

## **PUBLIC USE OF SCHOOL FACILITIES REGULATION**

Use of district facilities may be permitted pursuant to the terms of Education Law § 414, as further restricted by Board of Education Policy 1500 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.

All use of school facilities by the public will be governed by the following:

### Eligibility

- A. Residents of the school district shall be entitled to utilize the facilities subject to the conditions set forth in this regulation. For purposes of this section, a person shall be deemed to be a resident during such period of time as he/she maintains his or her domicile within the district.
- B. To ensure that district facilities are preserved for the benefit of the greater district community, only community groups and organizations with a membership of at least 50% Pocantico Hills residents, including a Pocantico Hills resident coach, and serving the needs of children and/or the welfare of the district shall be eligible for use of facilities free of charge on school days when custodians are on duty. All games require a separate permit and are subject to the payment of fees to the District. When custodial staff is not on duty, such groups will be charged an hourly fee for District personnel as per a schedule of fees approved by the Board of Education.
- C. Non-school community groups with a membership of less than 50% district residents may apply for use of district facilities. Proof of resident membership shall be demonstrated through a roster of members if requested by the business office. Such use shall be granted only if it is deemed by the Superintendent or his/her designee to meet a need for a sufficient number of district residents. A yearly/monthly rental fee or hourly fee shall be charged to offset all district expense as per a schedule of fees approved by the Board of Education.
- 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. Only authorized personnel shall operate district equipment. A District cafeteria employee shall be on duty when kitchen facilities are needed.
- E. Organizations using the school building and the school grounds will be required to carry evidence of insurance and other evidence requested as set by the Business office for protection of the district's property. The Insurance Certificate must name the Pocantico Hills Central School District as additional insured. The Board of Education authorizes the Assistant Superintendent the right to waive the insurance requirement.

- F. The Board reserves the right to deny use of district facilities 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. Use of the facilities by political or special interest groups not covered in this regulation shall be prohibited.
- H. In addition to the foregoing, the Superintendent or his/her designee under such special circumstances as he/she deems appropriate, may permit other persons to utilize the facilities.
- I. In recognition of their unique relationship to the welfare of the school and the district, the following groups and organizations shall be granted use of school facilities for appropriate purposes without charge to them and upon proper application to and at the discretion of the Superintendent.
1. The Pocantico Hills School Foundation
  2. Pocantico Hills Teachers Association
  3. Pocantico Hills Parent-Teacher Association
  4. Hilltop Engine Company No. 1
  5. Pocantico Hills Day Camp
  6. Stone Barns Center for Food and Agriculture

#### Application Procedure for Use of District Facilities

Application for use of the building and other facilities shall be made at the office of the Assistant Superintendent by means of forms provided at such office, which shall be completed in full. The applicant shall furnish such information as the Superintendent or his/her designee may require concerning the details of membership and other data he/she deems necessary to test eligibility for use of school facilities by the applicant.

- A. All applications for use of school facilities shall be made in writing and submitted to the Superintendent of Schools or his/her designee.

Permits received within the following schedule will be issued at the discretion of the Assistant Superintendent. Permits received before or after the dates of the following schedule may not be considered for approval unless accommodations within the building use schedule can be made by the District's Administration.

Fall

June 1 – June 30

Fall Sports

September 1 – September 30

Winter Sports

Winter/Spring

January 1 – January 30

Spring Sports

March 1 – March 31

Summer Sports

- B. The applicant must clearly and completely describe 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 their 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 or his/her designee. Permits shall not be transferable.
- F. The Superintendent or his/her designee 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. Issuance of a permit shall not limit the right of access to the facility by district staff.
- H. Applicants must pay all fees or charges imposed by the Board within thirty (30) days of the school system's invoice. Failure to comply with this provision shall result in revocation of the permit for scheduled future uses of the facilities.
- I. Notice of cancellations must be received by the District at least 48 hours in advance to avoid the full charges.
- J. The school building and grounds must be vacated by 10:00 p.m. unless prior arrangements have been made with the Administration.

- K. Applicants are required to clean up after the use of the facilities. Fees may be applied if the facilities are left in disarray.
- L. The number of custodians, security or district personnel required to be on duty at any event for which a permit has been issued shall be determined by the Assistant Superintendent and shall depend on the nature of the use of the facility and the number of people attending. The group will pay all charges incurred by the District's personnel as determined by the District. Should the need for charges arise the District shall provide an estimate of costs before the date of the event.
- M. 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.
- N. If the District is in a contingency budget due to budget failure all organizations with the exception of the PTA (SED Opinion of Counsel Letter No. 213) must pay the appropriate fees in full and in advance.

#### General Procedures

- A. Admission to the facilities shall be granted during regularly scheduled hours of operation to those persons who display a permit issued to them by the school district. Application for such permits must be made at the school during such hours as shall be established.
- B. Permits may be revoked at any time at the discretion of the Board, or by the Superintendent or his/her designee. Permits shall be revoked in the event the persons move from the school district or otherwise become ineligible for such permits. Violations of the operating rules and regulations of the recreational facilities may also constitute grounds for revocation of permits.
- C. In issuing permits for use of the recreation facilities, school district officials or their designees may administer a questionnaire used to assist in determining an applicant's eligibility for such a permit. The determination of school district officials as to an applicant's eligibility for such permit shall be final and binding.
- D. Air conditioning shall not be available for use by non-school groups, however, the Superintendent of Schools or his/her designee may permit the use of air conditioning by assessing an additional charge to be determined by the business office. Instructional equipment and supplies, the Superintendent of Schools or his/her designee may permit the use on premises of stage lighting or other school equipment by competent operators when, in his/her judgment, its use will not impair its value to the school
- E. Normally, recreational and athletic equipment and supplies shall not be available for use by individuals or groups unless such individuals or groups are engaged in school sponsored programs or activities. However, the Superintendent or his/her designee may permit the use on the premises of selected recreational or athletic supplies, when in his/her judgment the use of such supplies will not impair their value to the school and their use shall not require any special competencies, training or skills.

F. The Superintendent or his/her designee shall have the authority to limit the use of the school building and school facilities by non-school groups and organizations to ensure sufficient flexibility for the district's own needs and not to unduly burden custodial and supervisory staff, nor hinder adequate plant maintenance programs. Absent approval by Board resolution, no use of the school building and facilities shall be permitted:

- Any weekday school is not in session
- During school vacation periods
- Evening before school vacations
- The evening of graduation
- During the week following the closing of school in June
- During the three week period just prior to the opening of school in September

Ref: Education Law §414

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