

PUBLIC USE OF SCHOOL FACILITIES REGULATION

It is the intent and policy of the Board of Education to balance the interests of preserving District facilities for the principle purpose of educating students within the District with the specific use of District facilities by community based groups and organizations when such use will not interfere with daily educational activities. All District buildings and grounds are under the Board of Education's control and supervision. The Board encourages the use of District buildings, grounds and facilities as community centers for legitimate and appropriate activities by people of the Mineola community.

Permitted Uses

District facilities may be used for the purposes below, subject to the conditions and restrictions set forth in this regulation.

1. Instruction in any branch of education, learning or the arts.
2. Social, civic and recreational meetings and entertainments and other uses pertaining to the welfare of the community so long as these uses are non-exclusive and open to the general public.
3. Meetings, entertainment and occasions where admission fees are charged so long as the proceeds are to be spent for an educational or charitable purpose.
4. Polling places for holding primaries and elections and for voter registration.
5. Civic forums and community centers.
6. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, non-profit school.
7. Child care services during non-school hours as long as the cost of these services is paid by the person responsible for the child's support, the local social services district as authorized by law, or any other public or private voluntary source. These services may not be a charge against the District.
8. Graduation exercise held by not-for-profit elementary and secondary schools as long as no religious service is performed.

Prohibited Uses

Any use not listed above under *Permitted Uses* is prohibited. In addition, the following uses are specifically prohibited.

1. Meetings sponsored by political organizations.
2. Meetings, entertainment and occasions where admission fees are charged and the proceeds are not to be expended for an educational or charitable purpose.
3. Meetings, entertainment 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 a fraternal, secret or exclusive society or organization, other than veterans' organizations, volunteer fire fighters or volunteer ambulance workers.
4. Social, civic or recreational meetings or other uses pertaining to the welfare of the community, which are exclusive and not open to the general public.

Conditions for Use of District Facilities

1. Use of District facilities may be permitted unless they are required for school purposes, or during educational programs. School activities have priority over use of District facilities by individuals and community based groups and organizations. The District reserves the exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the District's educational programs or the educational proves itself.
2. 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 confines of the District) will be granted access and use of District facilities. Mineola school district residents must represent at least fifty-one (51) percent of the groups or organization's active membership to be considered community based. A list of the groups or organization's members, including names and addresses, must be made available to the District upon request. The access and use of District facilities by a community based group or organization is not transferable or assignable to any other individual, group and/or organization.
3. District facilities are available for use only between the hours of 7:00 Am and 10:00 PM. Applicant approved to use District facilities may not enter before 7:00 AM and must vacate the premises by 10:00 PM.
4. 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 ten (10) days in advance of the requested use. The District retains the right to waive user fees for groups that are associated with or sponsored by the District.

5. No applicant will be permitted to use District facilities unless there is a responsible adult leader ("group leader") in charge, who will be accountable to the Board for the conduct of his/her group and for any damage that may be caused to District facilities. The group leader must have a copy of the permit with him/her during the approved use.
6. Groups composed of minors must have adequate supervision with at least one adult leader in complete charge. Adequate supervision means that there is a minimum ratio of one (1) adult leader to every twenty five (25) minors.
7. The permitted user is restricted solely for the times and to the area that has been approved by the Director of Buildings and Grounds. The permitted user is responsible for order and safety in this area during the time of use. Facilities used by the permitted user must be left in clean and orderly condition, which includes removing all litter from the area. Any damage sustained to District facilities that is attributable to the permitted user will be reimbursed by the permitted user.
8. Unless written permission is granted by the Director of Buildings and Grounds, no permitted user may: put up decorations or scenery; move District equipment, such a piano or spotlights; sell, give away, exhibit or display items; carry out, play or stage a game of chance; and/or sell or serve refreshments.
9. Use of District facilities will only be permitted where the individual, group or 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 medical expenses. The District must be named as an additional insured on the policy. The District will exercise complete and non-reviewable discretion regarding what constitutes adequate insurance coverage for each proposed use. The District must be given at least thirty (30) days' notice of any change made to the Certificate of Insurance or insurance coverage.
10. The District and Board assume no responsibility for personal property left on the premises or for personal injury sustained.
11. At the conclusion of an event or activity where a fee was charged, a detailed financial statement of receipts, expenses and proceeds must be made available to the District upon request.
12. At no time will the following be permitted on District facilities: use, possession, sale or distribution of alcohol; use, possession, sale or distribution of an illegal or controlled substance; and/or smoking. Any sale or distribution of food or beverages on school property requires prior express consent of the District. Use of the school kitchen for food preparation or distribution also requires prior express consent.

13. In case of an emergency, and notwithstanding any pending application for, or actual use of any District facility, all District facilities will be immediately available to the District or the American Red Cross. The District reserves the exclusive and non-reviewable right to determine if an emergency exists warranting the termination or alteration of any use.
14. All rules of the police, health, and/or fire department governing the use and occupancy of District facilities must be observed by the permitted user.
15. All permitted users using District facilities must comply with applicable federal, state and local laws and regulations as well as all policies, regulations and rules of the District.
16. The District reserves the right, without liability, to deny, terminate, suspend and/or revoke any permitted use:
 - a. By an applicant who has previously misused or abused District facilities or property or who has violated this regulation;
 - b. For any use that could have the effect of violating the United States Constitution or the New York State Constitution;
 - c. For any use that, in the estimation of the District, could reasonably be expected to or actually does give rise to a riot or public disturbance;
 - d. For any use that the District determines is inconsistent with this regulation;
 - e. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of that entity;
 - f. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
 - g. For any use prohibited by law.
 - h. For any non-disclosed and unauthorized use by individuals, groups, and/or organizations affiliated or associated with the permitted use and/or the permitted user.
 - i. For any assignment or transfer of District facility use by the permitted user to other individuals, groups or organizations.
 - j. For any non-disclosed and unauthorized use by individuals, groups, or organizations not expressly identified on the application for use of District facilities.

17. School premises may not be used by any school personnel to pursue an activity for which a fee is charged unless approved by the Superintendent and the Board of Education, or their designee. School personnel may not use any title associated with the Mineola UFSD to advertise their program or activity.

Application Procedure for Use of District Facilities

1. All applications for use of District facilities will be made in writing and submitted electronically at least thirty (30) days prior to the date of the requested use. If the applicant is a group, the application must be completed and signed by a representative authorized to bind the group contractually.
2. The applicant must expressly describe the intended use of District facilities in the application and expressly identify each and every individual, group and/or organization that will participate in the intended use of the District facility. Applications for the intended use of District facilities are neither transferable nor assignable.
3. The District reserves the right to give preference to groups and organizations that are associated with or sponsored by the District.
4. No reservation for use may be made until the application with the deposit (if applicable) is returned and approved by the District.
5. In reviewing an application, the administration will evaluate current and anticipated uses of the facility and make a judgment about the intended use. If a request is made for a gymnasium, field or auditorium, the Directors of HPEA, Health, PE Athletics and/or Fine and Performing Arts.
6. If applicable, a fee will be established and copies of the completed form with a letter of billing will be sent to the Assistant Superintendent for Business or his/her designee(s).
7. If the application is denied, an appeal may be made to the Superintendent of Schools, who will have the final decision on the matter.
8. Permits for use will be valid only for the facility, use, dates and times specified in the permit.

Cancellations

1. Any changes in time or date or the cancellation of an activity must be reported to the administration in writing within twenty-four (24) hours of the intended use. If notification is given by telephone, a written confirmation must follow.
2. The District reserves the right to cancel permits without notice for failure of the applicant to abide by this regulation or where there is an exigent District need to use the property or facility.

3. All events will be canceled when school is closed due to an emergency, such as snow. It is the responsibility of the applicant to cancel the activity, including informing all interested persons that the activity is canceled. If the school is closed due to an emergency, the District will incur no liability to the proposed user.

Additional Terms and Conditions for Use of Athletic Facilities by Community Based Athletic Groups/Organizations

It is the intent and policy of the District to encourage the use of athletic facilities by community based groups and/or organizations. Accordingly, in order to ensure that athletic facilities are used by community based groups and/or organizations, the District has promulgated these additional Terms and Conditions:

1. Uses of the District's athletic facilities are subject to and governed by the aforementioned terms and conditions of this Regulation, together with the following additional terms and conditions.
2. In addition to the aforementioned District application procedures, the applicant of the community based group and/or organization must completely describe the intended use of the District's athletic facility, review all District policies and regulations governing the intended use and attest to the group and/or organization's intent to comply with all terms and conditions imposed by the Board of Education for the same use.

Fee Schedule

If approval is granted to use District facilities, individual(s), community based groups and organizations shall be charged the following user fees:

1. Use of any school auditorium, gymnasium or field by community based groups and organizations - \$50.00 per hour.
2. Use of any room - \$25.00 per hour for a minimum of two hours on any one occasion.
3. Use of a custodian - \$40.00 per hour for each custodian for a minimum of two hours on any one occasion.

Ref.: Education Law § 414

Adoption Date: 4/16/14