



Book	Board of Education Policy Manual
Section	3: Community Relations
Title	Public Use of School Facilities
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While the District's school buildings and grounds are maintained primarily for the purpose of educating students within the District, the Greenburgh Central School District 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. This policy is intended to identify the uses that community groups may make of those facilities.

Permitted Uses

District facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

- a) Instruction in any branch of education, learning or the arts;
- b) Public library purposes, subject to provisions of the Education Law, or as stations of public libraries;
- c) Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public;
- d) Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose;
- e) Polling places for holding primaries and elections, for the registration of voters;
- f) Civic forums and community centers;
- g) Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school;
- h) Child-care programs when school is not in session, or when school is in session for the

children of students attending schools of the District and, if there is additional space available, for children of employees of the District; and

i) Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.

Prohibited Uses

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited:

a) Meetings sponsored by political organizations; and

b) Meetings, entertainment and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association, organization of a religious sect or denomination, or a fraternal, secret or exclusive society or organization, other than veterans' organizations, volunteer fire fighters or volunteer ambulance workers.

Conditions of Use for District Facilities

a) 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 request use would interfere with or disturb the District's educational programs.

b) To ensure that District facilities are preserved for the benefit of the greater District community, only community based groups and organizations (that is, groups located within the geographic area covered by the District) may be granted access to District facilities.

c) Use of District facilities will be permitted only where the applicant agrees to pay a user fee according to a schedule adopted by the District to cover the costs of heat, electricity, maintenance, custodial services and any other expenses associated with the requested use. Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The District retains the right to condition use upon an applicant depositing with the District a sum equaling the estimated costs and fees associated with the proposed use ten (10) days in advance of the requested use. The District retains the further right to waive user fees for groups that are associated with or sponsored by the District.

d) Where, in the judgment of the District, the requested use of District facilities, special equipment, or supervision, the District reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees in accordance with paragraph c above. Only authorized personnel shall operate District equipment.

e) Use of District facilities will only be permitted where the organization provides the District timely evidence of adequate insurance coverage (\$1,000,000 minimum per occurrence to save 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.

f) The Board of Education reserves the discretion to deny use of District facilities described above, 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. For any use which could have the effect of violating the Establishment Clause of The United States Constitution or other provision of the United States or New York State Constitutions;
3. For any use which, in the estimation of the Board of Education, could reasonably be expected to or actually does give rise to a riot or public disturbance;
4. For any use which the Board of Education deems inconsistent with this policy;
5. 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;
6. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed; or
7. For any use prohibited by law.

Application Procedure for Use of District Facilities

- a) All applications for use of school facilities shall be made in writing and submitted to the Superintendent of Schools at least thirty (30) days prior to the date of the requested use. A use permit application is available in the Director of Facilities Office.
- b) The applicant must clearly and completely describe the intended use of the District facility in the application.
- c) 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 of Education policies and regulations and to use District facilities strictly in accordance with the use described in the application.
- d) 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 ten (10) days before the date of the requested use.
- e) Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Superintendent of Schools. Permits shall not be transferable.
- f) The Superintendent of Schools is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason.
- g) With regard to scheduling activities, the District retains the right to give preference to groups and organizations, which are associated with or sponsored by the District.
- h) Issuance of a permit shall not limit the right of access to the facility by District staff.

Use of Facilities by Youth Groups

To the extent the District receives funds made available through the United States Department of Education and maintains a "designated open forum" or a "limited public forum," as those terms are defined in federal regulation, it will not deny any youth group listed in Title 36 of the United States Code equal access or a fair opportunity to meet. Likewise, the District will not discriminate against any such group that requests to conduct a meeting within the District's designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the group's membership or leadership criteria or oath of allegiance to God and country.

The District will provide groups officially affiliated with Title 36 youth groups access to facilities and the ability to communicate using school-related means of communication on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The District is not required to sponsor any group officially affiliated with Title 36 youth groups.

Legal	20 United States Code (USC) § 7905
	36 United States Code (USC) Subtitle II
	34 Code of Federal Regulations (CFR) Parts 75, 76 and 108
	Education Law § 414

Cross References	#3410: Public Conduct on School Property
	#5640: Smoking/Tobacco Use
	#7410: Extracurricular Activities
	District Code of Conduct on School Property