

USE OF SCHOOL FACILITIES

1. Philosophy

The Berlin Central School District Board of Education recognizes that:

- A. School facilities are provided primarily for the education of students and uses required by school sponsored curricular and co-curricular activities, and all other uses are secondary to that purpose; and
- B. Schools belong to the community and shall be available for maximum community use insofar as there is no conflict with the use described in Subsection A, above, provided that:
 - i. The community use falls within what is permitted by Section 414 of the Education Law;
 - ii. The proper form of application is submitted by the party interested in using school facilities; and
 - iii. The charge of admission fees or the taking of collections be permissible under Section 414 of the Education Law and be approved in advance by authorized District personnel.

2. Eligibility for Use of School Facilities

The Board declares, pursuant to the authority granted to it under Education Law, that the facilities of the Berlin Central School District, when not in use for school purposes, or when in use for school purposes and it is duly determined that it will not be disruptive of normal school operations, shall be available for use for any of the purposes enumerated in Section 414(1) of the Education Law, as these may be interpreted by the courts or amplified by Commissioner's Regulations. As of the date of the Board's adopting this policy, those enumerated purposes are the following:

- A. For the purpose of instruction in any branch of education, learning, or the arts.
- B. For public library purposes, subject to the provisions of the Education Law, or as stations of public libraries.
- C. For holding social, civic, and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings, entertainment, and uses shall be non-exclusive and shall be open to the public.
- D. For meetings, entertainments, and occasions where admission fees are charged, when the proceeds thereof are to be expended for an

- educational or charitable purpose; but such use shall not be permitted if such meetings, entertainments, and occasions are under the exclusive control, and the said 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 organizations of veterans of the military, naval, and marine service of the United States and organizations of volunteer firefighters or volunteer ambulance workers.
- E. For polling places for holding primaries and elections, and for the registration of voters, and for holding political meetings. But no meetings sponsored by political organizations shall be permitted unless authorized by a vote of a district meeting, held as provided by law. It shall be the duty of the Board of education to call a special meeting for such purpose upon the petition of at least ten percentum of the qualified voters of the district. Authority so granted shall continue until revoked in like manner and by the same body as granted.
- F. For classes of instruction for mentally retarded minors operated by a private organization approved by the Commissioner of Education.
- G. For recreation, physical training, and athletics, including competitive athletic contests for children attending a private, nonprofit school.
- H. For graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.
3. Application and Approval for Community Use of School Facilities
The form, "Request to Use Buildings and Grounds," may be obtained from the office of the principal of the school building the use of which is being requested. The form should be completed in quadruplicate and returned to the office of the building principal.
4. Information and Certification Required from Users
- A. The Superintendent or her/his designee shall have the right to request the following information whenever an application for use of school facilities is submitted: the written constitution of the organization; by-laws that are currently in effect; the names of its officers; and a current list of members.
- B. Whenever permission is sought under this policy to hold any meeting, entertainment, or occasion where an admission fee will be charged, no permission may be granted to use school facilities for such purpose unless and until the party seeking such permission, or the duly authorized agent of that party, shall attest the following in a signed writing:

No proceeds from the event hereafter described, for which permission to use the facilities of the Berlin Central School District is sought, will 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 organizations of veterans or the military, naval, and marine service of the United States and organizations of volunteer firefighters or volunteer ambulance workers.

Even with such an attestation in writing having been made, the Board reserves the right to deny use of school facilities to any such applicant whenever the Board is in possession of reliable information that State law may be violated by its granting of permission to that applicant to use school facilities for the purpose the applicant has stated.

5. Activities Involving Pupils

A. Performances. Any pupil or group of pupils giving a public performance as a representative or representatives of the school the pupil or pupils attend, or of the District, shall first receive written permission to do so from the building principal of the facility to be used.

B. Contests. Any request received from any party for pupils to participate in a contest sponsored by one or more community groups or other groups shall be carefully screened by the principal of the building that these pupils attend, and evaluated for the contest's educational value to the pupils and its legality under relevant Regents Rules. Any building principal who receives what she/he deems to be a questionable request shall refer that request to the Superintendent for review and further action.

C. Soliciting Funds.

i. No contributions of money or items of any sort intended for any local, state, or national cause shall be solicited, nor shall such collections be made, in the District's schools unless such collection of such contributions or such solicitations have received prior approval from the Board of Education and the Superintendent.

ii. Collections or solicitations thus approved shall be in accord with relevant Regents Rules, and shall in no way interfere with instructional or other school time. Any collection or solicitation so approved shall, as part of the collection or solicitation, emphasize the educational civic values of pupil participation in such activities.

iii. Contributions to a collection or solicitation shall be purely voluntary. No device, mark, or other means shall be used to identify in school any individual who contributes to a collection or solicitation.

6. Fees

A. Parties sponsoring or running activities that are not related to the programs and operations of the Berlin Central School District or of the school the use of which is being requested, and that require building or District personnel to work other than their regular work schedule, shall be charged for additional costs incurred by the District in providing the building for such use. Fees shall reflect actual costs to the District for the personnel whose presence beyond regular work hours is required.

B. Collection of fees shall be the responsibility of the business office. No monetary payment is to be made to building personnel, or to any individual, organization, or entity, except the business office of the Berlin Central School District, by the party or agents of the party using the facilities.

C. A current fee schedule for use of specific facilities in the District shall be available from the principal of the building the use of which is desired. Such fees shall reflect costs for lighting, heat, air conditioning, depreciation of school equipment, custodial supplies, and similar expenses.

7. Supervision

A designated and available employee of the District shall be in the building at all times during after school use of the facility. Nevertheless, the party authorized to use the building shall assume full responsibility for supervision of the activity at all times. Sufficient adult supervision to ensure the safety of persons and property shall be provided by the party using the facility.

8. Use of Special Equipment

A. Use of equipment that is the property of the District by any party using a school facility shall be limited to uses and items of equipment specified on the application form cited in Section 3, above.

B. Any request for use of special equipment that is the property of the District other than that listed on the form shall be referred to and approved by the building principal of the facility to be used, or the principal's authorized representative.

C. Use of equipment that is not the property of the District, and that is to be brought onto the premises by the party requesting use of the facility, shall be identified on the application form, and the use of such equipment shall be described there. Permission to use such equipment shall be at the discretion of the building principal of the facility to be used, or the principal's authorized representative.

9. Keys

Keys to buildings, or rooms or areas within buildings, shall not be issued by any employee of the District to any party authorized to use school facilities under this policy.

10. Insurance

The District may require evidence of appropriate insurance as a condition of granting any party the right to use of any District facility.

11. Non-Transferability of Permit of Use

No permit issued for the use of any school facility under this policy shall be transferable. No permit shall be issued except for use of facilities during specified hours, and solely for the purpose or purposes that have previously

been specified by the applicant. The Superintendent may revoke any permit at any time.

12. Interim Administrative Changes in Facilities Use Regulations

The Superintendent may, as circumstances require, make appropriate interim changes in the regulations developed under this policy; but she/he shall do so only when also giving notice to the Board of the changes made and the rationale. Permanent changes in facilities use regulations may be made only by the Board of Education.

References

Educ. L. Sec. 414(1)

8 NYCRR 19.6

Lamb's Chapel v. Center Moriches Union Free School Dist, 113 S.Ct. 2141(1993)