certain groups as set forth in the regulation accompanying this Policy.
- 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. The applicant shall ensure that all participants and attendees at its activity or event comply with the District's Code of Conduct.
- G. The applicant shall ensure that all participants and attendees at its activity or event comply with the Facilities Use Rules, as issued by the Superintendent of Schools. The Facilities Use Rules are available at _____.

- H. If the organization that is using District facilities has any contractors, the District must be provided with proof of indemnification of the District and proof of adequate insurance coverage which names the District as an additional insured from any such contractors.
- I. 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.
- J. Out of respect for residential neighbors, start time for the use of the District's fields will be 10:00am on Saturdays and 11:00am on Sundays for all non-District functions. The District, in its discretion, may make an exception to allow the use of its football field next to the high school starting at 10:30am for up to six Sundays for athletic events held by organizations in which the District's resident children are participants. Teams will be permitted access to the field 30 minutes prior to start of games. The last scheduled games on weekends will be 5:00pm.

Application Procedure for Use of District Facilities

- A. All applications for use of District facilities shall be submitted electronically to the District at least 30 days prior to the date of the requested use, using the District's Facility Management System. The Superintendent may, in his/her discretion and for good cause, waive the 30 day requirement. Applicants can contact the District's Business Office for assistance with submitting a facilities use application on the District's Facility Management System.
- B. The applicant must clearly and completely describe the intended use of the District facility in the application.
- C. Nonprofit/Not-for-profit organizations must provide proof of their nonprofit/not-for-profit status with their application (e.g., IRS determination letter, statement from a State taxing body or the State Attorney General, certificate of incorporation or similar document establishing the nonprofit status).
- D. All applicants must review this Policy prior to submitting the application. All applications must be submitted by an authorized agent of the group or organization requesting use. The applicant 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. In addition, proof of indemnification and adequate insurance by any contractor of the applicant who will be providing services on District property must be provided at least 10 days before the date of the requested use.
 - F. The designated school official shall send a copy of the approval of the facilities use application to the Building Principal, the custodian in charge of the building and any other appropriate individual involved with the facility, such as the Director of Health, PE & Athletics in the case of applications to use athletic facilities.
 - G. Approvals shall be valid only for the facility, use, dates and times specified in the application. No adjustments are allowed except with the prior written approval of the Superintendent or his/her designee. Approvals shall not be transferable.
 - H. The Superintendent, and/or his/her designee, is authorized to alter or cancel any approval of a facilities use application if it becomes necessary to use the facility for school purposes or for any other justifiable reason.
 - I. 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.
 - J. Approval of a facilities use application shall not limit the right of access to the facility by District staff.

Ref: Education Law §414
Adoption Date: July 2005
Amended Date: July 18, 2016
Amended Date: July 2, 2019

PUBLIC USE OF SCHOOL FACILITIES REGULATION

When not required to serve the program needs of the Tuckahoe Union Free School District, the use of the District facilities therein and the grounds of the District may be made available for use by community based groups and organizations. The Board authorizes the Superintendent of Schools to promulgate rules for the use of District facilities and grounds which must be adhered to by such community based groups and organizations, in addition to the District's Code of Conduct. The use of District facilities and grounds by such community based groups and organizations must be in accordance with the limitations and requirements of Section 414 of the Education Law and School Board Policy.

Conditions of Use:

- Use of Buildings may be granted only as provided in Section 414 of the Education Law and the Public Use of School Facilities Board Policy and Regulation.
- All the terms and conditions of use as set forth in the Public Use of School Facilities Board Policy and this Regulation, the District's Code of Conduct and the Facilities Use Rules established by the Superintendent must be adhered to.
- The activity must be properly supervised at all times and kept within the confines of the areas in the approved facilities use application. The organization must agree to compensate the Board of Education for any damage or other expense occasioned by use of the facilities.
- Smoking, possession or consumption of alcohol, and possession or consumption of any illegal controlled substances is prohibited in all school buildings and on school grounds.
- All insurance requirements set forth in the Public Use of School Facilities Board Policy must be met. If use contemplates 200 or more spectators or attendants, the organization must notify the police of the time of the event, and also carry public liability insurance, in addition to the liability insurance described in the Public Use of School Facilities Board Policy, of not less than \$100,000.00 naming the Board of Education as insured. Proof of insurance must be filed with the Business Office at least seventy-two hours prior to the use of the building.
- The approval of a facilities use application may be revoked by the Board of Education: (a) with cause/reason at any time or without cause at least 14 days before the date of use; (b) at any time if there is any violation of the terms of the Public Use of School Facilities Board Policy and/or Regulation and/or the organization's approved application; or (c) at any time if it deems the proposed use contrary to the public interest. In addition, the organization may withdraw its application at least fourteen days before the date of use.

- Any facilities use fees required in the Public Use of School Facilities Board Policy and this Regulation must be paid.
- The organization must abide by local school, fire, police and safety rules, ordinances, laws and regulations.
- The applicant must agree to release the Tuckahoe Union Free School District, Board of Education, and District employees from all claims, damages expenses (including attorney fees) and other liabilities that may arise from the applicant's use of buildings, grounds, and other property of the District; and applicant must agree to indemnify and hold harmless the Tuckahoe Union Free School District, the Board of Education, and District employees from all such claims, damages, expenses and other liabilities arising from such use.

Facilities Use Fees:

- A Facilities Use Fee will be charged to groups and organizations using the District's facilities and/or grounds, which shall cover the costs of heat, electricity, maintenance, custodial services and any other expenses associated with the requested use. If the requested use of District facilities requires special equipment or supervision, the District may charge additional fees for the use of such special equipment or supervision.
- Facility charges will be established at the discretion of the Superintendent.
- The District, in its discretion, may waive the facility charge for groups and organizations (except for the charge for the cost of custodial services when the use of the District's facilities/grounds occurs outside the hours when the custodial staff are already scheduled to be on duty, which will be charged at the contractual rate in all cases) when one of the following applies:
 - The use of the facility is for educationally related activities for the students of the District.
 - The organization's members/participants are primarily District students.
 - The organization is associated with, or sponsored by, the District.
 - The purpose of the organization is to educate the District's students and/or to develop them academically, socially and/or emotionally.
 - The purpose of the organization is to facilitate the District students' involvement in community service and/or in other activities which instill leadership.
 - The organization is an athletic organization that cooperates with and/or supports the District's athletic programs.
- The District, in its discretion, may also waive all facility charges and costs for school related groups and organizations, such as Parent Teacher Associations and Booster Clubs, when such groups and organizations hold student activity events for the District's students.

Adoption date: July 2, 2019

