

USE OF SCHOOL FACILITIES

(This policy replaces previously approved Board of Education Policy #1325-Use of School Facilities)

Article 9, Section 414 of the New York State Consolidated Laws gives a school board the authority to adopt reasonable regulations with regard to granting the use of school buildings and facilities to not-for-profit community-based organizations. The district's union organizations (BTA, BPSO, BCA, Local 237, BNPA and CSEA) as per stipulations set forth in their individual collective bargaining agreements (CBA) shall have the right, with prior approval, to use school facilities to hold union meetings, provided that such use shall not interfere with the school program. No other association or organization has the right to use a school building without the express permission of the Board of Education.

Within these reasonable regulations, Education Law provides that a school district may create a schedule of fees to charge for the cost of maintaining its facility or property (i.e., heat, electricity, custodian/maintenance costs, etc). Local school boards have the authority to prescribe the terms of use of a school building and/or grounds, including a rental fee sufficient to cover the expenses resulting from the prescribed use and may also refuse to grant an organization's request for use. For example, if it can be proven that a "clear and present danger" of possible damage to the building and/or grounds exists, the Board of Education can deny access to the organization. **If on prior occasions a district facility or grounds has incurred damages resulting from the direct usage of the applying organization's members, the Board of Education shall reserve the right to deny future requests, from that organization, for building and grounds usage.**

With the advent of heightened awareness for increased health, safety and security, the Brentwood Union Free School District's Board of Education carefully developed a new Use of School Facilities Policy. This policy and regulation address these issues and more clearly defines the usage of school buildings and grounds by not-for-profit community based organizations. The policy ensures that not-for-profit organizations have equitable opportunities to use district facilities throughout the school year.

In summary, only not-for-profit community-based organizations will be granted permission to use the Brentwood Union Free School District's facilities and grounds. Any questions regarding the schedule of fees and the responsibilities of the not-for-profit organization while using the district's facilities will be clarified at the time the application is filed with the Buildings and Grounds Department.

Enclosures:	F1: USE OF SCHOOL FACILITIES APPLICATION
	F2: SCHEDULE OF FEES FOR BUILDING AND FIELD USAGE
	F3: ORGANIZATION'S ROSTER
	F4: HOLD HARMLESS AGREEMENT

Approved by the Board of Education: 12/14/06

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USE OF SCHOOL FACILITIES REGULATION

(This policy replaces previously approved Board of Education Policy #1325-Use of School Facilities Regulation)

Section 414(1) of NYS Education Law sets forth the permissible uses of school buildings and grounds. As long as the Board of Education determines that the particular use will not disrupt normal school operations, school buildings and grounds and other property of the district may be used for the following:

- Instruction in any branch of education, learning or the arts;
- Social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community that are nonexclusive and open to the general public;
- Meetings, entertainments and occasions where admission fees are charged, when the proceeds are to be expended for an educational or charitable purpose. These uses are not permitted if they are under 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 organizations of veterans of the military, naval and marine service of the United States and organizations of volunteer fire fighters or volunteer ambulance workers;
- Polling places for holding primaries and elections for the registration of voters and for holding political meetings. However, no meetings sponsored by political organizations are permitted unless authorized by the voters' approval (414(1)(e); Elec. Law 4-104); and
- Recreation, physical training and athletics, including competitive athletic contests of children attending a private, not-for-profit school.

A district permitting community use of school property for after-school programs shall ensure that such programs are open to all of the school district's children, regardless of whether they attend public or private school (414(2)).

All not-for-profit organizations that wish to use the school building and/or grounds of the Brentwood Union Free School District **MUST** apply in writing, using the accompanying application, through the Buildings and Grounds Department located at Oriole Place in Brentwood, NY. Any questions regarding the schedule of fees and the responsibilities of the not-for-profit organization while using the district's facilities shall be clarified at this time.

USE OF SCHOOL FACILITIES REGULATION

PRELIMINARY REQUIREMENTS

All not-for-profit organizations shall submit the following information and documents to the Buildings and Grounds Department before the application will be processed:

1. A Certificate of Insurance, specifically endorsed, naming the Brentwood Union Free School as an additional insured party must accompany the completed application form. The requesting organization must covenant and agree to indemnify and hold harmless the Brentwood Union Free School District from and against any and all liability, loss, damages, claims or actions. Such insurance shall have a minimum coverage of \$500,000 personal liability and \$25,000 property damage.
2. Constitution of the organization.
3. Current by-laws of the organization.
4. Names of the organization's officers.
5. The nature of all programs/events for which the organization intends to use the building/grounds.
6. A roster listing members of the organization (see 1500-F3).
7. A completed and signed hold-harmless form (see 1500-F4).

GENERAL REGULATIONS

1. The organization is responsible for maintaining adequate discipline and is responsible for any injury or liability incurred.
2. There shall be no smoking on the premises.
3. There shall be no gambling or use of intoxicating beverages at any time on school premises.
4. The use of public school buildings or grounds must be in compliance with all New York State and/or local ordinances.
5. All social functions attended by minors must be properly chaperoned.
6. Use of school facilities shall be restricted to organizations and activities that are primarily local in their membership and operation. To be considered a community organization, the group's membership must consist of **90 %** or more Brentwood residents.
7. The right to revoke a permit at any time is reserved by the school district. This applies not only to cases where there is a question of misuse or misconduct, but also to cases where a need for the facilities develops in the school program after a permit for a specific date or series of dates has been granted to an outside group.
8. It is expected that any facility utilized by a community-based organization shall be left in a clean and orderly manner. Failure to do so may result in permit revocation.

USE OF SCHOOL FACILITIES REGULATION

9. Regardless of any issued permit, school activities/functions or events have absolute and unquestionable priority for use of the school buildings and grounds.

Enclosures:

- F1: USE OF SCHOOL FACILITIES APPLICATION**
- F2: SCHEDULE OF FEES FOR BUILDING AND FIELD USAGE**
- F3: ORGANIZATION'S ROSTER**
- F4: HOLD HARMLESS AGREEMENT**

Approved by the Board of Education: 12/14/06
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**BRENTWOOD UNION FREE SCHOOL DISTRICT
BRENTWOOD, NY 11717**

USE OF SCHOOL FACILITIES APPLICATION

The use of buildings and grounds are restricted to not-for-profit community-based organizations.

All community-based organizations are required to submit the following information before the application will be processed:

- a. A Certificate of Insurance, specifically endorsed, naming the Brentwood Union Free School as an additional insured party must accompany the completed application form. The requesting organization must covenant and agree to indemnify and to hold harmless the Brentwood Union Free School District from and against any and all liability, loss, damages, claims or actions. Such insurance shall have a minimum coverage of \$500,000 personal liability and \$25,000 property damage.
- b. The constitution of the organization.
- c. By-laws currently in effect.
- d. Names of the organization's officers.
- e. The nature of all programs/events for which the organization intends to use the building/grounds.
- f. A roster listing members of the organization.

The following criteria shall be followed in determining the use of the Brentwood School District's facilities by not-for-profit community-based organizations:

1. School facilities may be used, upon granting of permission by the school district, for meetings, entertainment, and occasions where admission fees are charged, only when the proceeds thereof are to be expended for an educational or charitable purpose. Such use shall not be permitted if such meetings, entertainment, 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 firemen or volunteer ambulance workers. In this regard, a full accounting shall be made to the Board of Education of all monies collected.
2. The Board of Education shall be made aware of the nature of all programs in their entirety, at the time that the application is submitted.

3. **The application for the use of the school facilities shall be made through the Buildings and Grounds Department, located at Oriole Place, Brentwood, NY. The building administrator and the Coordinator of Health, Recreation, Physical Education and Athletics shall be consulted to review the request to determine if there are any scheduling conflicts.**
4. The activities of the district shall have preference in the use of all school facilities and said facilities may be used only when **NOT** needed by the schools.
5. The Board of Education expressly reserves the right to change the rules and regulations and to revoke permission previously granted.
6. The granting of permission to use the school facilities shall not imply any right to exclude members of the Board of Education or representatives thereof from the facility at the time of the use for which permission has been granted.
7. The school custodian, as a representative of the Board of Education, may be present at any time during the use of the school facility for which permission has been granted for the purpose of inspection or for observation to determine that the rules governing the facility use are enforced. His/her services are not at the disposal of the organization.
8. No one, to whom permission has been granted hereunder, is permitted on the school grounds or facilities unless a custodian or a representative of the Board of Education is on duty.
9. **The community-based organization to which permission has been granted under these rules is responsible for the care and proper use of the facilities and grounds. A responsible representative of the organization shall be the first person admitted to the grounds and the last person to leave. Further, he/she shall be in attendance at all times during the use of the grounds or facilities.**
10. The person or community-based organization, to which permission has been granted hereunder, is responsible for maintaining proper order on the part of all persons during the time of the use for which permission has been granted. Should there be more than one organization using the same field, but different facilities, each organization is responsible for its area of the facilities.
11. The Brentwood School District recommends that organizations make provisions for an AED/CPR trained and certified person to be on hand during the times when the facilities are in use.
12. All meetings shall be nonexclusive and shall be open to the general public.

13. **The person or community-based organization to which permission has been granted hereunder, shall be liable for any damages to school property through the negligence, the carelessness, or the neglect of anyone in attendance during the use for which permission has been granted hereunder.**
14. Regular meetings on a weekly, monthly or other regular timetable are the only ones covered by “blanket permission.” Any special meetings or activities held at other times must receive special permission. **No use of school facilities is permitted when regular school is not in session. When regular meetings fall on a day school is closed, there will be no rescheduling of that meeting.** Any school buildings that are used on Saturdays, Sundays, or over recesses shall be subject to the appropriate fees (custodians, heat, electric, utilities, etc.).
15. **No alcoholic beverages of any kind shall be allowed on the school premises at any time.**
16. **Smoking is not permitted in the school facilities or on school grounds pursuant to New York State Law and local regulations.**
17. Any organization that advocates or permits an action or activity contrary to federal, New York State or local law, automatically and permanently forfeits its permit to use the facilities.
18. Activities shall be scheduled so that the session is over by **10:30 P.M.** and that facilities can be cleaned and made sanitary for the students the following day. If for some reason the activity must exceed this 10:30 P.M. time, there will be a charge equivalent to the current custodial salary rate (per hour, per man) required to clean the facility.
19. **A new application for the use of school facilities must be submitted each and every school year** or, in the case of a group not having “blanket permission,” each time the use of a facility is requested.
20. The Board of Education may decline to accept any further applications for use of school grounds and facilities should the organization violate any of the rules and regulations as herein set forth, or otherwise, in the exercise of its discretion.
21. All organizations requesting the use of the school grounds and facilities shall be community-based organizations or affiliated organizations located within the Brentwood Union Free School District.
22. No request will be accepted by telephone. Every request must be in writing.
23. Separate passes shall be issued at the district’s Athletic Office, located in the Felicio Administration Building, to individuals desiring the use of the tennis courts and the handball courts, providing the petitioners comply with the rules and regulations governing the use of these courts.

24. Upon approval of the written application, all checks for custodial services, utilities and other building/grounds maintenance shall be made payable to the Brentwood Union Free School District **within 60 days of billing**. **Those organizations who fail to make timely payments risk having their permission permit revoked and/or the denial of future requests, by the organization, to use district buildings and fields.**
25. **In the event that the school district is operating on a contingency budget, all applicable custodial, heating, electric, etc. costs will be charged for ALL community organizations using school properties.**

SEE SCHEDULE OF FEES 1500-F-2

Approved by the Board of Education: 12/14/06
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**APPLICATION FOR THE USE
OF PUBLIC SCHOOL BUILDINGS AND/OR GROUNDS**

**Board of Education
Brentwood Union Free School District
Brentwood, NY 11717-6198**

On behalf of _____
(Name of Organization)

we hereby request permission to use _____
(Name of Specific Facility Requested)

on _____ from _____ until _____
(Date) (Starting time) (Ending time)

for _____
(Explain in Detail the Purpose for Which Use is Sought)

We have read the school law, which governs the use of public school properties and also the attached regulations established by the Brentwood Board of Education regarding the care and usage of school facilities. We agree to abide by the law and the local regulations in every aspect. The following person or persons have agreed to assume responsibility for the facilities while they are being used by our organization.

(Name and address of responsible individual or individuals)

(Name and address of responsible individual or individuals)

President of Organization

Secretary of Organization

<p>Official use only: (Check when submitted by the organization)</p> <p>_____ Insurance certificate _____ Organization's roster</p>

Action of the Brentwood Board of Education on Application for the Use of School Facilities

_____ (Date)
_____ is hereby notified that the application for the
use of public school facilities/grounds has been _____ APPROVED _____ DISAPPROVED

Building Committee Member or Board School Principal

Approved by the Board of Education: 12/14/06
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BRENTWOOD UNION FREE SCHOOL DISTRICT
BRENTWOOD, NEW YORK 11717

COSTS AND FEES FOR SCHOOL BUILDING AND FIELD USAGE

1. **Fees (building usage, custodial, security, etc.) SHALL NOT be charged if all of the following criteria are met: ***
 - a. The group is a not-for-profit Brentwood community-based organization.
 - b. The group utilizes the building when the custodial staff is on hand (Monday through Friday excluding school closures). That shall include weekdays during the school year up to 10:30 P.M. **Note: *Community-based organizations that do not comply and stay beyond 10:30 P.M. shall be subject to the cost of custodial overtime and have their permit reviewed.***
 - c. The group is a sponsored community youth league/athletic program (Brentwood Soccer Club, BYA, CYO, etc.). The only cost imposed shall be for any damage caused by the organization to the facilities.

***In the event the Brentwood Union School District is operating on an contingency budget, all applicable custodial and security costs, heat, utilities and building usage fees shall be charged for ALL organizations using school facilities.**

2. **Fees (building usage, custodial costs, security costs, etc.) SHALL be charged for the following events:**
 - a. All adult leagues (baseball, softball, lacrosse, soccer, etc.) that qualify for building usage by having a roster of **90%** or more of their members from the Brentwood community, shall be charged a field usage fee of **\$75.00 per date, per field requested**. Additional costs shall be imposed for any damage caused by the organization to the facilities.

ex.: A Men's Senior League Baseball team, whose roster is made up of 90% or more Brentwood residents, shall be charged \$75.00 per date for field usage.

SPECIAL NOTE

To be considered a community-based organization, the group's membership must consist of **90% or more Brentwood residents**. These community-based organizations **MUST** file a roster with the Buildings and Grounds Office supplying the following information for its members:

- a. Name
- b. Date of Birth
- c. Address

3. Special Event Fees

This fee will be determined when the application is submitted.

Factors to determine this fee include:

- a. Cost to the district (custodial and maintenance, security personnel, etc)
- b. Fee for space (gym, cafeteria, auditorium).
- c. Break-down and set-up of the facility.

ex. The PTA or other community-based organization approved by the Superintendent schedules a fundraiser for educational and/or charitable purposes to benefit the district. If the event is on a regular school day and under normal circumstances, all fees would be waived. If the event is on a non-school day (weekend or school recess) the PTA or other community-based organization approved by the Superintendent would be responsible for the custodial fees and security fees if needed. In both cases, the building usage fee would be waived if the profits from the event are for educational and/or charitable purposes and benefit the students of the Brentwood School District.

4. Weekend Use of the Buildings

Any community-based organizations that utilize the Brentwood School district buildings on the weekend and/or recesses shall be charged the following fees: **\$75.00 per date, per building plus the cost of custodial overtime.**

ex. The BYA Basketball program wants to run a tournament on a Saturday or Sunday. They would be charged \$75.00 per date, per event, plus the costs of custodial overtime and security costs (if necessary).

5. Organizations Charging Admission Fees

Where admission fees are charged by the community-based organization, the district shall charge reasonable fees for the use of the buildings and the cost of heat and utilities. These fees are in addition to any applicable custodial and/or security charges.

The present fees for areas usually requested are as follows:

	Area	Fee
a.	Classroom	\$30.00
b.	Elementary gymnasiums, general purpose lunchrooms, and cafeterias.	\$60.00
c.	Middle school gymnasiums, commons, large group instruction room, high school gymnasium and middle school or high school auditorium (dress rehearsal without spectators)	\$90.00
d.	Middle school or high school auditoriums (per performance)	\$300.00

6. Need of Extra Custodial Staff

When extra custodial help is needed, a custodial service fee shall be charged based on the current rates (time and one-half and double time) paid to custodians.

7. Blackout Dates

There will be occasions when district facilities shall be unavailable for use by any organization or community-based group.

CONTINGENCY BUDGET

In the event the Brentwood School District is operating on a contingency budget, all applicable custodial costs, heat and utilities shall be charged for ALL community-based organizations using school facilities.

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**HOLD HARMLESS AGREEMENT
(USE OF BUILDINGS AND GROUNDS)**

_____ does hereby covenant and agree to defend, indemnify
Name of the Not-for-profit Organization

and hold harmless the Brentwood Union Free School District from and against any and all liability, loss, damages, claims, or actions (including costs and attorney's fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the

actual or proposed use of _____ property, facilities
Name of the Brentwood Union Free School District's Facility

and/or the Brentwood Union free School District's services by _____
Name of the Not-for-profit Organization

and/or the activities, functions, events, affairs or proceeding of _____.
Name of the Not-for-profit Organization

Signature of the Facility User

Date

Plant Facilities Manager

Date

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