

## **SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT**

### **Use of School Buildings and Grounds**

The Board of Education welcomes and encourages the use of the school buildings and grounds, in addition to their primary use in the regular school program, by individuals, and responsible school or community organizations within such limits permitted by law to the extent that such use does not conflict with use by the District and is in conformance with established rules and regulations for such use. In the event of any conflict, even after initial use is granted, use by the District shall prevail. The District reserves the right to deny access or use to any individual and/or organization at any time.

#### Uses Permitted by the Statute

- a) For holding social and fraternal, civic and recreational meetings and entertainment and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be non-exclusive and shall be open to the general public. Religious organizations shall be permitted to use school facilities in accordance with law and District use guidelines.
- b) For meetings, entertainments and occasions where admission fees are charged, when the proceeds thereof are to be expended for an educational or charitable purpose; **BUT USE SHALL NOT BE PERMITTED IF MEETINGS, ENTERTAINMENTS AND OCCASIONS ARE UNDER THE EXCLUSIVE CONTROL OF AND THE PROCEEDS ARE TO BE APPLIED FOR THE BENEFIT OF A SOCIETY, ASSOCIATION OR ORGANIZATION OF A RELIGIOUS SECT OR DENOMINATION, OR 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).
- c) For polling places for holding primaries and elections and for the registration of voters.
- d) For civic forums and community centers. Upon the petition of at least twenty-five (25) citizens residing within the District, the Board of Education shall organize and conduct community centers for civic purposes, and civic forums to promote and advance principles of Americanism among the residents of the State. (See Section 414(1)(f) of the Education Law.)
- e) Groups wishing to use the school facilities must secure written permission from the Superintendent and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use.

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- f) For fundraising purposes through recognized school or school related or affiliated organizations and booster clubs provided use of the facility shall not be exclusive to any organization and such funds are for the use and to the benefit of the children of the District pursuant to rules set by the District and consistent with the operating procedures of the organization..
- g) For use by individuals residing in the District pursuant to rules established by the District.

### Definitions

For the purpose of this policy and its accompanying regulations

- a) A School Group shall be defined as having as its members or participants students attending Tonawanda and whose activity will be under the direct supervision of one (1) or more faculty advisors as an assigned duty or responsibility.
- b) A School Affiliated Organization shall be defined as a not for profit group whose purposes and activities are directly related to the school. Examples: PTSA's, Booster Clubs, Pep Band/Chorus, etc.
- c) A Community Organization shall be defined as having most of its members or participants as residents of the District and whose activity is not under the direct supervision of school authorities-
- d) Community-Youth Organization shall be defined as having if its members who are chiefly students still attending K through 12 programs. Examples: Boy Scouts, Girl Scouts, Soccer Clubs, Hockey Clubs, etc.
- e) Not for Profit Organization - shall be defined as one in which no part of the assets, income, or profit is distributable to or is used to the benefit of its members, directors or officers except to the extent permitted by law.

### Facility Usage Fee

Fee charged for using a pool, gym, classroom, etc. If the building has to be opened, then the organization pays the additional custodial fee per hour. Such fees shall be payable in advance and shall be determined annually by the District.

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### Custodial Fee

Fee charged at fifty dollars (\$50) per hour per person for personnel.

### Security

When requested by organization or when required by the District, such fees will be charged to organization.

### Recreation

The recreation program of the City of Tonawanda may make use of the school facilities. These activities shall have adequate adult supervision and shall not interfere with regular school activities. The Superintendent shall have the authority to suspend the privilege of such use of a group whenever supervision is inadequate or damage is done to the buildings and/or grounds. Only school buildings and/or grounds designated and approved by the Superintendent may be used for recreational programs and only when such use does not conflict with District use.

### Contingency Budget

When the Board is operating under a contingent budget, all not for profit groups will be charged the fees as determined annually by the Board of Education. Separate fees may be set for classroom use, auditoriums, gymnasiums, cafeterias, pool use, Clint Small Stadium, and other interior and exterior facilities.

### Non-Contingent Budget

When the voters approve the District budget, not for profit groups and/or Tonawanda District Booster Clubs will not be charged a facility usage fee, but will be charged a custodial fee. Facility Usage and custodial fees for city government organization events may be waived upon application to and with the approval of the Board of Education.

All other groups and individuals will be charged fees as determined annually by the Board of Education. Separate fees may be set for classroom use, auditoriums, gymnasiums, cafeterias, pool use, Clint Small Stadium, and other interior and exterior facilities, regardless of the budget status: Additional fees may be applied for kitchen use, field lighting, and air conditioning.

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### **Materials and Equipment**

Except when used in connection with or when rented under provisions of Education Law Section 414, school-owned materials or equipment may be used by members of the community or by District employees and/or students for school related purposes only. Private and/or personal use of school-owned materials and equipment may be permitted with the execution of appropriate releases and waivers as determined by the District. Such public use may not interfere with use by the students and the District. .

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and loaned to students when the material and equipment is to be used in connection with their studies or extracurricular activities and upon such conditions as the Board may set. Community members, after first securing permission directly from the Board of Education, will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations and upon such conditions as the Board may set.

The District will develop administrative regulations to assure that use of school-owned materials and/or equipment complies with the letter and spirit of this policy, including a description of the respective rights and responsibilities of the ~~School~~ District/lender and borrower in relation to such materials and equipment.

### **Specific Requirements Relating to Boy Scouts and Other Title 36 Patriotic Youth Groups**

The Boy Scouts Act applies to any local educational agency (LEA) that has a designated open forum or limited public forum and that receives funds made available through the U.S. Department of Education (DOE). It applies to any group officially affiliated with the Boy Scouts of America or any other youth group designated in Title 36 of the United States Code as a patriotic society.

This statute provides for the following:

- a) No covered entity (elementary school, secondary school or LEA) shall deny equal access or a fair opportunity to meet, or discriminate against any group affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group that requests to conduct a meeting within the covered entity's designated open forum or limited public forum.

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1. A designated open forum exists when the school designates a time and place for one or more outside youth community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.
2. A limited public forum exists when the school allows one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.
  - b) No covered entity shall deny access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the Title 36 patriotic youth group.
  - c) Access to facilities and the ability to communicate using school-related means of communication must be provided to any group officially affiliated with the Boy Scouts of America or any other Title 36 patriotic youth group on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The statute applies regardless of the entity's authority to make decisions about the use of its own school facilities. However, no entity is required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

The obligation to comply with the Boy Scouts Act is not obviated or alleviated by any State or local law or other requirement.

20 United States Code (USC) Section 7905  
36 United States Code (USC) Subtitle II  
34 Code of Federal Regulations (CFR) Parts 75, 76 and 108  
Education Law Section 414

NOTE: Refer also to Policies #3281 -- Short Term Use of School Space and Facilities  
#3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
#7410 -- Extracurricular Activities  
*District Code of Conduct on School Property*

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