

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. 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.
- C. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
- D. Polling places for holding primaries and elections, for the registration of voters.
- E. Civic forums and community centers.
- F. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
- G. 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.
- H. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.

Approved:	12/05/2012
2nd reading (Replacing 7400) (Revised):	12/05/2012
1st reading (Replacing 7400) (Revised):	09/05/2012

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 nonreviewable judgment to determine if a requested use would interfere with or disturb the district's educational programs.
- B. 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 and have a membership of at least 51% of district residents) may be granted access to district facilities.
- C. 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 10 days in advance of the requested use. The district retains the further right to waive user fees for groups that are associated with or sponsored by the district.
- D. 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 C above. Only authorized personnel shall operate district equipment.

- E. Use of district facilities will only be permitted where the organization 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/or medical expenses. The district will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use. (see Appendix A)
- F. The Board reserves the discretion to deny use of district facilities described above, or to terminate use of district facilities:
 - 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 the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States or New York State Constitutions or any other law, rule or regulation;
 - 3. For any use which, in the estimation of the Board, 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; and
 - 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 Director of Facilities & Operations at least 30 days prior to the date of the requested use. A use permit application is available in the Director's office. (see Appendix B)
- 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 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 at least 10 days before the date of the requested use. (see Appendix A)
- E. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Director of Facilities & Operations. Permits shall not be transferable.
- F. The Superintendent or the Director of Facilities & Operations is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason.
- 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.

Leased Property

The terms and conditions identified above are inapplicable to entities to whom district property has been leased.

Ref: Education Law §414

Appendix A
Insurance Requirements

- I. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the permittee hereby agrees to effectuate the naming of the district as an additional insured on the permittee's insurance policies.
- II. The policy naming the district as an additional insured shall:
 - Be an insurance policy from an A.M. Best rated "secure" or better insurer, licensed in New York State.
 - *State that the organization's coverage shall be primary and non-contributory coverage for the district it's Board, employees and volunteers.*
 - The district shall be listed as an additional insured by using endorsement CG 2026 or equivalent. A completed copy of the endorsement must be attached to the certificate of insurance.
 - At the District's request, the organization shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, the organization will provide a copy of the policy endorsements and forms.
- III. The permittee agrees to indemnify the district for any applicable deductibles and self-insured retentions.
- IV. The insurance producer must indicate whether or not they are an agent for the companies providing the coverage.
- V. Required Insurance:
 - **Commercial General Liability Insurance**
\$1,000,000 per occurrence/ \$3,000,000 aggregate, with coverage for athletic participants.
- VI. Permittee acknowledges that failure to obtain such insurance on behalf of the district constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the district. The permittee is to provide the district with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities.
- VII. 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.

BELLMORE-MERRICK CENTRAL HIGH SCHOOL DISTRICT (BMCHSD)

PERMIT NO. _____

Application for Use of Facilities

Applicant agrees to abide by all regulations governing use of buildings and property (attached). In soliciting Board approval for the use of school facilities, community organizations should be aware of the following. In the selection of a speaker for an event, organizations have an obligation to be sensitive to and aware of the reasonable and foreseeable effects which a speaker or the contents of a presentation may have within the school community. The Board does not intend to limit or otherwise restrict community use of its property but merely expresses its strong desire that community organizations act in a responsible manner.

Building Requested _____ Space or Location _____

Dates & Time _____ Day of Week _____ Anticipated Attendance _____
Dates & Time _____ Day of Week _____ (Adult - Student) _____
Dates & Time _____ Day of Week _____ _____

Purpose of Use (Brief Description of Program) _____

APPLICANT _____ BY _____

Name of Organization

Individual - Print

ADDRESS _____

Individual - Signature

PHONE _____

Supervisor Name/Phone Number

All equipment required (if any) _____

If Required - Insurance Expires _____ Attach Certificate 1,000,000/3,000,000 Liability

BMCHSD As Additional Named Insured - ISO Endorsement CG 20 26 or CG 20 10 11 85 - Hold Harmless Agreement

Will admission be charged? _____ Amount _____ Open to Public _____

If charged, to be expended for _____

For Office Use Only

App. Rec. _____ App. Cleared _____ By _____

Approved _____ Date _____

Director - School Facilities & Operations

Special Notes: _____

STATEMENT Please Remit Upon Receipt - Any adjustments will be made after facility use is complete. \$ _____ TOTAL

NOTE: BMCHSD FUNCTIONS TAKE PRECEDENCE OVER PERMITS OR OUTSIDE ORGANIZATIONS.

NOTE: BUILDINGS ARE CLOSED DURING JULY, AUGUST AND HOLIDAY RECESSES FOR REPAIRS AND MAINTENANCE.

NOTE: BY LAW, ALCOHOL AND SMOKING ARE PROHIBITED WITHIN 100 FEET OF SCHOOL GROUNDS.

The following conditions govern District Facilities use:

- 1. The number of persons admitted for a function must not exceed room capacity limits.
2. Whenever inclement weather or an emergency situation cause the closing of District schools, all after-school functions scheduled for that day will be cancelled. Check the District website.
3. The person in charge of a function must notify persons in attendance, at the beginning of the function, of the procedures to be followed in the case of any emergency (i.e. locations of all exits)
4. In the case of an accident resulting in injury or illness to any person or damage to personal property, you must immediately notify building personnel of the incident and it must be reported in writing to the Director of Facilities within 48 hours of the function.