

PARTICIPATION BY THE PUBLIC

3280 USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

School Facilities

It shall be the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities. This is meant to include use by recognized civic, social and fraternal and religious organizations in accordance with law. Groups wishing to use the school facilities must secure written permission from the Superintendent or his/her designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use. Such use will not interfere with school programs, including, but not limited to, regular day school, co-curricular, athletic, and continuing education, or be in conflict with New York State or Federal laws. The Superintendent, at his/her discretion, may consult with the Board of Education. Monthly reports may be made to the Board regarding community use of the school facilities.

Eligible Groups and Organizations

- a) The Board of Education reserves the right to determine which organizations will be permitted to use school facilities when they are not in use for school purposes.
- b) School facilities shall not be used by organizations with exclusionary membership criteria or for functions other than those open to the general public. However, in accordance with law, the District will not discriminate in its community use of school facilities against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code. Nor will the District deny such access or opportunity for reasons based on the membership or leadership criteria or oath of allegiance to God and country. However, such use must be in accordance with the District's community use of school facilities guidelines. (See subheading below "Specific Requirements Relating to Boy Scouts and Other Title 36 Patriotic Youth Groups.")
- c) Priority in the use of school facilities shall be given to those groups whose membership is composed in the majority of School District residents and which are located in the District. Groups with less than a majority of District residents may use school facilities provided community needs have been met.
- d) Permits for use of facilities may be revoked at the discretion of the Board of Education.

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.
 - 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.

Insurance Coverage

The Board of Education, under certain circumstances, will require the organization to show proof of public liability insurance protecting the District against bodily injury and property damage in the minimal amount of \$500,000.

Good Faith Deposit

Depending upon the business of the organization, facility use requested, and nature of the activity, a good faith deposit may be required.

Fees

Organizations other than school-related groups are subject to various user fees and/or service charges. Fees may be waived when, in the judgment of the Superintendent, the services or activities provided by the organization are judged to be beneficial to the Amherst Central School District, students and community.

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 is strictly prohibited.

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. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations.

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.

Policy References:

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 Sections 414 and 1709

Policy Cross References:

3410 - CODE OF CONDUCT ON SCHOOL PROPERTY

5640 - SMOKING/TOBACCO USE

7320 - ALCOHOL, TOBACCO, DRUGS AND OTHER SUBSTANCES (STUDENTS)

7410 - EXTRACURRICULAR ACTIVITIES

Adoption Date 3/8/11