

SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

School Buildings

The school buildings and grounds of the Churchville-Chili Central School District shall be used primarily for the education of the children and youth of the District. However, the school buildings and grounds may be used for any of the purposes listed below when not in use for School District purposes:

- A. In accordance with Section 414[1](a) of the Education Law, school buildings and grounds may be used for the purpose of instruction in any branch of education, learning or the arts. Such purpose shall be liberally construed and, in any event, the District shall not deny any application for such use on account of the instruction including a religious, political, moral or philosophical perspective nor on account of the objection of any person to the religious, political, moral or philosophical perspective of the instruction. Use for instruction in any branch of education, learning or the arts need not be open to the general public but may be limited to the members of the group conducting the instruction as each group may determine in their sole discretion. Instruction in any branch of education, learning or the arts shall include, but be limited to, the development of character and morals.
- B. For holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community, but only if such events satisfy the following standards:
 1. The event is open to the general public; and
 2. The event is sponsored by an organization whose membership consists primarily of citizens living within the District.
- C. For meetings, entertainments and occasions where admission fees are charged so long as the proceeds are to be used for an educational or charitable purpose, and so long as the events are not under the exclusive control of, and the proceeds of the event are not 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 organizations of veterans of the military, naval and marine services of the United States or organizations of volunteer firefighters or volunteer ambulance workers.
- D. To provide childcare services during non-school hours.

Groups or persons wishing to use the school buildings or grounds must secure written permission from the Superintendent of Schools and abide by the rules and regulations established for such use including those concerning use and payment for services, materials, and equipment. The Board of Education may request reports concerning the use of school buildings or grounds for non-school purposes.

(Continued)

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(Cont'd.)**

Materials and Equipment

Except when used in connection with uses under the provisions of Education Law Section 414 and this Policy, 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 is strictly prohibited.

Specific Requirements Relating to Boy Scouts and other Title 36 Patriotic Youth Groups

The Boy Scouts of America Equal Access 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). This includes the Churchville-Chili Central School District. The Act concerns the rights of 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 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.
 1. A designated open forum exists when the school designates a time and place for one or more outside youth or 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 a fair opportunity to meet, or discriminate, for reasons based on 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 any other benefit or service provided to any outside youth or community group, including 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.

(Continued)

**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT
(Cont'd.)**

Specific Requirements Relating to Boy Scouts and other Title 36 Patriotic Youth Groups (Cont'd.)

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.

The Churchville-Chili Central School District shall make all decisions concerning equal access on a nondiscriminatory basis.

Insurance

Any outside group or organization which uses part or all of any building or grounds owned by the District for activities sponsored by the person or group or organization shall have in effect public liability insurance coverage insuring its members in amounts and upon terms and conditions acceptable to the Board of Education. The Superintendent of Schools or his/her designee(s) shall advise each person or group or organization of this requirement prior to granting approval to utilize any building or grounds. No use shall commence unless the person or group or organization shall deliver to the District a certificate of insurance indicating that public liability insurance coverage is in effect including that the Churchville-Chili Central School District is named as an additional insured in the insurance policy. Approval of any application for use of a school building or grounds shall not be granted until the required certificate is provided.

Photography/Videography/Audio Recording

The decision to allow or forbid photographing or videoing or audio recording of any attendee of, or participant in or presenter at, any event or activity conducted under the authority of this Policy shall rest solely with the group conducting the event or activity. Any individual violating the group's policy on photography or videography or audio recording shall be subject to immediate removal from school property. The failure to vacate the premises upon direction of the presiding officer or responsible person of the group for violation of its policy on photography or videography or audio recording may be reported to the Superintendent of Schools or Building Principal; and the Superintendent of Schools or Building Principal may request the assistance of law enforcement to effect the removal.

Assumption of Liability by User

The District shall not be liable for damage to or loss of equipment or supplies stored in school buildings or on school grounds by persons or groups or organizations using a school building or school grounds. Such storage shall be limited to the duration of the event sponsored by the person or group or organization. Only areas for storage designated by the Superintendent of Schools and/or his/her designee shall be used.

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Community Relations

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(Cont'd.)**

The sponsoring person or group or organization shall be responsible for damage to District equipment and facilities. Assessment of the damage shall be made by the Superintendent of Schools or his/her designee(s) and charges imposed on the user.

New York Education Law Section 414
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

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#5640 -- Smoking/Tobacco Use
#7310 -- School Conduct and Discipline
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)
#7410 -- Extracurricular Activities
District Code of Conduct on School Property

Adopted: 7/10/2001
Revised: 10/14/2004, 6/13/2006, 7/14/2009, 8/25/2015