

() Required
(X) Local
(x) Notice

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 contests of children attending a private, non-profit 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.*

*Although this provision is taken verbatim from New York State Education Law, given the decision of the U.S. Court of Appeals for the 2nd Circuit in the Bronx Household of Faith case, the district will check with the school attorney prior to implementing this provision.

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 non-reviewable judgment to determine if a requested use would interfere with or disturb the district's educational programs.
- B. 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 other additional services or equipment. The following is a categorized chart in which will determined the cost of fees associated with the use of the district's facilities and/or grounds.

Category 1 – School-Sponsored Groups – Any group or organization directly connected with the Hudson City School District (i.e. student councils, school bands, choirs, and district-operated athletic programs). No fees will be charged.

Category 2 – School Community Groups – Those groups whose primary mission are to directly support the school, or are primarily school related (i.e. HCSD Booster Club, PTA or similar group). Fees may be charged based upon services rendered to recapture the district's cost in providing the access.

Category 3 – Community Non-Profit Groups – Those groups comprised primarily of district residents providing civic, educational, or cultural activities, however, may be deemed to include governmental agencies. Examples of the types of groups would be Boy Scouts, Girl Scouts, church groups, Kiwanis, Rotary, garden club. Fees will be charged to the extent that the activities approved hereunder generate additional costs to the district.

The district retains the right to condition use upon an applicant depositing with the district a sum of at least fifty percent (50%) of the cost of the area being requested as prescribed by the use fee schedule. The remainder of the use fee and any other associated fees will need to be paid to the district within five (5) days prior to the requested use. The district retains the further right to waive user fees at a fifty percent (50%) reduction for groups that are associated with or sponsored by the district. If for some reason the request for use is not granted, the district will be responsible to return the deposit in full. 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. Any not-for-profit organization or municipality located within the school district may submit a written justification along with the Use of School Facilities Request form to be forwarded to the Superintendent to be considered by the Board of Education to waive user fees. Any organization or municipality that is granted a waiver will still be responsible for additional expenses that could occur if heat, electricity, maintenance, custodial services or any other necessary services are requested.

- C. 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 B above. Only authorized personnel shall operate district equipment. In regards to all aerial arts involving rigging skills, wire ropes, etc., the district will require that a certified engineer inspect and approve all equipment to be used. The expense of this will be the responsibility of the requester.
- D. Use of the district facilities will only be permitted where the requesting group or organization provides the district timely evidence of adequate insurance coverage. The Hudson City School District requires coverage of one million (\$1,000,000.00) dollars minimum to save the district harmless from all liability, personal injury and/or medical expenses, and five hundred thousand (\$500,000.00) dollars for property damage. The district will reserve the discretion regarding what constitutes adequate insurance coverage for each proposed use.
- E. The Board of Education reserves the discretion to deny use of district facilities described above, or to terminate use of district facilities for the following:
 - 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 an 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 of Education, 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.

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 Buildings and Grounds or Director of Facilities at least 30 days prior to the date of the requested use. There could be some circumstances in which the 30-day notice could be waived. This will be based on availability of services and at the discretion of the Superintendent of the district with School Board assistance if deemed necessary. A use permit application is available in the Superintendent of Buildings and Grounds' or Director of Facilities' office or on the district website.
- 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 of Education 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, along with the fees assigned, five (5) days prior to the scheduled use.
- E. Permits shall be valid only for the facility use, date 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.
- F. 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 reasons.
- G. 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.
- H. Issuance of a permit shall not limit the right of access to the facility by district staff.

Ref: Education Law §414

Adoption date: April 13, 2015

Supersedes Policy Date: February 11, 2008