



1500

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.

Authorization to use school facilities will not be considered an endorsement or approval of the activity, group or organization nor the purposes they represent.

School-sponsored activities will have first priority. Municipal use will have second priority, and use by community/non-profit organizations which fall under the guidelines of Education Law §414, will have third priority. The right to authorize the use of school facilities will be retained by the Board and the Board's designee, the Superintendent of Schools. The Board delegates authority to the Superintendent to approve or deny facilities use requests. Building Principals are delegated the authority to approve or deny the use of their respective school buildings by school groups as long as the facility use has been recorded in the district's electronic information system.

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 events, including extra-curricular and co-curricular activities.

- 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 (except for use by the Boy Scouts, Girl Scouts).
- 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, and for the registration of voters.
- F. Civic forums and community centers.
- G. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit 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. Classes of instruction for developmentally disabled minors operated by a private organization approved by the Commissioner of Education.
- 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.

Additionally, as a condition of receiving state funding, the district permits access to military recruiters as well as institutions of higher learning 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 or for partisan political purposes, unless authorized by a vote at a district meeting. The district does not permit the use of district facilities for partisan political speech, including, but not limited to, the endorsement of political candidates and positions.
- 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.
- C. Any use that in any way interferes with the use of school buildings, grounds, school programs, or use of school facilities by students, district athletic teams or other school-sponsored activities.
- D. Any use that interferes or may damage school property in the following ways:
 - 1. attachment of screws, bolts, tape, etc. to walls, fixtures, floors, etc.;
 - 2. obstruction of any corridor, door, passageway;
 - 3. alteration or relocation of equipment;
 - 4. painting of scenery or decorations on walls, floors, ceilings, etc.; or
 - 5. digging holes or erecting signs, etc. on fields or other grounds.
- E. Any use by a person or organization for personal or private gain, financial or otherwise, or by any commercial enterprise except for approved educational purposes (such as student photographs, book sales, and other uses where the primary purpose is a public benefit).
- F. Gambling, use, possession, sale or distribution of alcohol or controlled substances are prohibited at any time in school buildings and on school property.
- G. District grounds may not be used for practicing golf shots, throwing a discus or shotput, possession or shooting a gun (except as permitted by law) or shooting an arrow;
- H. Unauthorized or unlicensed vehicles or equipment such as go-carts, motor bikes, power driven airplanes or drones are not permitted on school grounds.
- I. The use of fireworks is prohibited on school property.

Conditions of Use for District Facilities

- A. Non-Interference: Use of district facilities may be permitted unless such facilities are in use during the instructional day or for school purposes, educational programs and school-sponsored activities (including before and after-school activities). The district reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with, disrupt, or disturb the district's educational programs and activities.
- B. User Fees: Use of district facilities will be permitted only where the applicant agrees to pay the district the determined 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 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 buildings, facilities and 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 related to the Florida Union Free School District (i.e., student councils, school bands and choirs, district operated athletics, booster clubs, PTA/PTO groups).

Category 2: School/Community/Non-profit Groups – Groups or organizations whose primary mission is to directly support the district, district's students, are primarily school related, or provide civic educational or

cultural activities (i.e., Boy Scouts, Girl Scouts, Kiwanis, Rotary, CYO). Fees may be charged for events to cover additional costs to the district. Proof of 501(c)(3) IRC status may be required.

Category 3: Community Groups – Those groups comprised primarily of district residents providing civic, educational, or cultural activities (which may be deemed to include municipalities). Fees may be charged for events to cover additional costs to the district.

Category 4: Groups not affiliated with the District – Those groups that 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 cover 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 for that category as outlined in the Fee Schedule. The applicant must submit to the district a sum of at least 50% of the cost for use of the area(s) requested prior to approval of the Facilities Use Request. Failure to submit 50% of the cost by the date required by the district will result in the withdrawal of the approval of the use.
- D. The remainder of the use fee and any other associated fees must be paid to the district no later than five (5) days prior to the requested use.
- E. Special Equipment and 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 (User Fees) above and the Facilities Use Fee Schedule. Only authorized personnel may operate district equipment.
- F. Insurance and Hold Harmless: Use of district facilities will only be permitted to Category 2, 3, and 4 users where the requesting group or organization provide the district with timely evidence of adequate insurance coverage (minimum of \$1,000,000 per occurrence/\$2,000,000 aggregate with no exclusions for athletic participants).

User must also agree to hold harmless the Florida Union Free School District, its officers, employees, and volunteers, from any and all loss or damage, liability or expense, personal injury, death, medical expenses, that may arise during or be caused in any way by such use or occupancy of district facilities and must submit evidence of insurance for this purpose at least five (5) days prior to the date of the scheduled use. The district reserves the discretion regarding what constitutes adequate insurance coverage for each proposed use. Failure to provide proof of adequate insurance coverage timely will result in denial of the use or withdrawal of approval of the use.

In the event that property loss or damage is incurred during such use or occupancy of district facilities, the amount of damage will be decided by the Superintendent and a bill for damages will be presented to the group using or occupying the facilities during the time the loss or damage was sustained. If any group or organization fails to pay such damages in full and/or on a timely basis, such group or organization will not be permitted to use the district's facilities.

- G. Policies, Rules, Regulations: All users of district facilities must follow all safety and security policies, the rules and regulations implementing this policy (1500-R), and the district Code of Conduct, Public Conduct on School District Property.
- H. Termination of Use: The Board reserves the discretion to deny use of district facilities or terminate use of district facilities as follows:
 - 1. By an applicant who has previously misused or abused district facilities or property or who has violated this policy and/or its implementing regulations. In addition, the Board may decline to accept further applications for use of district facilities from such applicant;
 - 2. For any use that could have the effect of violating the Establishment Clause of the U.S. Constitution or other provisions of the U.S. or N.Y.S. Constitutions;
 - 3. For any use which, in the estimated 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 for commercial purposes;
6. In any case where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted, or possessed;
7. For any use prohibited by law.

Use of Athletic Fields

In the allotment of playing fields and other facilities to non-school groups, the district will seek to provide equitable distribution of field utilization according to standards established by the Superintendent with consideration given to:

1. Prior service of the organization or association in providing a sports program for filling the needs of community youth;
2. The fair and equitable distribution of playing fields and facilities, and playing time for the participation of young people in various sports activities and for broad participation by community youth;
3. Notwithstanding the above, whenever a school-related organization or non-school group holds an event that involves non-school-related groups (e.g., school-related organization tournaments, fundraisers, etc.) the organization or group will be charged for such use.

Use of Elementary School Playgrounds

For the safety and security of the students of this district, the Elementary School playgrounds may not be used by the public when school is in session. At other times, when these facilities are being used for district purposes, the coach or other supervising staff member will determine when public use of such facilities will impact the safety and welfare of students and the general public. Any reasonable request by school personnel, including but not limited to a request to move from the location of use or to cease using the facilities must be complied with. The use of school facilities will be at the individual's sole risk.

Use of Auditorium

The following conditions will apply to use of a district auditorium:

1. First priority will be given for academic and instructional purposes, and for use by the Board of Education. Other organizations will be permitted to use the auditorium if it does not interfere with school use. The auditorium will not be scheduled so intensively or so far in advance that school use is adversely affected.
2. Second priority will be given to school related organizations such as the PTA/PTO Organizations, Booster Clubs, district unions, and other organizations that have a direct connection to the educational programs.
3. Third priority will be given to use by the Village of Florida and the Town of Warwick. These entities will be asked to pay a fee to cover some portion of the cost of maintenance of the facility, including any custodial fees incurred by their use of the facility and will provide appropriate insurance coverage as required by the district.
4. Fourth priority will be given to use by recognized non-profit civic, social, fraternal, and religious organizations. These entities will pay a fee in accordance with the fee schedule and will provide appropriate insurance coverage as required by the district.
5. Fifth priority will be given to use by other non-profit organizations. The organization will pay a fee pursuant to the regulation and will provide appropriate insurance coverage.

6. The Superintendent may refuse use of the auditorium for any event the Superintendent believes to be inconsistent with district policies or which presents a clear threat of disruption to normal school operations.
7. An organization which is refused use of the auditorium may appeal such refusal to the Board of Education. The decision of the Board of Education is final.

Any individual or organization that enters upon or remains unlawfully on district property or uses district property and facilities in violation of this policy or its implementing regulations and procedures will be considered as trespassing and prosecuted to the fullest extent of the law.

The Board authorizes the Superintendent to establish regulations and procedures for public use of district property and facilities including, but not limited to, the application form, fee schedule, insurance requirements, and rules for use.

1500-R

PUBLIC USE OF SCHOOL FACILITIES REGULATION

Use of School Facilities by School Groups

Any use of school facilities for school-related activities will be scheduled through the Building Principal. Any use by school personnel outside the regular school week will be scheduled through the Building Principal and must be approved by the Superintendent of Schools or designee. Advance scheduling by school personnel will ensure that the space requested is available and not given to outside groups.

No students are allowed in a school building for a school-related activity unless appropriate school personnel are on duty.

Use of the district administration facilities for meetings, conferences, etc., will be limited to the Board of Education, Committees of the Board, and school administrators unless otherwise provided for in collectively negotiated agreements for Taylor Law related meetings.

Use of School Facilities by School-Related Organizations and Non-School Groups

The Building Principal will review requests for the use of a school facility by school-related organizations and non-school groups and will forward the request with their recommendation to the Superintendent of Schools or designee who will make a written decision on the request.

Since the school budget is primarily intended to provide funds for operating and maintaining the schools and their facilities for the benefit of the district's school children, charges may be made to non-school groups for the use of facilities. Identifiable costs include, but are not limited to staff efforts, utilities, and maintenance. Repairs as a result of a facility use will be billed to and paid by those organizations as well.

If there is a conflict in terms of requested use of facilities on particular dates and times, preference will be given to those organizations whose events directly benefit the district's students.

An organization whose application for the use of District facilities is denied may appeal such denial to the Board of Education. The decision of the Board of Education shall constitute a final agency determination.

Application Procedure

- A. All applications for use of district facilities must be made in writing, on the district's Facilities Use Request Form, and be submitted to the Superintendent of Schools or designee at least 30 days prior to the date of the requested use. The Superintendent or designee in their discretion, may waive the 30 days requirement based upon the nature of the requested use, the availability of the facilities and services. The application is available on the district website as well as in the District Office.
- B. The applicant must clearly and completely describe the intended use of the district facility in the application.

- C. All applicants must review Policy 1500 and this Regulation 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 will attest to the group or organization's intent to comply with all Board policies, rules, and regulations, including the Code of Conduct, Public Conduct on School District Property, 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 not less than five (5) days prior to the date of the schedule use.
- E. Permits will be valid only for the specific facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Superintendent. Permits are not 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 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 will not limit the right of access to the facility by district staff. District staff will at all times retain access to all areas of district property.
- I. Sneakers/gym shoes must be worn when sports games are conducted on gymnasium floors.
- J. When spectators are expected to be present at the activities, this must be noted in the application form. Supervision of the activity and spectators (if under 18 years of age) must be provided on the basis of one adult supervisor for each 30 children or fraction thereof.
- K. Failure to follow the application procedure will result in denial of uses of facilities. No permit will be issued or reservation made until the application is submitted, approved, returned, and paid.

Rules Governing Use of Facilities

1. Organizations and groups will be allowed to use district facilities only in compliance with law and as long as such usage does not conflict with any regular school programming, including extracurricular and co-curricular activities, or school events.
2. Except in limited circumstances (such as Boy Scouts, Girls Scouts), use must be non-exclusive and open to the general public.
3. Admission fees may only be charged may only be charged if all proceeds are used for educational or charitable purposes. A detailed financial statement showing total receipts and expenses for each use of the district buildings and grounds for which admission is charged must be available to the district upon request.
4. Food and drink are limited to restricted areas and are prohibited in the auditoriums and gymnasiums.
5. The district will consider requests to use specific spaces or locations, but reserves the right to determine the appropriate assignment or limit the availability of district facilities.
6. The district reserves the right to cancel or deny any group's event or use due to maintenance or repair needs, or if the district requires the use of the facilities.
7. The use of district facilities will not include the use of the district's telephones, computers and/or other district resources without express permission from the Superintendent or designee.

8. Facility use is restricted to that area or areas for which permission is granted. Activity must not extend beyond the areas or the hours approved in the request.
9. School authorities must have unrestricted access to all areas at all times.
10. The applicant or other named individual in charge of the activity must be present before the activity is due to start and must remain with the group until all participants have left.
11. Sponsoring organizations must provide sufficient competent adult or special supervision for activities, particularly those involving children; the amount of adequate supervision will be agreed upon at the time the authorization is issued.
12. Smoking and other tobacco use, alcoholic beverages, illegal drugs (including synthetic drugs) and any form of gambling will not be permitted in school facilities or on school property at any time. Smoking (including electronic cigarettes, vapes and similar devices) is not permitted within 100 feet of the entrance, exit or boundary of any elementary or secondary school building.
13. In the absence of a building administrator or other administrator, the custodian is in charge and has responsibility for the building.
14. Where additional custodial or security assistance must be hired, a charge will be imposed and must be paid in advance. If custodial or security services are determined to be required during or after an event, applicant will be charged an additional fee. No future use will be permitted until charges are paid in full.
15. No district property or equipment will be altered or removed from district facilities at any time.
16. All damage to district facilities, property or equipment must be reported by the organization to the administrator or custodian in charge. Rooms and facilities used by the organization will be carefully examined after each use. Should damage be noted by either the district or the organization, the Superintendent will assess the cost of the damage and the organization will be billed for necessary repairs and/or replacement.
17. Facilities use permits are revocable at any time by school authorities.
18. A monthly calendar listing of all approved requests for use of district facilities will be maintained in the district office.
19. An organization will not be allowed to use any district facility until all prior facility fees and related bills have been paid in full or satisfactory arrangements have been made with the business office, and any current request is paid in advance.
20. Public use of district facilities is a privilege. Any misuse may preclude future use of district facilities by an organization.
21. Final authority in granting use of a district building, facility or equipment and setting of fees is reserved by and at the discretion of the Board of Education.

Emergency

1. Whenever inclement weather or an emergency situation causes the closing of all schools in the district, all after-school activities scheduled for that day will be cancelled.
2. In case of an emergency, all buildings will be available to the American Red Cross, the Police Department, the Fire Department, and any other authorized County, Town or Village responders.
3. In the case of an accident resulting in injury to any person or damage to personal property, the incident must be immediately reported to the Principal or designee. All reports must be confirmed in writing from the Principal to the Business Office within 24 hours. Personal injury reports must be forwarded to the Business Office and including the following information:
 - a. Name, address, telephone number/mobile number of the injured party;

- b. Date and time of occurrence;
 - c. Place of occurrence;
 - d. Nature of the injury sustained;
 - e. Names of persons witnessing the incident; and
 - f. Remedial steps taken.
4. All school buildings are equipped with automated external defibrillators (AEDs). Applicants will be provided with information regarding the location of AEDs. Individuals using the AEDs must have received both CPR and AED training in advance. Organizations are urged to have members of their group trained in the use of AEDs and must list the individual by name on the permit. If a member of the organization uses a district AED, the organization alone assumes any resulting liability and shall hold the district harmless from such usage. Those using district fields cannot expect to have access to the AEDs and are required by law to have their own AED and to have at least one person on premises who is trained in using the AED.