

## 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. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.

### *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 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 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.
- 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 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.
- G. Out of respect for residential neighbors, start time for the use of the football field next to the high school will be 10:00am on Saturdays and 11:00am on Sundays for all non-district functions. An exception will be made for six Sundays for the Tuckahoe Youth Football program to begin at 10:30am. 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 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. The Superintendent may in his/her discretion and for good cause, waive the 30 day requirement. 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 intent 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. The designated school official shall send a copy of the approved permits to the Building principal, the head custodian of the building and any other appropriate individual involved with the facility.
- 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 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.

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

## **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 school facilities therein and the grounds of the district may be made available for general use in accordance with the limitations and requirements of Section 414 of the Education Law, School Board Policy and these regulations as follows:

- There will be no facility change for educationally related student activities during the hours when the custodial staff is normally on duty.
- Any educationally related activity using facilities beyond the hours when the custodial staff is normally on duty will be required to pay for custodial services at the contractual rate.
- All other facility charges will be established at the discretion of the Superintendent.

Adoption date: July 2005

**PUBLIC USE OF SCHOOL FACILITIES EXHIBIT**

**Application for Use of Building Facilities**

Name of Organization \_\_\_\_\_

Activity \_\_\_\_\_ Agent \_\_\_\_\_ in \_\_\_\_\_

Charge Areas of Use \_\_\_\_\_ Telephone \_\_\_\_\_

# Dates of Use \_\_\_\_\_ Time \_\_\_\_\_ of \_\_\_\_\_

Use \_\_\_\_\_

**Conditions of Use**

1. Use of Buildings is granted and only as provided in Section 414 of the Education Law and the School District's Use of Facilities Policy.
2. The activity shall be properly supervised at all times and kept within the confines of the area designated above. It is agreed that the Board of Education will be compensated for any damage or other expense occasioned by use of the facilities.
3. Smoking is prohibited in all school buildings and on school grounds.
4. If use contemplates 200 or more spectators or attendants, the organization must employ a uniformed fireman to be present, notify the police of the time of the event, and carry public liability of not less than \$50,000 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.
5. The permit may be revoked by the Board of Education: (a) with cause at anytime 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 school district's use of facilities policy, the organization's application or the permit granted; 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.
6. There will be no facility charge for educationally related student activities during the hours when the custodial staff is normally on duty.
7. Any educationally related activity using facilities beyond the hours when the custodial staff is normally on duty will be required to pay for custodial services at the contractual rate.
8. All other facility charges will be established at the discretion of the Superintendent.

Applicant releases the Tuckahoe 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 agrees to indemnify and hold harmless the Tuckahoe School District; Board of Education, and District employees from all such claims, damages, expenses and other liabilities arising from such use.

