



CITY SCHOOL DISTRICT OF ALBANY
PUBLIC USE OF SCHOOL FACILITIES

Required
 Local
 Notice

The District's school buildings and grounds are maintained primarily for the purpose of educating students within the District. However, the Board of Education recognizes that the buildings and grounds are a valuable community resource and believes they should be available to the community for uses that will not interfere with educational activities or disrupt district operations such as renovation or maintenance.

Permitted Uses

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

1. Instruction in any branch of education, learning or the arts.
2. Social, civic (including but not limited to meetings of parent associations and parent-teacher associations) 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.
3. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be expended for an educational or charitable purpose.
4. Polling places for holding primaries and elections, and for the registration of voters.
5. Other programs and uses by local and state governmental units.
6. Civic forums and community centers.
7. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
8. 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.
9. Licensed school-based health, dental or mental health clinics as defined in Education Law §414, operated by an entity other than the school district.

Additionally, as a condition of receiving state funding, the district permits access to military recruiters to school buildings, grounds and facilities to the same extent it provides access to those who inform students of educational, occupational or career opportunities.

Prohibited Uses

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

- Any use by a political organization.
- Any use by a for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
- Any use where admission fees are charged, or donations are solicited, if the proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination or for the benefit of a fraternal, secret or exclusive society or organization, other than for veterans' organizations or for organizations of volunteer fire fighters or volunteer ambulance workers.

The Board reserves the discretion to deny use of district facilities, or to terminate use of district facilities:

- By an applicant who has previously misused or abused district facilities or property or who has violated this policy;
- 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;
- 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;
- For any use which the Board deems inconsistent with this policy;
- In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
- For any use prohibited by law.

Fees and Insurance

- A. The applicant will pay the district 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. The District retains the right to waive user fees for groups that are associated with or sponsored by the district.

- B. If, in the judgment of the district, the requested use of district facilities requires 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. Only authorized personnel shall operate district equipment.
- C. In the event the District has adopted a contingent budget, both use of and fees charged for use of District facilities for any year in which the District is operating under a contingent budget will be adjusted as may be required by law.
- D. The applicant will 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. If additional fees are required after the event (for example if the event runs longer than scheduled) the district will invoice for the additional amount.
- E. No refund of fees paid shall be made by the District unless the district receives notice of cancellation at least forty-eight (48) hours in advance, unless an emergency precludes the holding of the event.
- F. Use of district facilities will be permitted only where the organization provides the district timely evidence of adequate insurance coverage (\$1,000,000 minimum) 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. In certain circumstances, the district may waive, or alter, this requirement depending upon specific circumstances for the use.

Application Procedure

- A. All applications for use of school facilities shall be made in writing and submitted as required on the applicable *Building and Pool Rental Application* or the *Artificial Turf Filed Rental Application*, at least 30 days prior to the date of the requested use..
- 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 an application. 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.
- 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 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. Permits shall not be transferable.
- F. The Superintendent is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason.

Scheduling

The Superintendent may permit use of district facilities unless such facilities are in use for school purposes, including educational programs and operations such as renovating or maintenance buildings.

The district reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the district's educational programs or operations, or be difficult to schedule adequate staffing, and if so to deny the request.

Priority Use

When more than one organization requests the same facility, the district will give preference as follows.

- **Group I District Related Groups**
Organizations that are part of, or specifically related to the school district. For example: school sponsored extra-curricular activities, school-sponsored teams, school sponsored-intramurals, PTA/PTOs, School/District Booster Clubs
- **Group II Albany Community Groups**
Student and adult groups primarily serving City of Albany residents. Generally Group II organizations must have at least 75% of participants (or at least 75% of home team participants) residing in Albany. For example events sponsored by City of Albany, YMCA, PAL, Albany Youth Soccer.
- **Group III Other Groups**
All other organizations. For example, towns and other agencies not located in Albany. Colleges located in Albany. Colleges located outside of Albany.

Appeals

Any applicant whose request for use of District facilities is denied by district staff may appeal such decision to the Superintendent of Schools. An applicant may appeal a denial by the Superintendent to the Board of Education. The Board of Education may consider the request at the next regularly scheduled Board meeting after receipt of the appeal. The Board of Education's decision on the request will be final.

Conduct on School Grounds

All persons using District facilities shall comply with the Public Conduct on School Property of the District's Code of Conduct.

Any person who violates the public order will be subject to ejection, recession of authorization to remain on District property, student disciplinary procedures, collective bargaining disciplinary procedures, and/or any penalty pursuant to local state or federal law, as appropriate. The Superintendent of Schools and his/her designees shall be responsible for enforcing these rules.

Adult supervision of all activities is mandatory.

The user organization is responsible for the conduct of participants and spectators.

Adopted: 05-06-10

Revised: 07-19-18

Ref: Edlaw §414.

Ref: 5300 Code of Conduct