

PUBLIC USE OF SCHOOL FACILITIES REGULATION

All District buildings and grounds are under the Board of Education's control and supervision. The Board encourages the use of District buildings, grounds and facilities as community centers for legitimate and appropriate activities by people of the community.

Permitted Uses

District facilities may be used for the purposes below, subject to the conditions and restrictions set forth in this regulation.

1. Instruction in any branch of education, learning or the arts.
2. Social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community so long as these uses are non-exclusive and open to the general public.
3. Meetings, entertainment and occasions where admission fees are charged so long as the proceeds are to be spent for an educational or charitable purpose.
4. Polling places for holding primaries and elections and for voter registration.
5. Civic forums and community centers.
6. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, non-profit school.
7. Child care services during non-school hours as long as the cost of these services is paid by the person responsible for the child's support, the local social services district as authorized by law, or any other public or private voluntary source. These services may not be a charge against the District.
8. Graduation exercises held by not-for-profit elementary and secondary schools as long as no religious service is performed.

The District will charge a user fee, described more fully in paragraph 5 under *Conditions for Use of District Facilities*, for the uses set forth in paragraphs 1, 3, 7, and 8. User fees will apply for the uses set forth above in paragraphs 1, 2, 3, 4, 5, 6, 7, and 8, when the District is on a contingency budget.

Prohibited Uses

Any use not listed above under *Permitted Uses* is prohibited. In addition, the following uses are specifically prohibited.

1. Meetings sponsored by political organizations.
2. Meetings, entertainment and occasions where admission fees are charged and the proceeds are not to be expended for an educational or charitable purpose.
3. Meetings, entertainment 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 a fraternal, secret or exclusive society or organization, other than veterans' organizations, volunteer fire fighters or volunteer ambulance workers.
4. Social, civic or recreational meetings or other uses pertaining to the welfare of the community, which are exclusive and not open to the general public.

Conditions for Use of District Facilities

1. Use of District facilities may be permitted unless they are required for school purposes, or during educational programs. School activities have priority over use of District facilities by individuals and outside organizations. The District reserves the exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the District's educational programs.
2. 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.
3. Requests for use of District facilities must be made by Bay Shore-Brightwaters residents or by a legitimate, recognized not-for-profit school or community related group. Bay Shore-Brightwaters residents must represent at least fifty-one (51) percent of the group's membership to be considered a community related group. A list of the group's members, including names and addresses, must be made available to the District upon request.
4. District facilities are available for use only between the hours of 7:00 AM and 10:00 PM. Applicants approved to use District facilities may not enter before 7:00 AM and must vacate the premises by 10:00 PM.

5. Use of District facilities will be permitted only where the applicant agrees to pay the District a user 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. 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 ten (10) days in advance of the requested use. The District retains the right to waive user fees for groups that are associated with or sponsored by the District.
6. No applicant will be permitted to use District facilities unless there is a responsible adult leader ("group leader") in charge, who will be accountable to the Board for the conduct of his/her group and for any damage that may be caused to District facilities. The group leader must have a copy of the permit with him/her during the approved use.
7. Groups composed of minors must have adequate supervision with at least one adult leader in complete charge. Adequate supervision means that there is a minimum ratio of one (1) adult leader to every twenty-five (25) minors.
8. The applicant is restricted solely to the area that has been approved by the Director of Buildings and Grounds. The applicant is responsible for order and safety in this area during the time the applicant uses it. Facilities used by the applicant must be left in clean and orderly condition, which includes removing all litter from the area. Any damage sustained to District facilities that is attributable to the applicant's use will be reimbursed by the applicant.
9. Unless written permission is granted by the Director of Buildings and Grounds, no applicant may: put up decorations or scenery; move District equipment, such as a piano or spotlights; sell, give away, exhibit, or display items; carry out, play, or stage a game of chance; and/or sell or serve refreshments.
10. Use of District facilities will only be permitted where the group 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 medical expenses. The District must be named as an additional insured on the policy. The District will exercise complete and non-reviewable discretion regarding what constitutes adequate insurance coverage for each proposed use. The District must be given at least thirty (30) days notice of any change made to the Certificate of Insurance or insurance coverage.
11. The District and Board assume no responsibility for personal property left on the premises or for personal injury sustained.

12. At the conclusion of an event or activity where a fee was charged, a detailed financial statement of receipts, expenses and proceeds must be made available to the District upon request.
13. At no time will the following be permitted on District facilities: use, possession, sale or distribution of alcohol; use, possession, sale or distribution of an illegal or controlled substance; and/or smoking. Any sale or distribution of food or beverages on school property requires prior express consent. Use of the school kitchen for food preparation or distribution also requires prior express consent.
14. In case of an emergency, District facilities will be available to the American Red Cross.
15. All rules of the police, health, or fire department affecting the use of District facilities must be observed.
16. All individuals and groups using District facilities must act in a manner consistent with applicable federal and state laws and regulations as well as all policies, regulations and rules of the District.
17. The Board reserves the discretion to deny use of District facilities or to terminate such use:
 - a. By an applicant who has previously misused or abused District facilities or property or who has violated this regulation;
 - b. For any use that could have the effect of violating the United States Constitution or the New York State Constitution;
 - c. For any use that, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
 - d. For any use that the Board determines is inconsistent with this regulation;
 - e. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of that entity;
 - f. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
 - g. For any use prohibited by law.

Application Procedure for Use of District Facilities

1. All applications for use of District facilities will be made in writing and submitted to the Office of Buildings and Grounds at least thirty (30) days prior to the date of the requested use. If the applicant is a group, the application must be completed and signed by the group's responsible representative.
2. The applicant must clearly and completely describe the intended use of District facilities in the application.
3. The District reserves the right to give preference to groups and organizations that are associated with or sponsored by the District.
4. All applicants must review this policy prior to submitting the application. All applications must be signed. The applicant's signature on the application will attest to his/her/the group's intent to comply with all Board policies and regulations. The applicant's signature will further attest that he/she has read this regulation and will use District facilities strictly in accordance with the use described in the application.
5. No reservation for use may be made until the application with the deposit (if applicable) is returned and approved by the Board or its designee(s).
6. Groups that use District facilities regularly, such as on a weekly or monthly basis, must renew their applications annually before June 30. Upon request by the District, the group must submit a complete list of members, including names and addresses.
7. All applicants, in signing the application, agree to assume responsibility for all damages resulting from their use of District facilities.
8. In reviewing an application, the Director of Buildings and Grounds will evaluate current and anticipated uses of the facility and make a judgment about the intended use. If a request is made for a gymnasium, field or auditorium, the Director of Buildings and Grounds will consult with the Directors of HPEA and/or Cultural Arts.
9. If approval is appropriate, the Director of Buildings and Grounds will approve the request by signing his/her signature on the application and notifying the applicant in writing. If applicable, a fee will be established and copies of the completed form with a letter of billing will be sent to the Assistant Superintendent for Business.
10. If the application is denied, a written appeal may be made to the Superintendent of Schools. If the Superintendent affirms the Director of Buildings and Ground's denial, then a written appeal may be made to the Board of Education.

11. If the approved use requires security, a copy of the application will be forwarded to the Director of Security.
12. Permits for use will be valid only for the facility, use, dates and times specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Director of Buildings and Grounds. Permits are not transferable.
13. The Director of Buildings and Grounds is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reasons.
14. The Assistant Superintendent for Business will be responsible for monitoring monies in the District's General fund. He/She will also be responsible for monitoring payment of appropriate fees as detailed in the billing letter.
15. One-third of the total fee (if applicable) will be due when written approval is given by the Director of Buildings and Grounds. Seven (7) days prior to the use a \$250 security fee is due. The balance of the fee due will be paid on the last business day before the date of the use. All payments must be made by certified check.
16. Issuance of a permit does not limit the right of access to the facility by District staff.
17. No proposed user will publicly advertise the proposed use until after the Board and/or its designee approves such use.

Cancellations

1. Any changes in time or date or the cancellation of an activity must be reported to the Office of Buildings and Grounds in writing within twenty-four (24) hours of the intended use. If notification is given by telephone, a written confirmation must follow.
2. The District reserves the right to cancel permits without notice for failure of the applicant to abide by this regulation or where there is an exigent District need to use the property or facility.
3. All events will be canceled when school is closed due to an emergency, such as snow. It is the responsibility of the applicant to cancel the activity, including informing all interested persons that the activity is canceled. If the school is closed due to an emergency, the District will incur no liability to the proposed user.

Fee Schedule

If approval is granted, individual(s) and group(s) using District facilities are charged a user fee as follows:

1. Use of any school auditorium, gymnasium or field – \$50.00/hour.
2. Use of any room – \$25.00 per hour for a minimum of two hours on any one occasion.
3. Use of a custodian-\$40.00 per hour for each custodian for a minimum of two hours on any one occasion.
4. Use of security guard- \$25.00 per hour for each security guard for a minimum of two hours on any one occasion.
5. In the event that additional support services are required (*i.e., lighting technician, cook*), there will be an additional charge. Support personnel will be paid by the organization utilizing the facility at the rate established by District contract.

Time is calculated at thirty (30) minutes prior to the scheduled use by the individual(s) or group(s) until thirty (30) minutes after the end of the actual use.

Ref.: Education Law § 414

Adoption Date: February 15, 2006