

## COMMUNITY USE OF SCHOOL FACILITIES

### I. Use of Questar III Facilities

Consistent with the Education Law, the Board of Cooperative Educational Services of Rensselaer, Columbia and Greene Counties desires to make the facilities of Questar III available for use by responsible and properly organized community groups for activities that are educational, social, cultural, recreational, or civic in nature. The Board therefore authorizes the use of Questar III facilities for the purposes set forth in Education Law, Section 414(1) and otherwise in accordance with law.

### II. Application for Use Required

Authorization for use of any Questar III facility may only be granted upon presentation of an appropriate application in accordance with this policy and administrative regulation. An application shall be made in writing and must identify specific purpose of the proposed use. The District Superintendent, or his or her designee, may require any other information or documentation as may be necessary or desirable to protect Questar III facilities and property, including but not limited to:

- A. Name of the applicant.
- B. Constitution and by-laws of the organization.
- C. Names of organization's officers.
- D. Proof of insurance.

Approval to use a Questar III facility cannot be transferred or assigned to another person or entity. The District Superintendent, or his or her designee, may revoke approval to use a Questar III facility at any time.

### III. Disclaimer of Endorsement of User's Purposes

Questar III approval to use a Questar III facility shall not constitute Questar III approval, endorsement or support of the purposes or activities of the applicant.

#### IV. Fees Authorized

The District Superintendent or his designee may establish fees for the use of Questar III facilities. Fees for the use of facilities for not-for-profit purposes may reflect only actual costs related to preparing the facility, reimbursement of custodial or other personnel costs related to opening or keeping the building open for such use, or other actual costs. Fees for not-for-profits may be waived where it is determined that the proposed use of the facility will benefit Questar III programs or students.

#### V. Administrative Regulations Authorized

The District Superintendent shall develop and implement additional regulations or procedures for use of Questar III facilities in order to provide for the protection of Questar III property and the health and safety of those using the facilities.

ADOPTED: February 8, 2007

#### References:

New York State Constitution, Art. I, section 11; Art. VIII, section 1; Article XI, section 3  
Education Law, section 414

*Lamb's Chapel v. Center Moriches UFSD*, 508 U.S. 384 (1993)

*The Good News Club v. Milford CSD*, 533 U.S. 98 (2001)

## USE OF QUESTAR III FACILITIES REGULATIONS

### I. Request and Process for Approval

Any organization seeking approval to use a Questar III facility shall complete the Request to Use Questar III Facilities Agreement (Form 7-202) and submit the completed form to the Building Administrator. Requests must be approved by the Building Administrator, the Director of Health and Safety, and a Deputy Superintendent. Certificates of Insurance and Fees must be submitted to the Director of Health and Safety no less than thirty (30) days from such building use, unless impracticable, but **must be** received **prior to** use of the facility.

### II. Fees

The District Superintendent authorizes the Deputy Superintendent of Finance, in consultation with the Director of Health and Safety, to establish fees for the use of Questar III facilities. Fees for the use of facilities for not-for-profit purposes may reflect only actual costs related to preparing the facility, reimbursement of custodial or other personnel costs related to opening or keeping the building open for such use, or other actual costs. Fees for not-for-profits may be waived where it is determined that the proposed use of the facility will benefit Questar III programs or students. Waivers of fees will be approved by the Director of Health and Safety and the Deputy Superintendent of Finance.

The following Fee Schedule will apply until otherwise modified in accordance with these Regulations:

Half day - \$240.00

Full day - \$480.00

**REQUEST TO USE QUESTAR III FACILITIES  
AGREEMENT**

The following organization is requesting permission to use Questar III facilities, as described below, and, by signing this request, agrees as follows:

- 1. Name and address of organization seeking to use Questar III facilities:

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- 2. The name, address, telephone number and title of the organization's contact person:

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- 3. The name(s) and title(s) of the persons(s) who will be supervising or otherwise responsible for the activities of the organization seeking use of Questar III facilities:

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- 4. A description of the purposes of the organization and its corporate status, if applicable:

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- 5. A description of the facilities for which permission is requested, including the time(s) and date(s) of proposed use:

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- 6. A description of the use or activities to be undertaken at the Questar III facilities:

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7. By signing this request, the requesting organization identified above understands and agrees to the following requirements relating to the use of Questar III facilities:

- The organization assumes full and complete responsibility for any and all damage to Questar III property as a result of the organization’s use of Questar III facilities, including any personal property therein;
- a. The organization agrees to provide, at least 30 days prior to such use of the facilities, a certificate of insurance, to be effective for at least the period of use of such facilities, showing Questar III as an additional insured against liability resulting from the organization’s use of Questar III facilities, and any personal property therein, as follows:

- i. **General Liability Insurance:** A policy or policies or Comprehensive General Liability Broad Form and including waiver of subrogation against Questar III BOCES. Such policy or policies to have limits of not less than:

Liability For:	Each Occurrence	Aggregate
Property Damage	\$1,000,000	\$2,000,000
Bodily Injury	\$1,000,000	\$2,000,000
Personal Injury	\$1,000,000	\$2,000,000

- ii. **Policy Umbrella Excess Coverage of \$5,000,000.** Coverage is to be excess of General Liability.

- The organization agrees to hold Questar III harmless from all liability resulting from the organization’s use of Questar III facilities, including including but not limited to personal injuries; The organization assures Questar III that the nature of the organization and its proposed use of the facilities conform in all respects with Education Law, section 414 relating to the uses of school property (including but not limited to, if the requesting organization is holding social, civic or recreational meetings or entertainment, these uses will be open to the public and, if admission fees are charged, the proceeds are to be expended for an educational or charitable purpose, and not to benefit certain described organizations, which include religious denominations and secret or fraternal organizations); and

