



## CITY SCHOOL DISTRICT OF ALBANY USE OF SCHOOL FACILITIES

Since school facilities are the property of the district and are supported by the residents of the school community, the Board of Education wishes to make district facilities available whenever possible at the lowest cost possible to community-based organizations in a manner that is consistent with the educational goals of the district, the interests of the district community and federal and state law governing access to public school buildings. This policy is intended to create and preserve a limited public forum within specific district facilities. This policy also is intended to replace and supersede the board's regulations for Use of School Facilities amended on October 2, 1990, and any prior policies or regulations that are inconsistent with this policy.

Accordingly, school grounds and school buildings, with the exception of offices and other secured portions of district buildings that are not available for use by outside groups and have not heretofore been made available to outside groups, may be available to community-based groups and organizations for: instructional purposes; social, civic and recreational meetings and entertainment; polling and voter registration; and recreation, physical training and athletics subject to the following conditions:

1. No access to any district facilities will be granted while such facilities are in use for school purposes, or during educational programs if, in the exclusive and unreviewable judgment of the district, the requested access to school facilities could interfere with or disturb the district's educational and/or extracurricular programs. Further, any request to use district facilities on a Sunday must first be presented to the Board of Education for approval before a use request will be accepted by the district. Due to the district's past practice of limited access to district facilities on Sundays, and the district's desire to ensure that all district facilities are available to its students, the board retains the right to deny any request to use district facilities on a Sunday.
2. 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.
3. Access to district facilities only will be permitted where the uses or activities are non-exclusive and open to the general public.
4. Access to district facilities will be permitted only where admission to the activity is free or, where admission is charged, all proceeds are expended for educational purposes or for the benefit of non-sectarian charitable organizations.
5. Permits for use of district facilities shall be issued by the director of the bureau of health and physical education.
6. Access to district facilities will be permitted only where the applicant agrees to pay the district a use fee according to a schedule adopted by the district, to cover the costs of heat, electricity, maintenance, custodial services and any other direct or indirect costs associated with

requested use. However, if the requested use will not generate any additional cost to the district, no fee will be charged unless otherwise required by law. Access 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 access upon an applicant depositing with the district a sum equaling the estimated cost and fees associated with the proposed use ten (10) days in advance of the requested use. All fees and deposits must be paid to the district's Business Office. The district retains the further right to waive use fees for groups that are associated with or sponsored by the district. (e.g., PTAs, booster clubs, etc.)

7. When it is impossible to establish, in advance, a fee for the use of facilities, the district shall require a deposit in an amount to be determined by the director of health and physical education.

8. Where the requested access to district facilities, in the estimation of the district, requires special equipment or supervision, the district reserves the right to deny such access, or in the alternative, to condition such access upon the applicant's payment of additional fees in accordance with paragraph "6" above.

9. All requests for use of district facilities must be submitted in writing and signed by an authorized agent or officer of the community-based group or organization, and delivered to the Bureau of Health and Physical Education at least thirty (30) business days before the requested use. With regard to scheduling of activities within district facilities, the district retains the right to give preference to groups that are associated with or sponsored by the district. Groups planning to request the use of a district facility on a regular basis may submit one form to the Bureau of Health and Physical Education for the school year and make further arrangements with the building principal. District committees shall make meeting arrangements through the appropriate building principal.

10. Any group requesting access to district facilities must purchase and provide minimum insurance coverage for injury or death to any person in the minimum sum of \$1,000,000 and property damage insurance in the minimum sum of \$250,000 or such other larger sum as the Board of Education designates. A certificate of insurance must be presented to the district's Bureau of Health and Physical Education for approval fifteen (15) business days in advance of the requested access. The applicant also will be responsible for any district property, including equipment and materials, that is damaged or missing following its use of school facilities.

11. No outside organization or group will be allowed to conduct religious services or religious instruction on district property.

12. Pursuant to Education Law §414, no meetings sponsored by political organizations shall be permitted unless authorized by a vote of the Board of Education. Such authority may be revoked by the board at any time.

13. Any applicant whose request for use of district facilities is denied by the director of the bureau of health and physical education may appeal such decision to the Board of Education. The board may consider the request at the next regularly scheduled board meeting after receipt of the appeal. The board's written decision will, if possible, be forwarded to the applicant prior to

the next regularly scheduled meeting of the board. The board's decision on the request will be final.

14. The Board of Education reserves the discretion to deny access to district facilities or terminate access to district facilities.

- a. by an applicant who has previously misused or abused district facilities or property, misled district employees as to the intended use of district facilities or who has violated this policy;
- b. for any use that could have the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States Constitution, New York Constitution or any other local, state or federal law;
- c. for any use that, in the estimation of the board, reasonably could be expected to, or actually does, give rise to a riot or public disturbance;
- d. for any use not authorized by Section 414 of the New York State Education Law of other applicable law;
- e. for any use prohibited by law;
- f. for any use which the board deems consistent with this policy;
- g. for any use by a private for-profit entity that has the direct or indirect effect or promoting the products or services of such entity.

15. Pursuant to Education Law § 2801, the following types of activities are among the activities that are inconsistent with the maintenance of public order on school property and are prohibited:

- a. willfully causing physical injury to any other person, threatening to do so for the purpose of compelling or inducing such other person to refrain from any act that (s)he has a lawful right not to do;
- b. physically restraining or detaining any other person, or removing such person from any place that (s)he is authorized to remain, unless such restraint, detention or removal is deemed necessary for the safety or welfare of the individual and all involved;
- c. willfully damaging or destroying property of the district, property under its jurisdiction or property of its employees, or removing or using such property without authorization;
- d. entering and remaining in any district building or facility for any purpose other than its authorized use in such manner as to obstruct its authorized use by others;
- e. remaining, without authorization, in any district building or facility after it is normally closed, or loitering in school buildings or on school grounds within the meaning of New York State Penal Law § 240.35;
- f. failing to identify him/herself when requested to do so or refusing to leave any district building or facility after being directed to do so by an authorized district employee;
- g. obstructing the lawful movement of persons and/or vehicles on district property;
- h. deliberately disrupting or preventing the peaceful and order conduct of classes, lectures and meetings or deliberately interfering with the freedom of any authorized person to express his/her views, including invited speakers;
- i. knowingly having in his/her possession or using, on district property, any alcoholic beverage; or engaging in lewd, disrespectful, riotous or self-destructive conduct including disorderly conduct, intoxication or being under the influence of alcohol, drugs or other abusive substances;

- j. use, possession, selling or giving, on district property, a dangerous drug as defined in Section 220.02 of the New York State Penal Law or any other illegal substance, unless such drug has been duly prescribed by a licensed physician;
- k. unauthorized or illegal custody, possession, use or distribution of firearms, weapons, dangerous instruments, explosives, fireworks or noxious chemicals;
- l. acts of malicious mischief such as sending a false fire alarm, issuing a false bomb threat, issuing a false school closing or cancellation of school events, causing an object to fall from a roof or window, throwing snowballs or other objects at others;
- m. encouraging, conspiring with or willfully inciting others to commit any of the acts herein prohibited.

16. Any person who violates the public order will be subject to ejection, rescission 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. The superintendent of schools and his/her designees shall be responsible for enforcing these rules.

17. The Board of Education reserves the right to amend this policy and thereby change the nature of district facilities and public for a created therein, at any time in the future by the adoption of a new policy or amendment(s) to this policy.

18. The superintendent of schools, in conjunction with the director of health and physical education, is directed to establish the appropriate regulations and procedures to effectively implement this policy.

Effective immediately upon Board of Education adoption of this policy, organizations approved to use district facilities will be responsible for all costs incurred over and above normal operating costs.