

1500-R PUBLIC USE OF SCHOOL FACILITIES REGULATION

Permitted Uses of School Facilities for District Residents

Permits for the use of school facilities may be issued to:

1. Community groups or organizations, most of whose members live in the school district.
2. Community youth groups, most of whose students live in the community and who are under the supervision and control of adults. No youngster or groups of youngsters shall be admitted to a school building unless accompanied by an adult aged 21 or older.
3. Primaries, elections, and the registration of voters.
4. As per [New York State Education Law Section 414](#), permits for the use of school facilities may be issued to:
 - a. Meetings, entertainment, and occasions where admission fees are charged when the proceeds thereof are to be expended for an educational or charitable purpose; but such use shall not be permitted if such meetings, entertainment, and occasions are under the exclusive control, and the said proceeds are to be applied for the benefit of a society, association, or organization of a religious sect or denomination or of a fraternal, secret, or exclusive society or organization other than organizations of veterans of the military, naval, and marine service of the United States and organizations of volunteer firemen.
 - b. Instruction in any branch of education, learning or the arts.
 - c. Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.
 - d. 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.
 - e. Polling places for holding primaries and elections, for the registration of voters.
 - 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.
 - i. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.

NOTE: *Permits for the use of school facilities are subject to change or cancellation due to unforeseen circumstances such as the rescheduling of Nyack Public Schools athletic game or practice, or other school events.*

Prohibited Uses of School Facilities

Permits for the use of school facilities will not be issued to:

1. Political organizations or clubs.
2. Organizations or individuals for private gain or profit, direct or indirect.
3. Religious groups, sects, or denominations for the purpose of holding religious worship services or otherwise using the school facilities as a house of worship.
4. Groups or organizations which include animals as a normal and essential part of their activities.
5. Groups whose activities may be deemed to endanger the health or safety of those attending the function or to cause damage to any of the school facilities.
6. Groups or organizations that discriminate on the basis of race color, national origin, creed or religion, marital status, sex, age, disability or sexual orientation. For purposes of determining whether to deny the use of school facilities to a specific group or organization for discrimination on the basis of sexual orientation, there must be evidence of local discriminatory action(s) by such group or organization. Any allegation of discrimination made against a group or organization must be submitted in writing to the Superintendent. The Superintendent and/or his/her designees shall thereafter investigate the allegation(s) in such time and manner as deemed warranted under the circumstances. Upon completion, a decision will be made by the Superintendent, subject to review by the Board.

Under Title IX the school district is responsible to insure that any outside organization using district facilities adhere to the rules and regulations of Title IX.

Title IX of the Education Amendments of 1972 prohibits discrimination against students and employees of education institutions on the basis of sex.

Approved Organizations

All organizations requesting use of school facilities shall open their meetings to all who desire to attend and shall advertise as such, as well as follow all New York State and district policies and regulations relative to fund raising on district property. Such regulations can be found under Departments on the Community Facilities Use page of the District's website at <http://www.nyackschools.org>. These fundraising guidelines are based upon the following District Policies: [5660](#) (Student gifts and Solicitations), [5251](#) (Student Fundraising Activities), [5252](#) (Extra Classroom Activities), [1222](#) (Relations with Booster

Organizations), [1510](#) (Public Sales on School Property) and [1511](#) (Advertising in the Schools). All users must comply with these and all district policies and regulations. All organizations are required to meet the insurance specifications unless otherwise noted below. When processing applications for the use of facilities, approved organizations will be given priority for use of facilities in the order in which the categories are listed below.

1. School District Needs – including school clubs, organizations, athletic teams and athletic co-curricular clinics, music and band ensembles, etc. Such uses are considered an extension of regular school programs and do not need to meet the specified insurance requirements. Please note special permission is required for any district program/activity to run during times when the buildings are not otherwise staffed with custodial and security personnel.
2. Nyack School Related Groups
 - Staff Development Center
 - Nyack Teachers Association
 - Parent-Teachers Associations
 - Nyack Parent Boosters
 - Nyack Monday Morning Quarterbacks
 - Drama & Arts Angels, Music Works, Red Storm
 - Red and Black Club
 - Rockland Teachers' Center
 - Foundation to Inspire Excellence in Nyack Schools
 - OCADA (Our Community Against Drug Abuse)
 - YMCA and JCC After-School Day Care programs
 - Nyack UFSD Alumni Groups

Note: *Recognized district alumni groups may request a building tour of the High School or Old High School so long as this activity is part of an official class reunion. The group may be exempted from meeting the insurance requirements but all participants will be required to sign a waiver exempting the district from liability. The alumni group must cover all costs associated with staffing the building to accommodate such a tour.*

3. Nyack Youth Groups:
 - Scouts: Boy, Girl, Brownies and Cubs
 - Clarkstown Parks Board and Recreation Commission
 - Congregation Sons of Israel Youth Group
 - Nyack Recreation Programs
 - Nyack-Valley Cottage Little League
 - Nyack NAACP Youth Group
 - South Nyack Youth Program
 - St. Ann's and St. Paul's Youth Programs
 - Valley Cottage Indians
 - Nyack YMCA Youth
 - Clarkstown Sports Club
 - Nyack Youth Lacrosse
 - Nyack Pee Wee Wrestling
 - Other Similar Youth Groups

4. Government:
 - Volunteer Fire Departments
 - Police Departments
 - Villages: Nyack, South Nyack, Upper Nyack
 - Townships: Orangetown and Clarkstown

5. Civic Organizations:
 - Local Civic Organizations
 - Rotary
 - Lions
 - Chamber of Commerce
 - NAACP
 - Veterans Organizations

- Organized Fraternal Groups
- Charitable Groups
- YMCA-Adult

6. Other Organizations (fee schedule applies unless a separate agreement is in place)

- In-District Not-for-Profit Sports Camps, Sports Groups, Athletic Activities
- Out-of-District Not-for-Profit Sports Camps, Sports Groups and athletic activities for school- aged individuals
- **Note:** *Fields are primarily only available on Sundays or during summer for such use*
- Civil Service for purpose of conducting civil service tests

Facilities Which May be Requested

On days when schools are normally in session and when not in use for school purposes, the following facilities may be used only if a permit has been issued by and under the authority of the Board of Education.

1. Classrooms, cafeterias, auditoriums, gymnasiums, and libraries.
2. Outdoor facilities such as playgrounds, athletic fields and tennis courts.
3. Kitchens. This facility is not considered part of the cafeteria. Permission to use a cafeteria does not automatically cover the use of the kitchen or its equipment. When such permission is granted a separate fee will be charged. Kitchen areas must be properly cleaned after use. Failure to clean will result in additional fees.
4. Technology Equipment - Groups requiring the use of technology equipment will be charged a fee. Use must be requested as part of the application process and the user is responsible for appropriate operation and use of the technology equipment. Users assume the liability for proper use of such equipment and shall be liable for the full replacement cost of any equipment that is lost or damaged.
5. Use of school equipment is not automatically covered by permission to use a school facility. Permission to use specialized items must be requested at time of application. Permission may be granted with the approval of the appropriate administrator and will subject the user to additional fees in accordance with the equipment rental schedule (1500-E.3). Such equipment is not to be removed from the school to which it is assigned and may not leave school premises. The use of athletic materials (balls, bats, etc.) is not permitted.

Procedures for Securing Permission to Use School Facilities

1. The first step in the facilities use process is to request registration for your organization and event coordinator. Once your registration request is approved you will receive an email confirming that you are approved as an event coordinator for your group. The email provides instructions for login access to the Facilities Scheduling Calendar, where you will submit your use requests. Facilities use requests shall be submitted at least 14 days prior to the date of the event. You will find instructions for both requesting registration and submitting facility use requests on the "Community Facilities Use" page under "Departments" of the District's website <http://www.nyackschools.org>. Note that in order to use the facilities, Organizations must obtain and keep in force appropriate insurance as defined in paragraph 13 of this Section and as described in the Approved Organizations Section of this regulation.
2. The Board, the Superintendent or the Superintendent's designee retains the right to review, alter or cancel any permit if it becomes necessary to use the building or grounds for school purposes or for other justifiable reason. The Board, the Superintendent or the Superintendent's designee retains absolute discretion to deny a permit in the best interests of the district, even if the requested usage is not prohibited by law or this policy.
3. The community organization must agree in writing to assume all responsibility for damages incurred resulting from its use of the facility.
4. When submitting a request, the applicant or responsible adult designated to sign the application must review the Board policy and regulations pertaining to the use of school facilities. His/her signature on the application form shall attest to the organization's intent to comply with all Board regulations and requirements.
5. School buildings and grounds must be vacated by 9:45 p.m. for all users unless extended time has been approved in the facilities use permit.
6. Permits shall be valid only for the use of specific school premises on the date or dates at the hours and for the purposes specified in the permit. Any adjustment in the permit which would broaden the scope of such use is not allowed except with the approval of the Superintendent or his/her designee.
7. Permits shall not be transferable.
8. As a rule, permits shall not be granted for use on days when schools are closed, including holidays or vacations.
9. The number of custodians, security staff or district personnel required to be on duty at any meeting, game, activity or entertainment sponsored by an outside organization shall be determined by the Superintendent or his/her designee and shall depend on the nature of the use of the facility and the number of people attending. Should additional staffing be required, the user will be required to cover such costs.
10. No permit shall be valid unless issued through the on-line system which provides the approval of the Superintendent or his/her designee, thereby ensuring that the events status is changed to Active on the facilities use calendar of approved events.

11. Whether or not admission fees are charged, no contributions shall be solicited or collected on school premises, unless permission is stated in the permit.
12. All district school buildings are equipped with automated external defibrillators (AEDs). As part of the approval process, permit holders will be provided with a map showing the location of the AED(s) within the building(s) for emergency use only. Those using the school district grounds or fields will not have access to the AEDs and should plan for emergencies accordingly.
13. Insurance Requirements
 - a. All users must provide the following insurance prior to approval of the requested use.
 - b. The user hereby agrees to effectuate the naming of the district as an unrestricted additional insured on the user's policy.
 - c. The policy naming the district as an additional insured shall be an insurance policy from an A.M. Best rated "secured" New York State licensed insurer and the policy and/or user must comply with the following conditions:
 - i. contain a 30 day notice of cancellation;
 - ii. state that the organization's coverage shall be primary coverage for the district, its Board, employees and volunteers;
 - iii. additional insured status shall be provided with ISO endorsement CG 2026 or its equivalent or broader;
 - iv. the user agrees to indemnify the district for any applicable deductibles.
 - d. Required Insurance:
 - i. Commercial General Liability Insurance \$1,000,000 per occurrence/ \$2,000,000 aggregate.
 - ii. Excess Liability Coverage \$1,000,000 single and aggregate occurrence.
 - e. If the user has paid employees, proof of Workers Compensation Insurance and Disability Benefits Insurance must also be provided. Such insurance is not required for sole proprietorships and organizations with no paid employees. The organization is required to show proof of Workers' Compensation insurance coverage by submitting one of the forms below:
 - i. Insured Form C-105.2 or U-26.3
 - ii. Self-Insured Form SI-12
 - iii. Exempt Form CE-200

The organization is required to show proof of disability benefit insurance by submitting one of the forms below:

 - i. Insured Form DB-120.1
 - ii. Self-Insured Form DB-155
 - iii. Exempt Form CE-200
 - f. Users must acknowledge that failure to obtain such insurance on behalf of the district constitutes a material breach of the facility use permit and subjects it to liability for damages, indemnification and all other legal remedies available to the district. The failure of the district to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the district.
 - g. The district is a member/owner of the NY Schools Insurance Reciprocal (NYSIR). The user further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the district but also the NYSIR, as the district's insurer.
14. The permit holder shall defend, hold the district harmless and shall indemnify the district should the activity result in any legal actions or proceedings or damage claims against the district. This defense, hold harmless and indemnifications agreement shall cover any damage awards or judgments against the district as well as the expense of defending against any such action, proceeding, or claim. The permit holder shall fully cooperate with the district and provide all information at its disposal in the event of such action, proceeding, or claim.
15. A deposit of 50% of the anticipated charges will be required, prior to the use of the facility.
16. If there are any questions regarding the use of facilities, please call the Business Office at 845-353-7033.

Rules Pertaining to the Use of School Facilities

1. The signer of the application shall be the responsible representative of the organization using the facilities and he/she or his/her designee shall be present whenever the facilities are in use. The name or names of responsible representative(s) of the organization who shall supervise the activity must appear on the application.
2. The responsible adult to whom the application has been issued is required to meet with the Building Principal and/or his/her designee to review the special requirements for the use of the school facility for which the permit has been issued. Failure to do this may result in a cancellation of a permit. Such a meeting shall take place well in advance of the scheduled use of the facility.
3. Permits shall be shown upon the request of the Building Principal or his/her designee or supervisor.
4. The organization shall be responsible for any damage its members cause to the premises or equipment. This shall be reported by the organization to the Principal or his/her designee and the custodian on duty.
5. The adult representative of the organization shall be responsible for seeing that the premises are left in the same condition as found or suspension of the permit may follow. This means that:

1. damage to school property or equipment occurring during use of the facility must be reported to the school employee in charge;
 2. debris resulting from such use must be removed;
 3. the facility must be left in order;
 4. no part of the building except the lobby, rest rooms, and the space requested in this application will be entered or used;
 5. the permit holder will act in all respects to protect the safety and security of the pupils and employees of the district and to protect the district's property; and
 6. at no time may doors or other entrances and exits be propped open.
6. Appropriate gym shoes or sneakers must be worn in the gymnasium.
 7. When permission has been granted for use of school equipment, it shall be used by, or under the supervision of, a regularly assigned district employee. Kitchen equipment shall be used by, or under the direct supervision of, a regularly assigned school lunch person.
 8. When spectators are expected to be present at the activities, this should be noted in the application form. Supervision of the activity and spectators (if under 18 year of age) should be provided on the basis of one adult supervisor for each 30 youngsters or fraction thereof. The number of persons in attendance at indoor events shall not exceed the seating capacity of the facility. It is incumbent upon the permit holder to abide by local school, fire, police, and safety ordinances.
 9. It is incumbent upon all users of district facilities both inside and outside to make sure that they address all potential fire and other emergency concerns as follows:
 - i. Users of in-door facilities must make sure that all participants—including supervisory personnel, audiences, and all others in attendance—are cognizant of proper evacuation procedures and are aware of multiple exits from the space being used. All who supervise programs must be cognizant and consequently responsible for instruction of participants, audiences and others in attendance of these evacuation procedures. At the beginning of the program or event the audience or the participants must be informed of these procedures.
 - ii. Users of facilities must make sure that drivers of all vehicles attending their events - or dropping off or picking up individuals from the facilities – **do NOT park** in a fire safety zone or obstruct the zones in any manner. The permit user should remind all drivers of this for the safety of all. Those failing to follow this law will be ticketed and/or towed at the vehicle owner's expense.
 - iii. If a fire alarm sounds or if someone calls the fire department to report a gas odor or other potentially dangerous situation, all in the building must exit the building and remain outside the building until the fire department official on the scene permits the building to be reoccupied.
 - iv. All district school buildings are equipped with automated external defibrillators (AEDs). Users will be provided with a map showing the location of the AED(s) "IN" the building(s) that anyone is seeking a permit to use. Those using the school district fields CANNOT expect to access the AEDs.
 - v. Individuals using the AEDs should have received both CPR and AED training in advance. Organizations are urged to have members of their group so trained.
 - vi. If a member of an organization uses an AED, the organization alone assumes any resulting liability and shall hold the district harmless from such usage.
 - vii. It is incumbent upon the permit holder to be aware of all safety and security procedures associated with their use of district facilities.
 - viii. Users with any questions on emergency procedures or contacts shall immediately direct them to the school principal and/or the facilities office.
 10. In the case of an accident resulting in injury to any person or damage to personal property, the incident must be immediately reported to the Principal or his/her designee. All reports must be confirmed in writing from the Principal to the Business Office within 24 hours.

Personal injury reports must give the following information:

- a. Name, address and telephone number of the injured party;
- b. Time of occurrence;
- c. Place;
- d. Nature of the injury sustained;
- e. Names of persons witnessing the incident; and
- f. Remedial steps taken.

Personal property reports must give the following information:

- a. Name, address and telephone number of the owner;
- b. Nature of damage; and
- c. Estimate of cost of repairs.

Copies of such reports should be sent to the Office of the Superintendent.

11. The operation of a concession on school property without the permission of the Superintendent is prohibited.
12. Sale of candy or soft drinks during activities for which permission is requested and/or granted, requires special permission from the Superintendent. Such permission should be requested in the application for use of the facility. If, in the opinion of the school officials, the sale of such items would require the services of additional school personnel, i.e. custodian, before, during or following such sale, the sponsoring organization shall be charged for these added services.
13. Smoking is prohibited on school property. The district maintains a smoke-free environment. No person shall smoke or carry a lighted cigar, cigarette, pipe or any other form of smoking object or device (including electronic) in any school building or on the grounds of the district at any time.
14. No alcoholic beverages shall be permitted on school property.
15. Gambling is prohibited on school property.
16. The district reserves the right to prohibit certain activities. The use of Inflatables (e.g., Astro Walk, Castle Bounce, Cosmo Walk, Moon Walk, Slides, Mazes, etc.) and Dunk Tanks are expressly prohibited.
17. All decorations used within the building must be fire-resistant and approved by the Principal. No open flame decorations shall be permitted. No decorations shall be attached to walls or ceilings which would damage the finish of the walls or ceiling. Decorations in the auditoriums, multiple purpose rooms, or foyers shall be limited to those of a freestanding display type.
18. All decorations, furnishings, equipment provided by the user, together with any debris, shall be removed from the premises by the user under the direction of the school staff. There shall be no installation of equipment or alteration to the existing facilities or equipment without the special permission of the Superintendent.
19. The privilege of parking on or near the premises is subject to the regulations of the Board and all street parking regulations of the county, town, or village and shall be fully enforced.
20. Unauthorized or unlicensed vehicles, aircraft (including unmanned drones) or other equipment such as go-carts, motor bikes, power driven model airplanes, are not permitted on school grounds.
21. While residents of the community are welcome to use outdoor facilities for athletic activities, they are cautioned to be sensitive to the fact that these facilities are for all the people and should not be contaminated by the few. Special attention should be taken for the use of baseball diamonds and tennis courts. When outdoor facilities are to be used for an extended period, a permit is required.
22. Since the number of tennis courts is limited to the high school site, the following regulations for the use of these courts shall be strictly enforced:
 - a. Courts may be used only by residents and employees of the Nyack School District;
 - b. Sneakers must be worn;
 - c. Bicycle riding is prohibited;
 - d. Roller skating is prohibited; and
 - e. Players are limited to one hour when others are waiting.

Senior Citizens

Residents of the school district who are at least 60 years of age may apply to the district office for a free membership card in the Nyack School District Golden Card Club. A membership card entitles the person to whom the card was issued to admittance without cost to the following district activities:

1. athletic events held within the school district;
2. adult education courses;
3. special events or social affairs; and
4. school productions such as plays and concerts.

Fees to Be Charged

1. Fee schedules ([Exhibit 1500-E.1](#)) are established for payment of fees when approval for school facilities is granted. A 5 percent indirect cost rate will be added to the scheduled fees at the time of billing.
2. The following eligible organizations (as listed in Approved Organizations) may use designated parts of the school facilities for approved activities without charges when such use in no way interferes with the school program and such use does not require the District to incur additional costs:

Nyack School Related Groups

Nyack Youth Groups

Government

Civic Organizations

In addition, the Superintendent has the discretion to permit use of the district's facilities without charges by individuals or entities for meetings the Superintendent or his/her designee determine are being held solely for educational purposes.

3. Government organizations (listed in Approved Organizations) may use the school facilities and shall be responsible for paying the custodial fee only.
4. All other organizations or groups, including but not limited to In-District and Out-of-District Not-For-Profit Sports Camps, Sport Groups and Athletic Activities will pay fees based on the attached fee schedule ([Exhibit 1500-E.1](#)). Please note the district reserves the right to mandate that security and/or custodial staff be on site at the user's expense.
5. When the custodial time used is part of the regular working hours of district staff, the custodial fee will be waived.
6. When the district is operating under a contingency budget, all organizations will pay fees based on the attached E.1 fee schedule. The only exception will be in-school groups and school related groups which will pay fees based a schedule calculated after the adoption of an actual contingent school budget (should the voters not approve the proposed school budget).

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Nyack Union Free School District