

**Peekskill Use of School Facilities**

The Peekskill City School District is an institution of higher learning and will always be committed to providing the highest quality education for the community it serves. Our primary mission is to educate students in a caring, inspiring environment characterized by a spirit of excellence and high expectations. Although our buildings and grounds are primarily maintained 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.

The Peekskill City School District will always promote health, fitness, wellness and recreation. Anyone wanting to use a facility in the Peekskill City School District will be required to follow all rules and regulations set forth by the Board of Education and the Peekskill City School District.

In order for the District to cover the costs associated with making school facilities available to the community, a usage fee will be charged to every organization using the facility. The fee will be used to off-set the increased utility and operating costs. Also to ensure that the Peekskill City School District continues to provide a safe and secure environment for all, all users will be required to have at least one trained security person and a custodian present every time the building is open.

Finally, it is hoped that all Peekskill City residents will have the opportunity to utilize and enjoy the wonderful school facilities available in the Peekskill City School District.

### Eligible Organizations

Recognized community organizations shall be permitted to use school facilities for educational, recreational and/or charitable purposes, as long as such meeting or event is nonexclusive and open to the public.

The District does not discriminate on the basis of race, color, national origin, disability, marital status, sexual orientation or gender in its educational programs, other programs or employment services.

### I - Permitted Uses

District facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy. See also Public Use of School Facilities Fees Regulation 1500-R

- A. Instruction in any branch of education and 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 entertainment, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive 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. Polling places for holding primaries and elections, and for the registration of voters.
- F. Civic forums and community centers.
- G. Recreation, physical training and athletics, including competitive athletic contests of children attending public, private or nonprofit schools.
- H. Graduation exercises held by not-for-profit elementary and secondary schools provided that no religious service is performed.
- I. School Activity:
  - a) Requests for all after-school programs and events must be submitted to the Building Principal's office for approval and scheduling.
  - b) Scheduling in advance will ensure that the space requested is available and not given to outside groups.
  - c) Any other use outside the regular school week will be scheduled through the Building Principal and approved by the Superintendent of Schools or designee.
  - d) Activities and events require the sponsor/organizer to submit a Request for Use of Facilities application. An example of such an activity would be any activity that involves outside participants, requires the presence of a District employee beyond regular hours, or requires additional staff time for special arrangements and/or set-up (including security).
  - e) No students are allowed in a school building unless supervised and appropriate school personnel are on duty.
- J. School Personnel: Recognized collective bargaining units may use school facilities to conduct meetings as specified in the collective bargaining agreement(s).
- K. Non-School Personnel: Requests for the use of the school facilities by non-school organizations shall be forwarded, with the recommendation of the Building Principal, to the Superintendent of Schools or designee.

- L. Community Groups Eligible for Free Use: Certain community groups may be granted use of school facilities without charge, providing the facility is not already in use during the hours requested. However, the district requires that at least one security person be present whenever the building is in use. See section III –P. In situations where conflicts exist because of numerous requests, preference shall be given to those organizations whose events directly benefit the District’s school age children.

## II - Prohibited Uses

Any use not permitted by this policy and Section 414 of the Education law is prohibited. In addition, the following uses are specifically prohibited.

- A. Meetings sponsored by political organizations.
- B. Meetings, entertainment and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans’ organizations, volunteer fire fighters or volunteer ambulance workers.

## III - 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. The District reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the District’s educational programs.
- B. Applicants must be at least 21 years old.
- C. School requests and needs shall have priority over all others. All permits, even though granted, are subject to cancellation in the event of conflict with school activities or for any other reason deemed necessary by the Superintendent of Schools.
- D. The Board of Education or its representatives must have free access to all rooms at all times.
- E. Use of District facilities will be permitted only where the applicant agrees to pay the user fee according to the regulations and schedule adopted by the District. Use is further conditioned upon the applicant’s agreement to pay fees associated with the use of any additional services, equipment, or other expenses incurred as result of this utilization. Such expenses may include utilities; maintenance, custodial and security services; stagecraft, etc.
- F. Certain organizations located within the geographic limitations of the school District may be granted the use of facilities without charge, providing the District does not incur additional operating expenses in accordance with paragraph E above. In the event that additional expenses are incurred they must be borne solely by the requesting organization. However, these charges may be waived if said organizations are, by their very nature, an extension of the schools, for example, parent-teacher organizations. See 1500-R Public Use of School Facilities Fees Regulation.
- G. The District reserves the right to negotiate a special use rate separate from the rates in this policy for organizations seeking long term or continuous use. Special use rate agreement shall be approved by the Board of Education.

- H. The District retains the right to condition use upon an applicant depositing with the District a sum equal to the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. The District retains the right to waive user fees for groups that are associated with or sponsored by the District.
- I. Proper control and protection must be maintained to insure the safety and appropriate behavior of all participants and spectators. This calls for adequate crowd control, security protection and staff supervision as approved by the Building Principal or the Assistant Superintendent for Business. See paragraph P below.
- J. If admission charges are made, the organization will certify in writing at the time of application, that all proceeds will be used for identified educational or charitable purposes, and that none of the proceeds are to be applied for the benefit of a religious organization or a fraternal or secret organization/society.
- K. 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 E above. Only authorized personnel shall operate District equipment.
- L. Use of District facilities will only be permitted when the organization provides the District timely evidence of adequate insurance coverage in accordance with Appendix A of this policy and agrees 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. (SEE APPENDIX A)
- M. The Board reserves the right to deny use of District facilities described above or to terminate use of District facilities:
  - a) By an applicant who has previously misused or abused District facilities or property, or who has violated this policy;
  - b) For any use which 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 Constitution;
  - c) For any use which, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
  - d) For any use which the Board deems inconsistent with this policy;
  - e) 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;
  - f) In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
  - g) For any use prohibited by law.
- N. If work is to be done involving paid employees, it may be done only after filing a Certificate of Workmen's Compensation Insurance with the Business Office.
- O. The script for all plays or shows to be performed in school facilities or on school grounds must be presented to the Superintendent of Schools for approval upon request.
- P. A member of the District's custodial team and a trained security person must be in attendance during the use of the building and will be regarded as representatives of the Board of Education. This added cost will be the responsibility of the requestor. Organizations can opt to use their own security but he/she must be approved by the Board of Education. The

recommendation will be to have a Peekskill security person on site. However, those organizations that have a qualified security person will be allowed to utilize them during the event. (i.e. current or retired law enforcement officer, current school safety officer, NYS certified security guard, etc.).

- Q. All permits, even though granted, are subject to cancellation in the event of conflict with school activities, unexpected school closings, or for any other reason deemed necessary by the Superintendent of Schools.
- R. Use of Facilities Workshops will be established to train group leaders in dealing with emergency situations and to help them understand their responsibilities in relation to this application and building use. Upon completion of this course, trainees will receive a Certificate of Attendance, which is valid for three years. A copy of this certificate must be submitted each time a Use of Facilities application is filed. It is the responsibility of each group to insure that their leaders comply with these requirements.
- S. The Board of Education assumes no responsibility for property left on the premises by any organization.

#### IV – Rules and Regulation

- A. It is against NY State Law to smoke in school buildings or on school grounds at any time.
- B. There shall be no use, possession, sale or distribution of alcohol or controlled substances or of intoxicating beverages at any time in the school buildings or on school property.
- C. Nothing shall be sold, given, exhibited or displayed without permission of the Superintendent or designee.
- D. Only the facility and equipment approved in this application may be used.
- E. All persons must remain in their approved designated areas. No loitering is allowed. Anyone violating this rule will be considered an intruder and such intrusion could result in the agency's application being revoked for failing to secure the premises. The Criminal Trespassing Policy will be vigorously enforced.
- F. Use of offices, telephones, typewriters, and office equipment by the sponsoring organization is not permitted except in cases where specific arrangements have been made in advance with the Building Principal or his appointed agent.
- G. Minors must be under adult supervision at all times. The supervisor or the adult in charge of the activity must be present before anyone will be allowed in the area where the activity is to take place.
- H. Group leaders must be present during the activity and must remain with the activity until all participants have left the facility.
- I. The space used shall be vacated no later than one hour prior to the building's closing time, unless a specific exception is identified in the permit.
- J. The members of the organization are expected to respect the privacy and rights of the surrounding neighbors.
- K. The permitted space or field must be returned to its original condition and trash must be placed in the proper receptacles. It is the permit holder's responsibility to ask the custodian for additional receptacles and bags.
- L. Advertising is not permitted on school property. A copy of promotional material must be presented with the application.
- M. The physical plant shall not be altered in any way without permission of the Superintendent of Schools or his/her designee. Examples are:
  - a) attachment of screws, bolts, tape, etc., to walls, fixtures, floors, etc.;

- b) obstruction of any corridor, door or passageway;
- c) alteration or relocation of equipment or furniture; painting or decorations on walls, floors, ceilings, etc.

N. Auditoriums – all the requirements of this policy apply, including the following:

- a) Auditorium use is limited to drama productions, musicals, debates, concerts, lectures, panel discussions, school meetings or similar activities. They are not to be used as a center for pep rallies or affairs in which unusual noise or movement on the part of the audience is anticipated.
- b) Only authorized personnel shall operate stage, sound, and projection equipment. This includes lowering/raising the light battens. Nothing shall be hung from stage rigging unless approved by the Director of Facilities & Operations during the application process.
- c) Whenever the High School or Middle School auditorium used by outside organizations require changing of scenery or the operation of lighting apparatus, arrangements shall be made with the Principal of the school for trained members of the stage group to handle these operations. These additional services, as listed below, will be paid by the outside organization:
  - i. The Director of stage crew will be paid per contract. This includes total time before and after the performance as necessary.
  - ii. Stage crew – to be paid at minimum rate as established by contract. Nothing shall be attached to drapes.
- c) School District props, flats, etc. cannot be used by outside organizations without specific permission which must be obtained in advance. All stage props, flats, etc., must be provided by the outside organization.
- d) No food or liquid may be brought into the auditorium.

O. Gymnasiums – all the requirements of this policy apply, including:

- a) Regular gym shoes must be worn when sports or games are conducted on the gymnasium floors;
- b) Adding lines or markings on gym floor is not permitted;
- c) Gym equipment shall be used only by special permission of the Athletic Director or designee. Motorized equipment may only be operated by authorized District personnel. This includes partitions, doors, motorized backstops, batting cage, etc.

P. Kitchens/Cafeteria – all the requirements of this policy apply, including:

- a) Use of the kitchen must be approved by the contract food service vendor. Due to insurance requirements, any organization which desires to use any of the kitchen facilities or equipment will be charged for the employment of at least one member of the cafeteria staff. The selection of this person shall be under the direction of the food service manager and the rate of pay shall be at the prevailing wage or overtime rates. Payment for these services shall be made to the Business Office in advance.
- b) At least one representative of the applicant organization shall be responsible for the kitchen. That person's name, address, and telephone number must be listed on the application form.
- c) Use of the kitchen requires the permit holder to comply with all Department of Health regulations.

- d) All food stuffs and supplies must be provided by the applicant.
- e) The cafeteria/ kitchen must be left in the same condition as it was found prior to use.
  - i. Tables must be wiped, floors swept, garbage removed, and chairs and tables back in place.
  - ii. No refuse shall be left in the kitchen.

Q. Fields and Grounds – all the requirements of this policy apply, including;

- a) The following activities are prohibited:
  - i. Digging holes or erecting signs, goals, etc.;
  - ii. Adding lines or markings on fields or pavement;
  - iii. Use of fields during inclement weather or when ground is snow covered or wet;
  - iv. Barbeques or picnicking;
  - v. Vending;
  - vi. Playing loud music or using amplifiers and bull horns.

R. The permit holder is responsible for following all NYS Fire Code regulations. The established capacity of the facility can not be exceeded. All decorations must be of fire resistant materials. Hallways and exits will remain free and clear of furniture, appliances, extension cords, etc., and other encumbrances. If a fire alarm is sounded, the building must be immediately and completely vacated regardless of the activity. The Director of Facilities & Operations should be consulted if there is any uncertainty regarding these regulations.

S. The permit holder is responsible for ensuring that participants and guests use only designated parking spaces, and that fire lanes remain open and building access is free and clear. Handicap parking spaces must be respected.

T. Parking is permitted only for the period of time this permit is in effect.

U. All organizations shall be held responsible for the proper care and use of the facilities as outlined herein and shall be charged for any damage other than normal use.

V. In the event of school closing, it shall be the responsibility of the requestor to confirm the availability of the facility. It shall be the responsibility of the requestor to notify its members accordingly.

V - Application Procedure for Use of District Facilities

Request to Use the Facility application can be found on the Peekskill City School District web site; go to “Board of Education” link, scroll down to “Board Policies” , select, and then go to use of facilities link. Please make sure to print out the Use of Facilities form & fees sheet and fill it out entirely. Once the form is completed, it should be submitted to the building principal or can be faxed to the building. All requestors must include an e-mail address on the form in order to receive confirmation of whether the request has been approved or denied.

A. Requests must be made on the Request for Use of Facilities Form to the building Principal. This should be done at least three weeks prior to intended use. The use charges for the various facilities are on the form.

B. Usage and application fees are payable with applications. Usage fees will be returned or refunded if the application is denied. There is a \$25.00 non-refundable application fee for all applications. The District reserves the right to waive fees and deposits for District sponsored and related activities and events.

C. By submitting the Request for Use of Facilities form, the applicant agrees that they have read and understood all the terms of this policy.

- D. When the application is approved by the Superintendent of Schools or designee, the requestor will receive an e-mail confirming the approval. A hard copy of the approving e-mail must be retained as proof of permit for use, and be available for inspection at all times the permit is in force. The applicant must clearly and completely describe the intended use on the application. It should describe the type of activity, dates, hours, anticipated number of participants (adults & children), admission charge (if applicable), and any other pertinent information.
- E. 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's or organization's compliance with all Board policies and regulations and to use District facilities strictly in accordance with the use described in the application. The authorized agent or designee must be present at all times during the activity. The District must have the name and contact information for the authorized agent or designee.
- F. Applicants must agree to assume responsibility for any and all damages resulting from its use of District facilities. Proof of adequate insurance must be provided by the applicant at least 10 days before the date of the requested use. See section III-L.
- G. 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 Superintendent. Permits shall not be transferable.
- H. The Superintendent or designee is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason. (see III C)
- I. The District retains the right to give preference to groups and organizations which are associated with or sponsored by the District.
- J. Advertisement of the planned activity shall take place only after the approved application is returned to the applicant.
- K. The school must be notified of a cancellation before 12:00 PM of the school day preceding the activity to avoid unnecessary preparation and to free the facility for use by other organizations. For activities on Saturday and Sunday, cancellations must be received by 12:00 PM on the preceding Thursday, providing schools are in session. For the Administration Building or fields, notification must be given to the Director of Facilities & Operations. Leaving a voice message does not constitute notification. For the Administration Building or fields, notification must first be made to the building receptionist and also to the Director of Facilities and Operations. Failure to give advance notification may result in the forfeit of the deposit &/or revocation of the permit.
- L. The following items must be submitted with the Use of Facilities Request Form, if applicable:
- All parts of the original form;
  - \$25.00 non-refundable application fee. (Ref. Section V-C);
  - Deposit for additional fees. (Ref. Section III-E);
  - Insurance certificate (Ref. Section V-F);
  - Written certification identifying use of admission fees. (Ref. Section III-J);
  - Certificate of Attendance for Use of Facilities Workshop. (Ref. Section III-R);
  - Worker's Compensation Certificate. (Ref. Section III-N);
  - For performances script of play or show. (Ref. Section III-O);
  - Copy of advertising or promotional material. (Ref. Section IV-L)
  - Certification for security personnel (Ref. Section III-P)

V - Miscellaneous

- A. Members of the organization are expected to conduct themselves in a manner that is not offensive. This will include refraining from the use of foul language, being under the influence of any mind or mood altering substance or creating health hazards.
- B. Members of the organization are expected to respect the privacy and rights of the surrounding neighbors.
- C. Any damage to school District facilities will be promptly repaired at the user's expense. NO EXCEPTIONS.
- D. The emergency telephone number for police and fire is 911.

**FAILURE TO COMPLY WITH ANY OF THE CONDITIONS LISTED ABOVE MAY RESULT IN IMMEDIATE TERMINATION OF THE ACTIVITY BY THE BUILDING PRINCIPAL, SUPERINTENDENT OF SCHOOLS, OR THEIR DESIGNATED AGENTS.**

Ref: Education Law §414

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Adopted: March 16, 2010

**PUBLIC USE OF SCHOOL FACILITIES**

**INSURANCE AGREEMENT**

I. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the permittee hereby agrees to effectuate the naming of the District as an unrestricted additional insured on the permittee's insurance policies, with the exception of workers' compensation.

II. The policy naming the District as an additional insured shall:

- Be an insurance policy from an A.M. Best rated "secured" insurer, permitted to conduct business in New York State.
- Provide for 30 days notice of cancellation.
- State that the organization's coverage shall be primary coverage for the District, its Board, employees and volunteers.
- The District shall be listed as an additional insured by using endorsement CG 2026 or broader. The certificate must state that this endorsement is being used. If another endorsement is used, a copy shall be included with the certificate of insurance.

III. The permittee agrees to indemnify the District for any applicable deductibles.

IV. The insurance producer must indicate whether or not they are an agent for the companies providing the coverage.

V. Required Insurance:

- Commercial General Liability Insurance  
\$1,000,000 per occurrence/ \$2,000,000 aggregate.

VI. Permittee acknowledges that failure to obtain such insurance on behalf of the District constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the District. The permittee is to provide the District with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities.

VII. The District is a member/owner of the NY Schools Insurance Reciprocal (NYSIR). The user further acknowledges that the procurement of such insurance as required herein is intended to benefit not only the District but also the NYSIR, as the district's insurer.