

( ) Required  
(X) Local  
(X) Notice

## PUBLIC USE OF SCHOOL FACILITIES

### Introduction

School buildings and grounds are maintained primarily for educational purposes and secondarily for the recreation of school children and the community in general. All utilization of school facilities and grounds shall be in compliance with the requirements of Education Law, Section 414.

Public use of school facilities may take place during or after school hours only if, in the judgment of the Building Principal or Athletic Director, the proposed use will not be disruptive to normal school operations.

Use of facilities will also be conditioned on the group providing the district with timely evidence of adequate insurance coverage. General liability insurance in the amount of \$1,000,000 shall be the minimum insurance coverage required naming the district as an additional insured. Such coverage must protect the district for all liability, property damage, personal injury and/or medical expenses occasioned by the requested use of facilities.

### Permissible Uses

The District may permit public use of its facilities for the following purposes:

- A. Instruction in any branch of education, learning or the arts.
- B. Stations of public libraries.
- C. Social, civic (including but not limited to meetings of parent associations and parent-teacher associations) and recreational meetings, entertainments, and other activities,
- D. Meetings, entertainments, and occasions where admission fees are charged and the proceeds are expended for an educational or charitable purpose.
- E. Polling places for holding primaries and elections, and for the registration of voters and political meetings. However, meetings sponsored by a political organization must be approved by a vote of the Board.
- F. Civic forums and community centers, upon the petition of at least twenty-five (25) district residents.
- G. Instruction of special needs students.
- H. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, non-profit school.
- I. Childcare services during non-school hours or during school hours for children of students attending the district and employees of the district. However, the Board shall determine whether the space will be provided and may charge an appropriate fee.

- J. For graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.
- K. Licensed school-based health, dental or mental health clinics as defined in Education Law §414, operated by an entity other than the school district.
- L. Classes of instruction for intellectually disabled minors operated by a private organization approved by the Commissioner of Education.
- M. Any use in (A), (C), (D), or (H) above shall not permit the exclusion of any District child because the child is not attending a District school or the District school sponsoring such use.
- N. Any student enrolled and/or attending an Averill Park school shall be considered a district resident.

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, where admission fees are charged, that are under the exclusive control of and the 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 veterans' organizations or volunteer fire fighters or volunteer ambulance workers.

#### Priority For Use:

If multiple requests cause a conflict for the use of school facilities, the following priority classifications shall be applied to resolve any such conflict:

- Class I. District associated programs such as; Athletic teams, Averill Park School District employees, PTO, PTA, Clubs, Activities, Continuing Education programs, school club activities, etc.
- Class II. Community groups within the district, Local youth groups, Adult groups from the community (A minimum of 50% of users must be district residents), and Government agencies located within the district or State agencies.
- Class III. Outside/Private groups (groups having less 50% district residents as participants.)

Fees for Use:

The district will not charge fees to Class I groups, district associated programs (i.e. athletic teams, Averill Park School District employees, PTA/PTO, continuing education programs, or school clubs activities).

Fees will be assessed based upon facility usage for Class II & III groups. Fees paid for facility use by Class II & III groups are intended to reduce the actual cost to the district occasioned by such use. See 1500-R for the fee schedule.

The district reserves the right to deny any request that requires the use of special equipment or additional supervision, or in the alternative, to condition the requested use upon the applicant's payment of the additional fees occasioned by such equipment or supervision.

Policy Review:

The district shall establish a fee schedule periodically and the Superintendent shall recommend said fee schedule to reduce the actual cost to the district occasioned by the use of district facilities.

Waiver of fees:

Fees may be waived for small groups using facilities at times when the buildings are normally open; if, in the Superintendent's judgment no special custodial service is needed either for supervision or safety. Fees may also be waived by the Superintendent, if the group provides "in-kind" donations such as personal services, supplies and materials, equipment or cash contributions to the district or if the Superintendent's judgment the fees present undue hardship or the Superintendent deems a fee waiver is in the best interest of the community.

Procedures for Use of Facilities:

1. The Superintendent of Schools shall develop and may modify the necessary forms and procedures under this policy.
2. Applications for use permits and this policy shall be available online at <https://averillpark.k12.ny.us/facilities-usage>. Applications shall be completed and submitted at least 10 days prior to the proposed use.
3. The application must clearly state the proposed use.
4. Applications must be signed by an authorized agent of the group requesting use. The applicant's signature shall indicate that the applicant is familiar with the requirement of this policy and that it will comply with this policy and any attendant regulations. Certificate of Insurance must be attached to the application.
5. Roster/List of Participants may be requested upon application. If this is not possible an extension may be granted upon approval of the Athletic Director. Any changes to rosters must be submitted in a timely manner.
6. Use permits are valid only for the facility, date and time indicated on the permit. Permits are not transferable and may not be modified without the prior written consent of the building principal or director of safety, health, and physical education.

7. Any previously granted use permit may be canceled or altered, if it becomes necessary to do so in order to further normal school activities or for any other justifiable reason.
8. Issuance of a permit does not restrict or limit the right of access to the facility by district staff.

Grounds for Denial of Use of Facilities:

The District reserves the right to deny use of school facilities or to terminate previously granted use of school facilities, as follows:

1. In connection with an applicant that has previously misused or abused school facilities or property or has violated any provision of this policy.
2. For any use which would have the effect of violating any provision of the United States Constitution.
3. For any requested use which in the Superintendent's judgment could reasonably be expected to or actually does give rise to a riot or other public disturbance.
4. For any use deemed inconsistent with this policy.
5. For any other use which would violate the Education Law or the Regulations of the Commissioner of Education.
6. In any instance where alcoholic beverages, tobacco products, unlawful drugs or misuse of legal drugs including steroids are sold, distributed, consumed, promoted or possessed.
7. For any other use prohibited by law.
8. For any groups with outstanding unpaid balances.

Appeal Process:

Any group denied use of district facilities may appeal that decision to the Superintendent.

Facilities Use During a Contingent Budget:

During a contingent budget, the District must recoup all additional costs and/or expenses for facilities use by Class II & III groups, or as otherwise required by the New York State Education Law. If there are no identifiable extra costs, then the District may make the facilities available according to the fee schedule established in 1500-R. However, no fee waivers may be granted during a contingent budget.

All other requirements of this policy shall continue to apply during a contingent budget.

Ref: Education Law §§2-a; 414

Adoption date: 11/16/20