

PUBLIC USE OF SCHOOL FACILITIES REGULATION

Conditions of Use for District Facilities

- A. **Restrictions:** Use of district buildings, grounds, and equipment is subject to the restrictions of law and of Board policy and regulation. 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 judgment to determine if a requested use or incidental use of facilities (e.g. utilization of the track) would interfere with or disturb the district’s educational programs or jeopardize the safety of any participants. Agents of the district may include but are not limited to administrators, faculty, and staff.

To ensure that district facilities are preserved for the benefit of the greater district community, only community based groups (Not-for-profit community organizations, qualified under 501(c) of the Internal Revenue Code, of the Town of Mount Pleasant), and organizations (that is, groups which are located within the geographic area covered by the district) may be granted access to district facilities. Please note that all Not-for-profit organizations will be required to provide a copy of IRS 501C(3) documentation.

Notwithstanding the foregoing, Section One Athletics and its member schools may be permitted to use the District’s facilities for the purpose of providing a site for in-season, pre and post- season, sectional and regional competitions.

- B. **User Fees:** The District reserves the right to charge a fee for the use of its facilities in a manner consistent with law, and on terms specified in the Board approved Facilities Schedule of Fees. All requests for use of facilities during evening or weekend times will include custodial fee(s) for thirty (30) minutes prior to the requested start time and thirty (30) minutes after the conclusion of the event. These costs are non-negotiable as they are necessary to unlock and open the facility, as well as to clean and properly close the facility at the end of the event. The District reserves the right to charge custodial fees in excess of thirty (30) minutes at the conclusion of the event, if clean-up takes longer. The District will make every effort to notify the organization.

The Board of Education in its sole discretion may waive the fees for certain Not-for-profit organizations whose non-school groups are comprised of District residents. The District reserves the right to request financials, if the organization is requesting a fee waiver. Requests for a fee waiver shall be made by way of the District’s Facilities Use Fee Waiver Request Form. Notwithstanding, the following costs shall not be waived by the Board of Education:

- B1. The District incurs a cost such as overtime costs or a special “set-up” cost, supervision costs, custodian, additional cleaning or maintenance, heating or electrical, or other costs that may be generated because the use of school facilities occurs at times when regular staff are not on duty and/or special district support is

deemed necessary by the District.

- B2. The District adopts a contingency budget in which case all community groups would be assessed user fees for the use of school facilities as defined in the Exhibit to this Policy, which shall be approved annually by the Board of Education.

In addition, the District may require an organization wishing to use the facilities to deposit with the District a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. Failure to pay the District shall result in the suspension or revocation of the organization's privileges to use District facilities in the future.

- C. **Faculty and Staff Use of School Facilities:** Faculty and staff are encouraged to use school facilities beyond the school day so long as such use is directly related to the staff members' assignment; and

- C1. Such use does not result in any assessment of fees.
- C2. Such use does not interfere with other approved groups' use of facilities.
- C3. Such use does not generate any costs to the school district.
- C4. Such use does not include payment for private tutoring or generate any income for the staff member.

- D. **Use of Equipment:** The District does not loan school equipment to non-school individuals and/or community organizations. Further, no school property or equipment is to be altered or removed from the premises.

- E. **Insurance:** Use of district facilities will only be permitted where the organization provides the district timely evidence of adequate insurance coverage (minimum \$1,000,000 per occurrence and \$2,000,000 in the aggregate) to hold the district harmless from all liability, property damage, personal injuries and/or medical expenses. The district will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use. For specific insurance requirements, please consult the District's Insurance Requirement Guidelines on its website.

- F. **Personal Property:** The school district will not be held responsible for damage or theft of the building user's properties.

- G. **Alcohol/Tobacco:** Consumption and/or distribution of alcoholic beverages on any district property in conjunction with any activity is strictly prohibited. It is illegal to smoke or use tobacco in any form at any time anywhere on school property. Those approved Facility Users not enforcing this policy will not be granted the use of the facilities in the future.

- H. **No Personal Open Fires:** Outdoor fires are prohibited. An organization which

would like to hold a barbecue, must receive written permission from the Director of Facilities.

- I. **Supervision:** Adult supervision, provided by the requesting organization is required throughout all events. This includes containment and restriction of activities and occupancy to the authorized space. Failure to contain participants to the authorized space may cause forfeiture of the building use approval. Generally, the District will require one adult supervisor per twenty-five (25) school aged children. However, the District reserves the right to determine the need for supervision and to set the number of adult supervisors required.
- J. **Games of Chance, 50/50 raffles and other raffle activities:** Any games of chance, 50/50 and other raffle activities will be held in accordance with local law and/or New York State law.
- K. **Police Services:** The school district reserves the right to require police services for certain activities that, because of the size or nature of the activity, it deems such coverage necessary. An additional fee will be charged for this service. It is recommended that the user allow at least five (5) weeks lead time prior to the date of the event for arrangements for police coverage to be confirmed.
- L. **Damages:** Users of school facilities assume full responsibility for any damages to the grounds, building or contents thereof, and for any damage to equipment. The user is responsible to inspect the premises, note any deficiencies and report them in writing to the School District prior to use. By submitting an application for use, the using organization, through its appointed representative, shall agree in writing to pay all fees and expenses, including repairs or replacement to damaged property within 30 days of receipt of the bill from the district. Said bill from the District will not be negotiable.
- M. **Termination of Use:** The Board reserves the discretion to deny use of district facilities described above, or to terminate use of district facilities:
 - 1. The custodian on duty is to be regarded as the representative of the Board of Education. The custodian shall have the authority over the building and may reasonably deny or terminate the use of school facilities by the using individual, group or organization for health and safety reasons or for any violation of the Board Policy and/or Utilization Procedures.
 - 2. By an applicant who has previously misused or abused district facilities or property or who has violated this policy;
 - 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. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
7. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
8. For any use prohibited by law.
9. For any use where the outside organization fails to provide requested proof/evidence that any proceeds, meetings events, entertainment and occasions are being spent on educational or charitable purposes. A detailed financial statement showing total receipts and expenses for each use of the building for which admission is charged must be available upon request.
10. For any requested use not in the best interest of the District and/or its staff. This shall include for organizations who fail to timely make payment for their use and/or their conduct results in the District expending additional time, resources, or money to address.

Additional Conditions Governing the Use of District Facilities

Whenever the District grants permission to use its facilities, it does so with the understanding of the following:

- a. The number of persons admitted for a function must not exceed room capacity limits.
- b. Whenever inclement weather or an emergency situation cause the closing of district schools, all after-school functions scheduled for that day will be canceled. In addition, in the event the District cancels its own after-school functions for whatever reasons, after school events scheduled by community groups within District facilities are also canceled.
- c. The person in charge of a function must notify persons in attendance, at the beginning of the function, of the procedures to be followed in the case of an emergency.
- d. In the case of an accident resulting in injury to any person or damage to personal property, the incident must be reported immediately to a District representative in attendance or on-site, and in writing to the Superintendent within twenty-four hours of the accident.
- e. In the event of cancellation, the organization must notify the District no less than 24 hours before the event. Failure to notify the District will result in the organization being charged for any costs that have been incurred by the District for preparation of the facilities.

Application Procedure for Use of District Facilities

- A. All applications for use of school facilities shall be made in writing on the building use form and submitted to the Director of Facilities or other appropriate Administrator no more than six (6) months in advance but no less than twenty-one (21) days prior to the scheduled activity. Additionally, applicants must provide at least fourteen (14) days before a regular meeting of the Board to provide ample time for the Board to review the application. Applications are available on the district web site (www.mtplcsd.org). The applicant must clearly and completely describe the intended use of the district facility in the application. Applications shall be considered approved only when a written confirmation has been sent to the applicant approving the request. The public school programs have first priority in the use of facilities. In the event that a conflict should develop, the district retains the right to cancel the use of facilities by the outside organization.
- B. 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.
- C. All applicants must agree to assume responsibility for all damages resulting from its use of district facilities. Proof of adequate insurance must be provided by the applicant at least 10 days before the date of the requested use.
- D. Approvals shall be valid only for the facility, use, dates and time specified in the written confirmation of approval. No adjustment to the approval is allowed except with the prior written approval of the Director of Facilities. Approvals shall not be transferable. Further, the event shall be restricted to the area which was approved in the application. The location of the event so approved in the application is not negotiable and shall be strictly adhered to by the District custodian assigned to the event.
- E. The Director of Facilities and/or other appropriate District Administrator(s) is authorized to alter or cancel any prior approval if it becomes necessary to use the facility for school purposes or for other justifiable reasons.
- F. With regard to scheduling activities, the district retains the right to give preference to groups and organizations that serve the greatest number of community members.
- G. Issuance of an approval to use District facilities shall not limit the right of access to the facility by district staff.

Ref: Education Law §414

July 28, 2025