

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, and provided that they do not interfere or conflict with the regular school program(s) or event(s).

- 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 (including but not limited to meetings of parent associations and parent-teacher associations) 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 of a non-partisan nature.
- 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.**
- J. District swimming pool is additionally available to rent for pool parties, as outlined in 1500-E and regulated in 1500-R.

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.

* A detailed financial statement showing total receipts and expenses for each use of the building(s) or grounds for which admission is charged must be available on request. The financial statement, once in possession of the school district, becomes a public record. The renting of a facility for which admission is charged and not used for educational or charitable purposes, is forbidden by this section.

**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 partisan political organizations or for partisan political purposes.

- 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. **Non-Interference:** 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. **User Fees:** Use of district facilities will be permitted only where the applicant agrees to pay the district the determined user fee. The fee will be set according to the schedule adopted by the district, and will reflect the intent to recover the costs of heat, electricity, maintenance, custodial services, security 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 following is a categorized list which will determine the cost of fees associated with the use of the district's facilities and/or grounds. Refer to the Facilities Use Fee Schedule for the associated fees. *Waivers will not be granted.*
- 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 / Non-profit Groups – Groups or organizations whose primary mission is to directly support the school district or are primarily school related (i.e. HCSD Booster Club, PTA or similar group). Fees may be charged for events to cover additional costs to the district (see fee schedule in 1500-E). No fees will be charged for regular meetings.
- Category 3:** Community / Non-Profit Groups - Those groups comprised primarily of district residents providing civic, educational, or cultural activities, which may be deemed to include governmental agencies. Examples of the types of groups are Boy Scouts, Girl Scouts, Kiwanis, Rotary, garden club. Fees may be charged for events to cover additional costs to the district (see fee schedule in 1500-E). Proof of 501(c)3 status may be required.
- Category 4:** Groups not affiliated with HCSD – Those groups who are not affiliated with the district and whose activities are not in direct support of the students or school related activities. Fees will be charged to recapture the district's costs in providing access and use of district facilities.
- C. **Payment schedule:** Use of district facilities will be permitted only where the applicant agrees to pay the district the user fee as outlined in the Facilities Use Fee Schedule. A sum of at least fifty percent (50%) of the cost of the area being requested shall be made upon submission of Facilities Use Request. The remainder of the use fee and any other associated fees will be paid to the district not less than five (5) days prior to the requested use. If the request for use is not granted, the district will be responsible to return the deposit in full.
- D. **Special Equipment & Supervision:** Where, in the sole judgment of the district, the requested use of district facilities requires special equipment, security 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 and the Facilities Use Fee Schedule. 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.
- E. **Insurance:** Use of the district facilities will only be permitted to Category 2, 3 and 4 users where the requesting group or organization provides the district timely evidence of adequate insurance coverage. HCSD requires minimum coverage of one million (\$1,000,000.00) dollars per occurrence (use) and two million (\$2,000,000.00) aggregate (recurring use) with no exclusions for athletic participants. User agrees to save the district harmless from all liability, personal injury and/or medical expenses. Proof of insurance will be submitted to the district not less than five (5) days prior to the date of scheduled Use. The district will reserve the discretion regarding what constitutes adequate insurance coverage for each proposed use. Pool parties are not subject to this requirement.

- F. **Signage:** All users of district facilities must follow all posted and written safety and security policies, as well as the rules and regulations specified in 1500-R, including “After School and Visiting Groups Safety Procedures” and the “Hudson Bluehawks Sports Complex Rules”.
- G. **Termination of Use:** 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 utilizing 1500-E HCSD Facilities Use Request Form, and be submitted to the Buildings and Grounds Superintendent or Director of Facilities at least 30 days prior to the date of the requested use. There may be some circumstances in which the 30-day notice could be waived. This will be based on availability of facilities and 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 Buildings and Grounds Superintendents' 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 and 1500-R, the Rules and Regulations for use 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 policies, rules, 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 as outlined above.
- 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. District staff shall at all times retain access to all areas of district property.

Ref: Education Law §414

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