

PUBLIC USE OF DISTRICT FACILITIES

While the Rye City School 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. All uses of facilities shall be governed by and consistent with Section 414 of the Education Law of New York State.

State Education Law and the Constitution of the State of New York specifically prohibit the following uses of District facilities:

1. for any purpose that will in any way interfere with the use of District facilities and equipment by the District,
2. by any person or profit-making organization for personal or private gain, financial or otherwise,
3. for holding a social, civic or recreational meeting or other use pertaining to the welfare of the community, unless such meeting, entertainment or use is non-exclusive and open to the general public,
4. for a meeting, entertainment or occasion where admission fees are charged, unless the proceeds thereof are to be expended for an educational or charitable purpose approved by the Superintendent of Schools,
5. for a meeting, entertainment or occasion where admission fees are charged, if such meeting, entertainment or occasion is under the exclusive control of, and the proceeds are to be applied toward 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 any organization of veterans, ambulance workers or volunteer fire fighters.
6. Meetings sponsored by political organizations.

District activities will have first priority on the use of District facilities, and the Board shall have the final decision concerning any use of all District facilities.

District Facilities may be made available to the community as polling places for holding primaries and elections and for the registration of voters.

District Facilities may be made available to not for profit non-school organizations for the pursuit of social, cultural, educational and recreational activities. Generally such activities shall serve the needs of children and/or promote the welfare of the District and/or community. Such uses shall be non-exclusive and open to the general public. In no case shall such use of District Facilities disrupt or interfere with the primary purpose of the Facilities or disturb other school-related activities taking place on the premise.

District facilities may be used by the Boy Scouts or other patriotic youth groups listed as a Patriotic Society in title 36 of the U.S. Code to the same extent as other outside groups.

United States military recruiters will be provided the same access to high school students on school grounds that is generally provided to colleges and universities or

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prospective employers.

Any group that wishes to use District Facilities and plans to charge an admission fee or raise funds will be considered only if the net proceeds are to be applied for educational or charitable purposes as is required by law (examples: Elementary School Fairs/Carnivals, Rye Historical Society Benefit Concert, Junior Section of Rye Women's Club Rug Sale).

Any group that wishes to use District Facilities and plans to charge a tuition or instructional fee will be considered only if such fee is reasonable in the context of the activity provided.

The District's Food Service shall have the right of first refusal regarding the sale of food and/or beverages at all activities using District facilities.

The Board expects that any performance or activity taking place on or in District Facilities be conducted in good taste and be acceptable to the broad age level represented by those in attendance.

The Board will not investigate, assume responsibility for, or exercise censorship over the speakers any group invites or the content of any related presentation or performance, and such group is solely responsible for all such speakers and/or presentations. Granting use of District Facilities shall not be deemed an endorsement by the Board or the District of the activity or purpose for which the Facilities are used. Reasonable care must be taken by such organization to distinguish the organization from any implication of District sponsorship or endorsement.

Approvals for the use of any District Facility will be: (a) issued for specified hours, (b) restricted to the specified purpose for which issued, (c) confined to those Facilities requested by the applicant and approved on the application, and (d) limited to the sole use of the applicant (is non-transferable and may not be assigned or sublet to any third party group or individual). Entities wishing to provide (donate), at minimal or no cost to the District or the user, a "third-party" activity, speaker or presentation involving the use of any District facilities must obtain the Superintendent's prior approval before: (a) applying for permission to use District facilities, (b) entering into any contract where the use of District facilities is contemplated and/or (c) advertising or publicizing any such activity, speaker or presentation.

Use of District facilities will only be permitted where the organization provides the District timely evidence of adequate insurance coverage (\$1,000,000 minimum). The district will exercise complete discretion regarding what constitutes adequate insurance coverage for each proposed use.

The organization must provide the District with a hold-harmless agreement, stipulated by the District, from all liability, property damage, personal injuries and/or medical expenses.

The District retains the right to condition use upon an applicant depositing with the District a sum equaling from 50% of the estimated costs and fees associated with the proposed use up to the estimated costs and fees associated with the proposed use, 30 days in advance of the requested use.

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The Board reserves the discretion to deny use of District facilities 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. if there are any outstanding bills overdue beyond 60 days for costs and fees associated with prior use of facilities.
3. 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;
4. 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;
5. for any use which the Board deems inconsistent with this policy;
6. in any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
7. for any use prohibited by law;
8. for any use that is not in adherence with the District's equal employment opportunity philosophy against discrimination because of race, color, national origin, creed, age, disability, marital status, familial status, gender or sexual orientation.

The Superintendent shall prescribe procedures (including an application form and fee schedule), subject to Board approval, for the use of any District Facility.

See procedures, user schedule, schedule of charges, and application form for facilities use for all facilities use requirements including insurance, hold-harmless agreements and fees.

*Reference: Public Use of District Facilities Procedures 1500P
Public Use of District Facilities User Schedule 1 of 1500P
Public Use of District Facilities Schedule of Charges For
District Facilities Use and Personnel Services Schedule 2 of 1500P
Application Form for Facilities Use
Education Law §414
20 U.S.C. § 7905 and §7908
Leaving No Child Behind in New York, A School Board Member's Guide to
Implementing the No Child Left Behind Act. NYSSBA publication, page 80.*

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