

SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT

School Facilities

It ~~shall be~~ **is** the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities. This is meant to include **those uses permitted by New York State law**. Groups wishing to use the school facilities must secure written permission from the **Superintendent Board of Education or its designee** and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use. ~~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.~~

The District reserves the right to charge a fee for the use of its facilities in a manner consistent with law, and on terms specified in regulation or by agreement with such organizations.

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 loan of equipment and materials for public purposes that serve the welfare of the community is allowed, as long as the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations.

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 Board will also allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

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.~~

(Continued)

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

—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.

~~20 USC Section 7905~~

~~36 USC Subtitle II~~

~~34 CFR Parts 75, 76 and 108~~

Education Law Section 414

NY Constitution Article 8

NOTE: Refer also to Policies #3281 -- [Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups](#)

#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

Adoption Date