

PUBLIC USE OF SCHOOL FACILITIES

While the District's school buildings and grounds are maintained primarily for the purpose of educating students within the District, the 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.

It is the policy of the Board of Education that organizations, agencies, and all other entities or users of school facilities shall not discriminate against any District resident, including children who reside within the District, on the basis of race, color, national origin, creed, religion, marital status, gender, sexual orientation, age or disability, or any other legally protected class.

- A. The schoolhouses, grounds and other school property, when not in use for school purposes, may be used for other purposes only if a written Permit for such other use shall have been issued by or under the authority of the Board.

- B. All applications for Permits shall be made in writing. Applications shall specify which school facilities the Applicant(s) will use (i.e., athletic fields, parking lots, classrooms, and/or auditoriums). Applications for field use must be sent to the Assistant Superintendent for District Operations, 301 Wicks Lane, Malverne, NY 11565. Applications for facilities use must be sent to the appropriate building principal. Applications shall be filled out completely and accurately. Failure to comply with these requirements will result in cancellation of the Permit and/or assessment of future applications in terms of previous non-compliance with this requirement. All Applicants and Co-Applicant(s) shall meet all requirements of the school District for users of school facilities and shall certify compliance with this policy by signing the appropriate section of the Application. Applicants and Co-Applicants, if any, agree to be jointly and severally liable for any charge incurred as a result of an application submitted to the District.

- C. No Permit shall be issued:
 1. For any purpose that will in any way interfere with the use of school buildings, grounds or other school property by the District.
 2. To any person, persons, or corporate entities for personal or private gain, financial or otherwise.
 3. For events sponsored by political organizations, except as otherwise provided for by law.
 4. For holding a social, civic or recreational meeting or entertainment or other use pertaining to the welfare of the community, unless such meeting, entertainment or use shall be non-exclusive and open to the general public (general public is defined as all residents of the school District).
 5. For a meeting, entertainment or occasion where admission fees are charged,

unless the proceeds thereof are to be expended for an educational or other charitable purpose. However, the Board may, to the extent permitted by law, allow activities that incidentally involve a private benefit or profit if the Board determines that (1) such activity is in furtherance of a legitimate school purpose or provides a public benefit, (2) a fair and adequate portion of the proceeds is used for charitable or educational purposes, and (3) any private benefit or profit is incidental to such public purpose. *Such use requires Board approval.*

6. For a meeting, entertainment or occasion where admission fees are charged if such meeting, entertainment or occasion is under the 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 an organization of veterans or of volunteer fire fighters.
7. Unless the Board is satisfied that the proposed activity on school premises will be adequately supervised; that the Applicant will see to the proper conduct of such activity; and that the Applicant may be held responsible for any damage which the activity may cause to school property.
8. For any use that is contrary to the provisions of Section 414 of the Education Law.

D. Any and all Permits, which may be issued, shall be upon the following terms and conditions:

1. A Permit may be issued to a community group or not-for-profit organization, if at least fifty percent of its participants reside within the school District or within the Incorporated Village of Malverne.
2. In the case of a Permit issued for an event where admissions, or other, fees are charged, the application must describe the intended purpose and distribution of such proceeds, including the name and identity of any individual or entity that will be receiving any of the proceeds. The application must also be accompanied by a proposed budget showing that all profits are to be used for educational or charitable purpose and that the principals are neither receiving salary nor sharing in such profits. In situations where the Board allows activities that incidentally involve a private benefit or profit, Board approval is required and the applicant may be subject to additional fees, terms and requirements. Within 30 days after any such event, the Board may require a detailed written statement of total receipts, expenditures and disbursements of profits, in such form as the Board of Education determines.
3. Whether or not admission fees are charged, no contributions shall be solicited or collected on school premises, unless explicit authority to do so has been given by the Board of Education and such authority is set forth in the Permit.
4. A Permit shall be valid only for use of the particular school premises on the date or dates and at the hours specified in the Permit, and for the purposes specified in the application. **UNDER NO CIRCUMSTANCES SHALL AN APPLICANT PERMIT AN EVENT TO BE PUBLICIZED UNTIL A PERMIT IS GRANTED.**

5. Permits shall be valid only when signed by the Superintendent of Schools or his/her designated representative. Permits are non-transferable.
6. A Permit shall be issued for specific hours, but in no case later than 11:00 p.m. without the prior approval of the Superintendent of Schools or his/her designee. At the conclusion of the time specified in the Permit the organization shall leave the premises.
7. A Permit may be revoked by the Board of Education, or by the Superintendent of Schools, or his/her designated representative, at any time.
8. Any Applicant granted permission to use any school facility, including District buses, accepts, without reservation, responsibility for holding the District, the Board of Education collectively and individually, and all District employees and volunteers harmless for any injury or loss sustained by a member of such organization or group, or third-party group/vendor associated with such activity, using the facility, or by any attendee/ participant at such event, and for any damage to, or loss of, personal property owned, leased, or borrowed by such member or attendee.

In addition, the Board of Education requires the Applicant and any third-party group/vendor associated with such event, to obtain commercial general liability insurance, according to the following:

Additionally, the policy shall:

- be an insurance policy from an A.M. Best rated "secured" New York State licensed insurer;
- have insurance limits of no less than \$1,000,000 per occurrence/ \$2,000,000 aggregate;
- contain a thirty (30) day notice of cancellation;
- state that the organization's coverage shall be the primary coverage for the "Malverne U.F.S.D., its officers, employees and volunteers as additional insured parties, as their interest may apply."

Further, the Applicant and any third-party group/vendor associated with such event agrees to indemnify the District for any applicable deductible(s).

9. In the event of inclement weather, the Superintendent of Schools, or his/her designated representative, or the Principal, or his/her designee, has the final authority on whether school facilities are usable.
10. Prior to the start of the event, an announcement should be made to your group regarding emergency evacuation procedures. Such announcements should include, at a minimum, pointing out posted procedures, directions for exiting in an orderly fashion, and how to react to fire alarms.
11. There shall be no smoking or use of tobacco products, gambling or use of alcoholic beverages or illegal substance at any time anywhere on school premises

or on District buses.

12. All posted rules must be adhered to without exception. Additionally, the following rules apply to the turf field:
 - No food, including sunflower seeds and chewing gum;
 - Only beverage permitted is water;
 - No driving stakes;
 - Only molded turf shoes (metal or plastic) allowed;
 - No practices or practice games.
13. Vehicles are only permitted on District roadways and in parking lots and may not be parked, stopped or driven over any part of District fields.
14. The Board of Education reserves the right of transferring, on due notice, any activity from one space to another in the same building, or to another building to achieve energy savings, economies in building operation and maintenance, efficient utilization of facilities, and to satisfy the requirements of the school program.
15. Exhibits, posters, or other materials shall not be displayed on/in school property without the prior approval of the school principal or, in the case of District buses without the prior approval Assistant Superintendent of District Operations.
16. Masking tape, scotch tape, and similar materials shall not be used to affix materials to painted surfaces or chalkboards.
17. All youth groups shall have an adult leader who shall be present at all times that the group is on school premises or using District buses. Further, any organizations with youth under the age of 18 require the presence of adequate adult supervision at all times.
18. Profanity, objectionable language, disorderly acts or illegal activities of any kind are absolutely prohibited, and those violating this provision will be ejected from the premises or bus.
19. Light refreshments may be served in areas other than District fields or buses. Requests for the use of school kitchens and equipment shall be made at the time of application, and additional fees shall apply. Arrangements shall be made through the Assistant Superintendent for District Operations, 301 Wicks Lane, Malverne, NY 11565.
20. Requests for the use of special audio-visual, lighting, musical or other equipment shall be made at the time of application through the Assistant Superintendent for District Operations. Such equipment may be provided at the sole discretion of the District.
21. No changes are permitted to school facilities; i.e., modifications or alterations to electrical supply for lighting/sound; or building of scaffolding, trestles, truss; erecting permanent goal posts; lining of fields or gymnasiums; etc.
22. School equipment and systems must be operated by a crew as designated by the

school or District.

23. The Applicant is responsible for cleaning up school facilities and District buses after an event.
24. If a rehearsal or activity extends through the lunch or dinner period, student crew members and faculty supervisor shall be given a lunch or dinner period of at least thirty minutes duration.
25. The Applicant shall pay any and all admission fees, tolls, taxes, or other costs required by the Federal, state or governmental authority.
26. The Applicant shall pay to the Malverne Union Free School District all fees or charges imposed by the Board of Education within thirty days of the school District's invoice date. Failure to comply with this provision shall result in denial of future use of facilities.
27. The Applicant, upon request, shall deposit with the treasurer of the District either a certified check made out to the Malverne Union Free School District or cash in an amount to be determined by the District as security against damage to District equipment and property whenever, in the District's discretion, such deposit is in the best interests of the school District. Such deposit, when made, shall be returned to the Applicant within two weeks of the date of last use of the facility provided that no damage has been incurred. In the event of damage to school District equipment or property the Applicant may be billed for the cost of repairs or replacement. Should such cost exceed the amount of the deposit the Applicant shall be responsible for payment of the cost in its totality.
28. The Applicant and Co-Applicant(s), if any, shall not deny participation to any person in the use of school facilities or District buses on the grounds of race, religion, ethnic origin, or sexual orientation.
29. Any Permit may be cancelled, and future use denied, if the District determines that any Applicant or Co-Applicant(s), if any, fails to comply with the provisions of this policy or other applicable policies, directives or rules and regulations of the Board of Education and/or the Superintendent of Schools.
30. The District reserves the right to specify any additional terms or conditions it deems appropriate, based upon its review of the specific request and related circumstances.

FEE CATEGORIES

CLASS I - NO CHARGE TO BE MADE UNDER THE FOLLOWING CONDITIONS:

1. School facilities may be used by any organized parent-teacher organization or parent group of any public school within the school District for school programs and events that are open to the public and for which no admission fee is charged.
2. School facilities may be used by organized youth-serving agencies whose membership includes at least 50% Malverne District residents, that do not charge a fee for service, and that are open to all school District residents. Such use, without payment of fee, shall be limited to times when the use of a particular building does not involve custodial overtime.
3. School facilities may be used by various branches of the Armed Forces and their allied Reserve groups, the Civil Defense and such other activities pertaining to their respective official function or of a war emergency situation, which may be beneficial to the country, state or local community.
4. School facilities may be used by the local Fire Departments for the training of personnel. There shall be no limitation on the sites used, provided such sites are not being used for school purposes.
5. School facilities used by public school associations for sectional or county competitions, such as athletic events, musical contests, and academic tournaments, including reciprocal agreements with other school Districts

CLASS II – CHARGES FOR FACILITY USE, CUSTODIAL SERVICE, AND/OR LIGHT AND HEAT TO BE MADE ACCORDING TO FEE SCHEDULE UNDER THE FOLLOWING CONDITIONS:

1. School facilities used by Class I groups beyond the use outlined above.
2. School facilities used by organized groups within the community for non-profit, charitable, philanthropic, civic, or other non-commercial, non-personal purpose.
3. School facilities used by any group or organization for educational purposes benefitting Malverne students, recommended by administration and approved by the Board of Education.

The Superintendent of Schools, or his/her designee, shall adopt regulations and forms necessary to implement this policy.

Ref: Education Law §§414

Malverne Union Free School District

Adopted: [date]

MALVERNE SCHOOL DISTRICT
301 WICKS LANE, MALVERNE, NY 11565
APPLICATION FOR USE OF SCHOOL FACILITIES

Today's Date: _____ Date(s) Requested: _____

Time (s) Requested: From: _____ to: _____

School Requested: _____

(indicate facilities for which you are requesting use)

Classroom(s): _____ Auditorium: _____

Restrooms: _____ Parking Lot(s): _____

Athletic Facilities: (specify) _____

(if requesting more than one athletic field, please use spreadsheet on page 4)

Other: _____

INFORMATION ABOUT APPLICANT

Name of Applicant Organization or Individual:

Mailing Address: _____

Contact Information:

Telephone: (Day) _____ (Night) _____

(Cell) _____ E-Mail: _____

INFORMATION ABOUT EVENT CO-APPLICANT(S)

Name of Co-Applicant Organization or Individual:

Mailing Address: _____

Contact Information:

Telephone: (Day) _____ (Night) _____

(Cell) _____ E-Mail: _____

(IF MORE THAN ONE CO-APPLICANT, ATTACH ADDITIONAL PAGE)

Description of proposed event: (type of event, purpose, etc.) _____

Is District equipment (other than buses – see below) required for the event? Yes _____ No _____

If equipment is needed, specify type and purpose: _____

Will an admission fee be charged? Yes _____ No _____ Amount: _____

If so, what will proceeds be used for? _____

If refreshments are served, give details: _____

READ ATTACHED REQUIREMENTS, SIGN AND RETURN APPLICATION AT LEAST THREE WEEKS PRIOR TO THE PROPOSED EVENT TO:

Assistant Superintendent for District Operations, Facilities Office, Malverne U.F.S.D.
301 Wicks Lane, Malverne, New York 11565

All Applicants and Co-Applicants must comply with the following insurance provisions:

(PERMITS WILL NOT BE ISSUED WITHOUT PROPER INSURANCE)

- A. The Applicant, and Co-Applicant(s), if any, hereby agrees to provide the District with an insurance policy naming the District as an unrestricted additional insured.
- B. The policy naming the District as an additional insured shall:
 - be an insurance policy from an A.M. Best rated "secured" NYS licensed insurer;
 - contain a 30 day notice of cancellation
 - state that the organization's coverage shall be primary coverage for the District, its Board, employees and volunteers.
- C. The user agrees to indemnify the District for any applicable deductibles.
- D. Required Insurance: Commercial General Liability Insurance in amounts no less than \$1,000,000 per occurrence/ \$2,000,000 aggregate.
- E. Applicant and Co-Applicant(s), if any, acknowledges that failure to obtain such insurance on behalf of the District constitutes a material breach of contract and subjects applicant and co-applicant(s) to personal liability for damages, indemnification and all other legal remedies available to the District. The Applicant, and any Co-Applicant(s), must provide the District with a certificate of insurance, evidencing the above requirements have been met. The failure of the District to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the District.

Where appropriate, this Application must contain the signature of the Principal of the building where facility use is requested. Applications should then be submitted to the Assistant Superintendent for District Operations with Insurance Certificate.

CERTIFICATIONS:

The undersigned Applicant and Co-Applicant(s), if any, are over 21 years of age and have read this application and provided complete and accurate information as required.

Applicant and Co-Applicant(s), if any, acknowledge receipt of the policy of the Board of Education policy "Public Use of School Facilities" and agree, individually and jointly, to comply with the conditions set forth therein. Additionally, Applicants and Co-Applicants, if any, agree to be jointly and severally liable for any charge incurred as a result of an application submitted to the District.

Applicant and Co-Applicant(s), if any, further agree to be responsible to the District for the use and care of the facilities and District buses. Applicant and Co-Applicant(s), on behalf of _____ (name of organization) hereby covenants and agrees to defend, indemnify and hold harmless the District, the Board of Education collectively and individually, and all District employees and volunteers harmless from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys 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 district's property, facilities, District buses, and/or services by:

Name of Organization/ Applicant

Name of Co-Applicant(s) (if any)

Print Name of Organization Representative

Print Name of Co-Applicant Representative

Signature of Organization Representative

Signature of Co-Applicant

FOR DISTRICT USE:

Building Principal Date

Assistant Superintendent for District Operations Date

Superintendent of Schools Date

INSURANCE CERTIFICATE RECEIVED _____

A. ADDITIONAL INFORMATION FOR RECURRING ACTIVITIES (complete, if applicable)

LOCATION OF EVENT or FIELD NO	DATES	DAYS OF THE WEEK	HOURS	EVENT

B. IF REQUESTED USE INVOLVES SCHOOL BUS RENTAL, FILL OUT THIS PORTION:

Destination:

Destination Address:

Planned Departure Time _____

Anticipated Return Time: _____

Purpose of Trip:

Total Participants Expected: Adults: _____ Children: _____

Does any equipment have to be transported? Please specify:

Number of buses requested: _____

PROCEDURES FOR REQUESTING FACILITIES/ BUS USE

1. The use of all school facilities shall be subject to the policy of the Board of Education "Public Use of School Facilities" and to the provisions of this Application.
2. Use of facilities shall be subject to the approval of the Board of Education and/or the Superintendent of Schools, and administered by the Building principal or other Superintendent's designee.
3. Organizations requesting use of District facilities shall apply to the Building Principal using the prescribed Application. The Principal or his/her designee has first authority on approval of facilities use. The Assistant Superintendent for District Operations has first authority on approval for field use. Completed applications must be submitted to the Assistant Superintendent of District Operations no later than three weeks prior to the date of the proposed event.
4. **The Malverne High School Gym is not available for public use.**
5. **PERMITS WILL NOT BE ISSUED WITHOUT PROPER INSURANCE.**

FEE SCHEDULE

Charges for facility use, custodial service, and/or utility charges (light, heat, gas, etc.) as follows:*

- Howard T. Herber Gym and Auditorium, Monday-Friday:
Basic Usage Fee: \$200.00 per use up to 11:00 pm.
- Classrooms in all schools Monday –Friday:
Basic Usage Fee: \$50.00 per hour up to 11:00 pm.
- Restroom Charges: \$100 per event (one male/ one female restroom)
- Athletic Field Usage Fee: \$200 per event.
- Concession Stand Usage Fee: \$100 per event.
- District Buses: Basic Usage Fee: \$45.00 per hour.
- Kitchen and equipment use fees are determined on the type of us requested.
- Supplemental fees, including late use fees, are determined by the activity and facility coverage requirements.

Fees are payable as follows: 50% due upon approval of this application with the balance of 50% due 5 days prior to the event date.

***The District reserves the right to modify the fees listed here depending on the specific requirements of the event. Additionally, should the District incur additional cleaning or custodial expenses as a result of an Applicant's failure to comply with the Paragraph D(23) of the Public Use of School Facilities policy, such expenses shall be charged to the Applicant and/or Co-Applicant, if any.**

Open Items for Board Discussion
Related to the Facilities Use Policy and Application

- Paragraph D(6), currently reads: "A Permit shall be issued for specific hours, but in no case later than 11:00 p.m. without the prior approval of the Superintendent of Schools or his/her designee."

Query: Should the prior approval of the Superintendent *or Board* be required?

- Paragraph D(19), allows that use of "school kitchens and equipment" may be requested "and additional fees shall apply."

Query: Should the fee schedule include the cost of kitchen and equipment use?

Comment: Inasmuch as kitchen use can vary dramatically between applicants/ events, I suggest that the policy is sufficient as written: "Kitchen and equipment use fees are determined on the type of use requested."

- Paragraph D(27), provides that "The Applicant, upon request, shall deposit with the treasurer of the District either a certified check made out to the Malverne Union Free School District or cash in an amount to be determined by the District as security against damage to District equipment and property . . ."

Query: Should a procedure for collecting a security deposit be spelled out?

Comment: Inasmuch as the procedure for accepting a security deposit is the responsibility of the Treasurer (which may include logging in the check, photocopying, etc.) I suggest that the policy is not the appropriate place for the procedure. The policy is designed to provide guidance to Permit applicants and to the District as to how Permit applications are to be handled.

- Query: Why is the Malverne High School Gym not available for public use?

- (1) How does this current fee schedule affect all of our current Permit holders?
- (2) Please provide a break down of each organization that currently holds an open Permit and detail whether and how the proposed fee schedule would apply to each.

- The draft policy provides that “The District reserves the right to modify the fees listed here depending on the specific requirements of the event.”

Query: Should the Board be a part of fee determinations in order to prevent allegations of foul play or favoritism aimed at the Administration?

- Paragraph C(2) provides that Permits shall not be issued to “any person, persons, or corporate entities for personal or private gain, financial or otherwise.”

Query: How can the District charge for use of our facilities but prohibit the applicant from recouping the necessary costs related to the event?

Comment: This provision does not prevent a Permit holder from charging fees it must raise in order to cover the cost of the event. This provision merely prohibits the use of District facilities for profit.

- In order to better understand the classifications of applicant into Class I and Class II, please review 2012 Permits granted and classify each Permit holder into what would be the appropriate class.

- Suggested revision: “Any sports group or organization that holds tryouts and denies membership to any person on the basis of ability shall not be granted a Permit.”