

Board of Education Policy

PUBLIC USE OF SCHOOL FACILITIES

The school buildings and grounds are maintained for the education and recreation of the school children of the District, and no use shall be made of the buildings or grounds that would interfere or disrupt their most effective use for the benefit of the school children. School and non-school based community organizations, which are not commercial groups, may use school buildings and grounds for meetings when the facilities are available. This policy is intended to identify the uses that outside groups may make of those facilities.

Such use may take place during school hours only if, in the opinion of the Superintendent of Schools or his/her designee the use will not be disruptive of normal school operations. Both during and after school hours, all such use should pertain to the general welfare of the school and/or community, in compliance with the Education Law. Any such use, however, shall not be deemed an endorsement of the activity or purpose for which the facilities are used.

Permitted Uses

In accordance with State Education Law, the following uses of school buildings and grounds are acceptable, subject to the conditions and restrictions set forth in this policy:

1. Instruction in any “branch of education, learning or the arts”;
2. Polling places for holding primaries and elections, for the registration of voters;
3. “Civic forums and community centers”;
4. Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed;
5. To provide child care services during non-school hours, provided that the cost of such care shall not be a school district charge but shall be paid by the person responsible for the support of such child; the local social services district as authorized by law; or any other public or private voluntary source; and
6. A worthy, educational, civic or charitable purpose will be served for “social, civic and recreational meetings and entertainment”, and other uses pertaining to the welfare of the community.

Prohibited Uses

State Education Law and the Constitution of New York State specifically prohibit the following uses of school buildings and property:

1. For any purpose that will in any way interfere with the use of school buildings, grounds, or other school property by the school;

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2. By any person or profit-making organization solely for personal or private gain, financial or otherwise;
3. Meetings sponsored by political organizations
4. For a meeting, entertainment or occasion where admission fees are charged, if such meeting, entertainment or occasion is under the exclusive control 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 any organization of veterans or of volunteer firemen or volunteer ambulance services; and
5. For any use that is contrary to the provisions of Section 414 of the Education Law.

Use of School Facilities by School Personnel

Any use of school facilities for school-related activities will be scheduled through the Facilities Office. Any other use outside the regular school week will be scheduled through the Superintendent of Schools or his/her designee through the use of the District application form. Recognized collective bargaining units of the District may use school facilities to conduct meetings as specified in the collective bargaining agreement(s). Scheduling in advance will help to ensure that the space requested is available and not given to outside groups.

No persons shall be allowed in a school building unless appropriate school personnel are on duty.

Conditions of Use for District Facilities

1. Use of District facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The District reserves exclusive and non-reviewable judgement to determine if a requested use would interfere with or disturb the District's educational programs or place undue burden on the District or its facilities. Priority may be given in the following order:
 - a. School sponsored activities;
 - b. Organized community groups serving Miller Place School District children
 - c. Organized community groups serving all Miller Place School District resident age groups
 - d. Organized non-community groups serving children; and
 - e. Organized non-community groups serving all age groups.
2. All groups/organizations are required to submit a roster of members/participants which identifies their home address, school district, and grade. Failure to comply or provide accurate information may result in termination of your facilities use permit.

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3. Whether or not admission fees are charged, no contributions may be solicited or collected on school premises, unless specific permission is granted in the permit.
4. Any group using school facilities accepts, without reservation, responsibility for holding the school district, the Board of Education collectively and individually, and all employees and volunteers of the school district harmless for any injury sustained by a member of such group and for any damage or loss of personal property owned, leased or borrowed by such group or any of its members. All groups are required to have insurance. The Board requires the applicant to obtain insurance, in an amount of one million dollars (\$1,000,000) per occurrence, two million dollars (\$2,000,000) in aggregate, which names the School District as an additional insured.
5. There shall be no gambling, or use, possession, sale or distribution of alcohol or controlled substances at any time in the school buildings or on school property.
6. There shall be no smoking as defined in Board Policy 1530.
7. The Board reserves the right to transfer, any activity from one space to another in one building, or to another building to achieve energy savings, economies in building operation and maintenance, efficient utilization of facilities, and/or to satisfy the requirements of the school program.
8. Exhibits, posters, or materials shall not be displayed on school property without prior approval of the Building Principal.
9. Masking tape, scotch tape, and similar materials shall not be used to affix materials to painted surfaces or chalkboards.
10. All youth groups shall have an adult leader approved by the Superintendent of Schools or designee. The adult leader shall be present at the time the group is permitted to enter school premises and shall remain with the group at all times while it is on school premises. The adult leaders shall be designated on the Public Use of School Facilities Signoff Sheet.
11. No part of the school grounds except the lobby, adjacent hallways, restrooms, and space requested in the application will be entered or used.
12. Sneakers/gym shoes must be worn when sports or games are conducted on the gymnasium floors.
13. Unless specifically authorized by the Superintendent or designee, the preparation of coffee, food, or other refreshments as well as the use of any school cafeteria kitchen is not permitted. The organization may contact the District's third party Food Service Management Company directly regarding special arrangements for preparation of coffee,

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- food or other refreshments. Any fees charged by the Food Service shall be paid by the organization and proof of a contract must be provided to the District before use will be granted to the organization.
14. Whenever a group desires law enforcement assistance, it shall so indicate to the school authorities on the application form. The decision to request such assistance shall be within the province of the Board or its designated representative. An organization or group using school facilities shall not, except in an emergency, directly contact the police.
 15. Special arrangements for the use of building equipment, such as projectors, public address systems, stage lighting systems, pianos, etc., shall be made with the Building Principal or designee prior to the date of the first use of facility and shall be noted on the application under special requests.
 16. There shall be no pets or animals permitted on school grounds or within school facilities at any time, without the written permission of the Superintendent or his/her designee.
 17. The permit holder shall not deny to any person participation in the use of school facilities on the grounds of race, color, creed, religion, national origin, sex, age, marital status, or disability.
 18. The number of persons in attendance at indoor events shall not exceed the seating capacity of the facility.
 19. All individuals shall act in a manner consistent with all applicable Federal and State laws and regulations, as well as all policies, regulations and/or rules of the school district.
 20. Violators of these rules shall be prosecuted as loiterers or trespassers pursuant to Penal Law SS140.05 and/or 240.35. In addition, in the Board's discretion, violators will not be granted future permission to use District facilities.

Applicant Procedure for Use of District Facilities

1. All applications for use of school facilities shall be made in writing and submitted as per the instructions on the application, with any required supplementary documents (i.e. certificates of insurance, rosters of members/participant, etc.). In order to insure the school district has adequate time to process requests, properly completed applications should be submitted at least 30 days prior to the date of the requested use. Late requests may be considered by the school district, however, it is understood by the applicant that there will be no shortcuts taken by the school district in the processing of a late application.

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2. The permit is valid only for the purpose(s), date(s), and hours specified in the approved application. The permit is not transferable. The application must clearly and completely describe the intended use of the District facility in this application.
3. It shall be understood that the Superintendent of Schools or his/her designee has sole authority to grant or reject requests for the use of school facilities and equipment. No permit is valid unless signed by the Superintendent of Schools or his/her designee;
4. The permit shall be issued for specific hours, at the conclusion of which, the organization shall leave the premises. No permit shall be issued to extend the period of use later than 10:30 p.m., without prior approval of the Superintendent of Schools or designee.
5. The permit may be cancelled at the option of the District at any time, for any reason;
6. Proposed changes to scheduled use by the organization should be submitted to the District at least one week prior to the scheduled use.
7. The District reserves the right to cancel or alter future use by an organization due to misuse of District facilities or excess instances of rescheduling or canceling planned use in order to allow other organizations the opportunity to utilize District facilities.
8. All applicants must review this policy 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 shall attest to the group or organization's intent to comply with all Board policies and regulations and to use district facilities strictly in accordance with the use described in the application.
9. The applicant assumes responsibility for the preservation of order, prior inspection of the area, conduct of those in attendance, and safe use of the facilities.
10. The applicant must report injury or property damage to the Facilities Director.
11. Proof of adequate insurance (as noted above) must be provided by the applicant before the date of the requested use.
12. If the application for facility use covers an extended period, the insurance certificate must state the period of coverage and must provide for prior notification of cancellation by the insurer.
13. The organization name must be the same as the name indicated on the certificate of insurance.
14. Issuance of a permit shall not limit the right of access to the facility by district staff.

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General additional rules for the use of All School Facilities:

- a) Gymnasium floors must be protected. Every effort should be made to prevent damage from paint, machinery, liquids, foodstuffs, hard soled shoes, chairs, tables, tools, etc.
- b) Modifications shall not be made to school property.
- c) Modifications shall not be made to any electrical panel.
- d) Modifications shall not be made to any emergency equipment including exit lights, fire alarms and horns.
- e) Heavy equipment such as forklifts, genies, etc., shall not be used.
- f) All trash/rubbish removal is the responsibility of the permit holder and must be removed in a timely manner.

Special additional rules for the use of athletic fields:

- a) An “organized group” shall also be defined as a group of more than six persons.
- b) The District reserves the right to cancel any activity without notice if field conditions are such that the scheduled activity would be reasonably expected to damage the field.
- c) The District reserves the right to restrict the type of footwear that may be worn on athletic fields.
- d) The permit holder shall remove all trash from the area(s) used, including any and all trash left by spectators, and deposit same in school district dumpsters. If dumpsters are either full or unavailable, permit holder shall be responsible for discarding the collected trash.
- e) The permit holder shall not allow any alteration or modification of athletic fields or facilities, or any dismantling, relocation, alteration, or modification of any goals or other District property or equipment without the express written consent of the District’s Director of Athletics.
- f) There shall be no barbecues or open fires on any school property for any reason without specific approval from the Superintendent or designee.

Special additional rules for the use of gymnasium for other than athletic activities:

- a) Screws, nails, bolts or any other type of penetrating fasteners may not be used on any school property. (Certain fasteners or adhesives may be used with prior approval from the Director of Facilities.)
- b) Structures to be used or constructed in the gymnasium may not exceed eight (8) feet in height and must be constructed with materials that are not heavier than furring strips and not larger than ¾” plywood. All structures must be dismantled immediately

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following the event.

- c) Heavy equipment such as forklifts, genies, etc., shall not be used.
- d) All trash/rubbish removal is the responsibility of the permit holder and must be removed in a timely manner.

Charges for Use of District Facilities

Weekday Building Use

No charge to be made to the following types of organizations for weekday building use until 10 p.m.:

1. Any District organized parent-teacher organization.
2. Board recognized parent group of any public school within the school district.
3. Board recognized community wide educational organization for school programs.
4. Civic organization group and meetings that are open to the public and for which no admission fee is charged.
5. District community groups that are youth serving agencies and are approved by the Board, provided that the use of a particular building does not involve custodial overtime.
6. Organized community groups where such facilities are used for the entertainment of all children within the community and no charge is made for participation in the organized group.
7. Community Adult groups using a school gym.
8. Organized groups within the community for non-profit, charitable, philanthropic or other non-commercial, non-personal purpose.
9. School facilities used by public school associations for sectional or county competitions such as athletic events, musical contests, academic tournaments and the like.

The following types of organizations will be charged a fee for weekday building use, as determined annually:

1. Organized groups situated outside the Miller Place School District community for non-profit, charitable, philanthropic, civic, recreational, or other non-commercial, non-personal use.

Weekend Building Use

All organizations (regardless of community/outside of the community or non-profit status) may be charged for weekend building use at the Board of Education annually approved hourly rate for custodial overtime.

Field Use

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There may be a charge to groups for Field use. Organizations may be charged a fee as determined by the Board of Education at the annually approved field use rate.

Use of Stadium Field Lights

Any organizations (regardless of community/outside of the community or non-profit status) may be charged for the use of the stadium field lights at the Board of Education annually approved hourly rate.

Other Charges

Additional charges for damages and/or extended clean up may be imposed and invoiced to the organization.

Fee Waiver

Charges may be waived or reduced by the District when, in its discretion, such reduction or waiver is warranted. Requests for such reduction or waiver must be filed with the application with suitable explanation of the request. In the event of such a reduction or waiver, the District reserves the right to permit the use of a facility in a different building from the one requested, which may be open for another purpose.

Reference: New York State Constitution
Education Law §414
Matter of Emilio, EDR No. 12981 (1993)

Cross-Ref: Board Policy 1530

Adopted: 09/12/1991

Reviewed: 01/22/1998

Revised: 02/12/1998 08/12/2002 11/14/2003 12/14/2005 01/27/2010 11/18/2015

Reviewed: 04/17/2019

Revised 05/29/2019 (Effective 7/1/19)

07/03/2023

08/23/2023