

PUBLIC USE OF SCHOOL FACILITIES

While the school buildings and grounds of the Bethlehem Central School District (the District) are maintained primarily for the purpose of educating students within the District, the Board of Education (the Board) 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 nonexclusive 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. Meetings, entertainments, and occasions that are under the exclusive control of, and the proceeds are to be applied for the benefit of, veterans' organizations, volunteer fire fighters or volunteer ambulance workers.
- F. Civic forums and community meetings intended to encourage civic participation.
- 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.
- 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. Use of District facilities by any outside organization or group to conduct religious services or religious instruction.
- B. Meetings sponsored by political organizations, for the purpose of supporting an individual candidate, party, or political platform.

- C. Meetings, entertainments, and occasions that are under the exclusive control of, and the proceeds are to be applied for the benefit of, a religious sect or denomination; or of a fraternal, secret, or exclusive society or organization..

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. All school activities and related organizations (organizations represented on the Bethlehem Central President's Council) shall have preference for the use of facilities provided they have been scheduled prior to commitments made to community groups. The Town of Bethlehem Recreation Department shall receive second priority for use of facilities, with all other groups receiving lower priority. The District reserves exclusive and nonreviewable judgment to determine if a requested use would interfere with or disturb the District's educational programs.
- B. It is requested that all school groups submit a schedule for the use of school facilities at least 90 days in advance of the planned activity. The Town of Bethlehem Recreation Department shall also submit a complete request as provided above and will be assigned facilities and grounds as second priority.
- C. The building-level designee shall maintain a schedule of use for their building. To ensure that District facilities are preserved for the benefit of the greater District community, community-based groups and organizations (groups that are located within the geographic area covered by the District) may be granted access to District facilities, but only if the facilities are not needed by the District or other community-based groups.
- D. Usage will be limited to buildings and grounds other than specifically equipped classrooms, libraries, storage rooms, and administrative offices so as to reduce interference with the school program and to protect instructional materials and exhibits.
- E. Simultaneous multiple uses of a building may be refused by the business administrator to assure adequate parking and other space is available.
- F. Use of District facilities will be permitted only where the applicant agrees to pay the District a user fee according to a schedule adopted by the District Board 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. All users shall pay the District no later than thirty days after billing. 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 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.
- G. Where, 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 in accordance with paragraph F above. Only authorized personnel shall operate District equipment, which includes kitchen equipment.

- H. Use of District facilities will only be permitted where the organization provides the District with timely evidence of adequate insurance coverage (\$1,000,000 minimum) 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.
- I. The Board 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 that 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;
 - 3. For any use that, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
 - 4. For any use that the Board 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; and
 - 7. For any use prohibited by law.
- J. The Board specifically reserves the right to revoke any permit granted to any user without prior notice to such user. In the event of such a revocation, the reasons thereof shall be stated to the user in writing.

Application Procedure for Use of District Facilities

Applicants are subject to the following procedures, absent an approved lease agreement that may otherwise supersede the procedures within this policy: All applications for use of school facilities shall submit to the business administrator, or designee, a "Request of Use of School Property" on the forms provided by the District. The form is available in each building office. Applications shall be approved or denied on the basis of this Board policy. Applications must be submitted at least two weeks prior to the date of the requested use.

- A. The applicant must clearly and completely describe the intended use of the District facility in the application.
- 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 ten days before the date of the requested use.

- D. 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 District. Permits shall not be transferable.
- E. Applicants who seek to bring outside food trucks (“vendors”) onto District property are subject to additional requirements designed to reasonably protect event participants from harm, including but not limited to: proof of automotive liability coverage of at least \$1,000,000, proof of licensure by local health departments, indemnification certificates, fire suppression equipment (if cooking), and limitations on truck movement when on site.
- F. The District is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reasons.
- G. With regard to scheduling activities, the District retains the right to give preference to groups and organizations that 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.

The District’s business office may also issue a Use of Facilities Handbook to provide guidance, forms and procedures for user groups.

Ref: Education Law §414

Cross-ref: 1510, Public Sales on School Property

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