

I. INTRODUCTION

- a. Whereas, the Board of Education recognizes the use of the District’s facilities for the development and enrichment of its students and the White Plains community, and further recognizes:
 - i. That the primary purpose of the use of District facilities is to implement the regular school instruction and sports program;
 - ii. That District facilities may be made available to the community when not in use for school activities;
 - iii. That New York State Education Law, Section 414, permits use of school facilities for meetings, entertainment, and occasions where admission fees are charged when the proceeds 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;
 - iv. That there are costs involved in the use of facilities and that charges should be assessed so that tax money will not be used in support of a non-instructional or other non-District related purposes;
 - v. That the procedures and Regulations for Use of District Facilities are intended to promote effective, consistent, and fair use and enjoyment of District facilities consistent with the need to establish priorities that recognize the educational purpose of these facilities as well as the need to limit access to facilities for the purpose of required maintenance. These procedures apply to all buildings, fields and other facilities owned and/or operated by the District.

II. GENERAL TERMS AND CONDITIONS OF DISTRICT FACILITIES USE

- a. The District may make its facilities available to the community for use by responsible organizations or groups of citizens when there are no school activities. (Under no circumstances may a permit holder interfere with any District activities that may still be going on past its scheduled time.) District activities, even if running past their scheduled completion, shall take precedence over non-school related facility use.
- b. Such permission and use shall not constitute an endorsement by the District of any organization or group nor of the program, philosophies, goals or beliefs of any such organizations or groups or the expression of opinion regarding the nomination, retention, election, or defeat of any candidate nor the expression of any opinion as to the passage or defeat of any issue.
- c. No organization, group, or individuals shall use District facilities without District approval, valid insurance and a valid District Use Permit.
- d. Facility use is contingent on the user group and participants adhering to the District’s Code of Conduct as well as its policies, procedures, and regulations governing facilities use.

- e. The Board of Education and/or its designee reserves the right to deny approval or to cancel any permits issued for use of District facilities when it is deemed that such action is necessary for the best interests of the District.
- f. Coordination of community use of District Facilities is necessary to ensure that the academic needs of the individual schools are met while still providing opportunities for the community to use available District facilities.
- g. To the extent users are interacting with the District students, criminal and other background information pertaining to those users may be required pursuant to applicable regulations and/or procedures established by the Superintendent and/or his designee.
- h. Regular school activities and District organizations (“School Purposes”) shall have first preference in the use of any facility or part thereof. Such a preference shall not, however, override the use of a facility, or part thereof, when such use is already the subject of a prior reservation and a permit issued hereunder, unless an unforeseen conflict arises necessitating use of the facility for School Purposes. Even in such a case, the District will make every effort to provide reasonable advance notice to the permit holder.

III. FACILITIES USE CATEGORIES

- a. The following facility user categories are identified for the purpose of determining priorities and rental rates, as set forth in the Facilities Use Regulations promulgated under this policy (the “Facilities Use Regulations”).
- b. Priorities will be determined based upon the order of the below Categories as well as the order of the descriptions of the entities/groups/organizations within each Category. Appropriate costs will be charged as prescribed in the Facilities Use Regulations. These costs may include: an application fee, a facility rental fee covering the cost of maintaining the applicable facilities (e.g., heat, electricity, custodian/maintenance costs, etc.) and repair of any damage incurred by the District.

Category A: Regular District Instructional Programs

All instructional programs and associated programs, including, but not limited to, regular classroom instruction, clubs, music groups, intramural and interscholastic sports.

Category B (1): District Affiliated Groups

All District affiliated groups, including, but not limited to, Parent Teacher Association (“PTA”) type groups, foundations and school booster clubs.

B (2): City of White Plains Government

All programs which the City of White Plains actively sponsors and subsidizes and which benefit by direct or indirect budget support from the City. The staff whom supervises these programs are City employees.

Category C (1): Not-for-Profit Education Groups not Conducted by the District

Programs and activities that support children, adult, and continuing education programs, including, but not limited to, regular classroom instructional programs, driver education, college credit courses, physical education, and swimming instruction.

C (2) Community Youth Organizations

Programs run by not-for-profit youth organizations including, but not limited to, community youth sports groups, boy and girl scouts, and similar organizations. These groups must have a minimum of eighty percent (80%) participation by White Plains residents as set forth in the Facility Use Regulations.

C (3) Community Adult Organizations

Programs run by not-for-profit adult community groups, neighborhood associations, etc., such as Family Services of Westchester. These groups must have a minimum of eighty percent (80%) participation by White Plains residents as set forth in the Facility Use Regulations. Priority is given to White Plains Community Youth Organizations over Community Adult Organizations.

C (4) All Other Not-For-Profit Groups

Programs run by all other not-for-profit groups not belonging in one of the previous categories. Groups in the previous categories will be given a higher priority for approval than groups in this category.

IV. NOISE ORDINANCE

- a. All District facilities shall abide by the City of White Plains noise ordinance. The public address systems at any sports field may not be activated before 9:00AM on weekdays and Saturdays or, 12:00PM on Sundays. All sound equipment must be turned off by 10:00PM. The amplification levels of the public address system may not exceed City of White Plains Code levels (85 decibels). Citations will be issued to permit holders by the City of White Plains when codes are violated. Should security personnel be required to enforce any regulations of the permit, security cost will be billed to the permit holder.

V. PAYMENT OF FEES

- a. Approved groups who use District facilities will pay the applicable fee as set forth on the fee table included in the Facilities Use Regulations. The fee shall be paid by check or money order, payable to White Plains City School District. Failure to make prompt payment will invalidate the current use permit and prohibit further use of District facilities. Cash payments will not be accepted.
- b. Following timely receipt of the initial deposit payment (pre-event), if required under the Facilities Use Regulations, a facility use permit (approved) will be issued electronically to the applicant by the Facilities & Operations Office. The facilities user will receive an electronic notification of permit approval. The permit holder must have a hard copy of the permit with them during the use of the facility.
- c. Facility use fees are established annually by the Board of Education as part of the Reorganization Meeting and shall be set forth in the Facility Use Regulations. Administration of fees are determined by the Business Office.

- d. The District is prohibited from making gift or loans of public monies and resources under the State Constitution and shall not waive or reduce facility use fees to any organization except as provided in the Facilities Use Regulations.

VI. CANCELLATION BY THE DISTRICT

- a. The District reserves the right, in its sole discretion, to cancel an approved facility use should the space be needed for District or District-related activities. This right will be used only when deemed necessary by the District as a result of unavoidable circumstances. If the District cancels the approved use of a facility due to a conflict, the Facilities & Operations Office will try to arrange an alternative site. When District facilities are closed due to an emergency, inclement weather, or any other event which is beyond the control of the District, community use of District facilities will also be cancelled.

VII. PAYMENT FOR DAMAGES TO FACILITIES

- a. The District expects to provide users with safe and well-maintained facilities. The facilities should be inspected at the time of initial use. Any defects and/or damages to the facilities, including District fields, should be reported immediately to District personnel. Any damage to the facilities caused by the permit holder will be billed to the permit holder. The permit holder will be billed for any damage resulting from improper or careless use of the District facilities, and shall make payment within 30 days of receipt of bill. Future use of any District facilities will be barred until such bills have been paid in full.

VIII. INSURANCE

- a. Applicants/permit holders will provide their own General Liability Insurance, listing the District as an additionally insured for \$1,000,000.00 per occurrence, and \$2,000,000.00 on an aggregate basis. Such insurance shall be in accordance with the Facilities Use Regulations. Proof of insurance must be submitted to the Director of School Facilities & Operations at the time of permit processing.

IX. MUNICIPAL PERMITS

- a. All applicants/permit holders will be responsible for researching and attaining all necessary permits required by law from the City of White Plains and/or the County of Westchester.

X. INAPPROPRIATE USE OF FACILITIES

- a. Use, in the judgment of the District’s Board of Education and/or its designee, which is unsuitable at a District facility, shall be grounds for immediate termination of a permit holder’s use permit. Such uses include, but are not limited to, the following:
 - i. Gambling, including, but not limited to, games of chance
 - ii. Activities which are disorderly and/or unlawful
 - iii. Activities which are restricted by reason of sex, race, marital status, color, religion, national origin, disability or sexual orientation, and/or
 - iv. Consumption of alcoholic beverages or smoking of any kind

XI. USE OF DISTRICT FACILITIES BY DISTRICT EMPLOYEES

- a. District employees using District facilities for other than school activities must follow this policy and the Facilities Use Procedures in order to obtain an approved use permit.

XII. RELIGIOUS GROUPS/ORGANIZATIONS

Public Use of District Facilities

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- a. District facilities may be used by religious groups/organization in accordance with this Policy and the Facilities Use Regulations under the following conditions:
 - i. Any religious activities must be similar to those instances where the District would permit other groups/organizations to present their views on the same topic;
 - ii. Any such religious activities must be conducted at times when school is not in session;
 - iii. Ant religious objects and symbols must be removed after each use; and
 - iv. District facilities may be used by religious sponsored groups for non-religious activities including, but not limited to, youth athletics and social gatherings.
- b. District facilities may not be used for the purpose of holding religious worship services or otherwise using the District facilities as a house of worship.
- c. District facilities shall not be used for meetings, entertainments and occasions where admission fees are charged if such meeting, entertainments and occasions are under the exclusive control, and the proceeds from the admission fees are to be applied for the benefit of a society, association or organization of a religious sect or denomination.
- d. Facilities use fees will be assessed according to the current applicable rates.

XIII. NONDISCRIMINATION

- a. All permit holders are subject to federal and state laws and regulations which prohibit discrimination in their activities based upon the protected classes set forth in the relevant laws/regulations.

XIV. USER RESPONSIBILITY AND DISTRICT INDEMNITY

- a. The permit holder agrees to indemnify, defend, and hold harmless the White Plains City School District, its officers, directors, agents and employees for all loss, costs, damages and expenses, including attorneys' fees, judgments, fines and amounts paid in settlement in connection with a terminated, pending or completed action, suit or proceeding arising from any act, error or omission, misstatement, misleading statement, neglect or breach of duties by the permit holder or any of its officers, directors, agents or employees taken or made with respect to its use of District facilities.
- b. The permit holder shall be responsible for the conduct and control of all officers, directors, agents, employees, participants and spectators and shall see that all federal and state laws and District policies and regulations governing safety are followed. The permit holder shall also be responsible for taking immediate steps to stop any activity that threatens damage to the District facility and/or injury to any person attending/participating in the activity. The permit holder must agree to be financially responsible to the District for any and all damages that occur to the District facility during the period of use.
- c. Security: Should security personnel be required to enforce any applicable laws, rules or regulations relating to the use of District facilities, security costs will be billed to the permit holder upon notification, regardless of consent.

XV. REFUND POLICY

- a. The Business Office will make refunds and credits for cancellations made by the District or by the permit holder when notified by the permit holder within 10 days prior to the date of the event.

Public Use of District Facilities

Ref: State Constitution Article XI
Education Law Section 414

Policy Adopted: 4/15/96

Policy Revised: 5/12/03, 11/10/14, 4/17/17

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CITY SCHOOL DISTRICT
City of White Plains, New York