



## GENERAL REQUIREMENTS

The regular school program and approved school activities have preemptive use of school facilities at all times;

District affiliated organizations as recognized under Policy 3260 (advisory committees) have priority for use over other community organizations and may use the facility free of charge;

**Non-district affiliated, not-for-profit organizations** whose membership is made up primarily of district residents may use the school facilities only when it does not interfere with school operations. **Preference will be given to community organizations serving youth.** All additional expenses incurred by the District for such use shall be charged to the organization (see facility use fee schedule).

Not-for-profit organizations using school facilities for public sales or charging admission may do so only when school is not in session; the event is a benefit to the general welfare of the community and the proceeds derived therefrom are to be expended for an educational or charitable purpose.

Facility use for the purpose of instruction in any branch of higher education may be permitted for a fee (see facility use fee schedule) or, in lieu of a fee, reciprocal use of facilities, at the discretion of the Superintendent of Schools.

**The use of school district property for private commercial purposes is prohibited unless the private benefit is “incidental” to a public educational or school purpose.**

All organizations must comply with all applicable federal, state and local laws. In addition, the District expects all organizations to:

1. Assure the protection of school property. **In accordance with this requirement, the District reserves the right to charge for supervisory staffing when deemed necessary.** This would be charged to the organization per the Facility Use Fee Schedule
2. Provide for the health and safety of all people involved in the activity
3. Payment for any damage or loss whether or not a fee has been charged.
4. Recognize that all approvals for the use of any school facility will be issued for specified hours, are nontransferable, and are restricted to the specified purposes for which issued
5. A chaperone must be 18 years of age and responsible in character
6. **As per New York State Law Smoking Is Not Permitted on School District Property**
7. Prior to the start of the event, an announcement must be made to your group regarding emergency evacuation procedures. For example, pointing out posted procedures, directions for exiting, how to respond to fire alarms, etc.



## **Facility Use Requirements**

**THE FOLLOWING REQUIREMENTS FOR USE OF THE SCHOOL FACILITIES ARE ESTABLISHED MANDATORY INSURANCE REQUIREMENTS ARE OUTLINED ON PAGE 3 & 4 - ALL NON-SCHOOL GROUPS MUST SUBMIT THE REQUIRED CERTIFICATE OF INSURANCE AND CG2026 FORM WITH THE FACILITIES USE FORM – THE DISTRICT MUST BE NAMED AS ADDITIONAL INSURED ON A PRIMARY AND NON-CONTRIBUTORY BASIS.**

A completed copy of the endorsements must be attached to the Certificate of Insurance to include General Liability, Auto Liability (where applicable) and Umbrella/Excess coverages.

**1.** Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the facility user hereby agrees to effectuate the naming of the District/BOCES as an Additional Insured on the facility user's insurance policies, except for workers' compensation and N.Y. State Disability insurance.

**2.** The policy naming the District/BOCES as an Additional Insured shall:

**a.** Be an insurance policy from an A.M. Best A- rated or better insurer, licensed to conduct business in New York State. A New York licensed and admitted insurer is strongly preferred.

**b.** State that the organization's coverage shall be primary and non-contributory coverage for the District/BOCES, its Board, employees and volunteers including a waiver of subrogation in favor of the District/BOCES for all coverages including workers compensation.

**c.** Additional insured status for General Liability coverages shall be provided by standard or other endorsements that extend coverage to the District/BOCES (CG 20 26) or equivalent. A completed copy of the endorsements must be attached to the Certificate of Insurance to include General Liability, Auto Liability (where applicable) and Umbrella/Excess coverages.

**3.** The facility user agrees to indemnify the District/BOCES for applicable deductibles and self-insured retentions.

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## **MINIMUM REQUIRED INSURANCE:**

4. The organization requesting to use District Facilities must provide the following:

a. **Commercial General Liability Insurance**

\$1,000,000 per Occurrence/ \$2,000,000 Aggregate, **with no exclusions for Athletic Participants**

\$2,000,000 Products and Completed Operations

\$1,000,000 Personal and Advertising Injury

\$100,000 Fire Damage

\$10,000 Medical Expense

b. **Automobile Liability (When an organization's vehicle is brought on site)**

\$1,000,000 combined single limit for owned, hired, borrowed and non-owned motor vehicles.

c. **Workers' Compensation and NYS Disability Insurance (For Organizations with Employees)**

Statutory Workers' Compensation (C-105.2 or U-26.3); and NYS Disability Insurance (DB-120.1) for all employees. Proof of coverage must be on the approved specific form, as required by the New York State Workers' Compensation Board. ACORD certificates are not acceptable. A person seeking an exemption must file a CE-200 Form with the state. The form can be completed and submitted directly to the WC Board online.

d. **Umbrella/Excess Insurance**

**General Use**

\$1 million each occurrence and aggregate. Umbrella/excess coverage shall be on a follow-form basis or provide broader coverage over the required general liability coverages.

**Organized Athletic Leagues**

\$3 million each occurrence and aggregate. Umbrella/excess coverage shall be on a follow-form basis or provide broader coverage over the required general liability coverages.

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## **Athletic/Recreational Camps**

\$5 million each occurrence and aggregate. Umbrella/excess coverage shall be on a follow-form basis or provide broader coverage over the required general liability coverages.

## **Carnivals and Firework Displays, etc.**

\$10 million each occurrence and aggregate. Umbrella/excess coverage shall be on a follow-form basis or provide broader coverage over the required general liability coverages.

5. The facility user acknowledges that failure to obtain such insurance on behalf of the District/BOCES constitutes a material breach of contract and subjects it to liability for damages, indemnification, and all other legal remedies available to the District. The facility user is to provide the District/BOCES with a certificate of insurance, evidencing the above requirements have been met, prior to the event.

Failure of the District to object to the contents of the certificate or absence of the same shall not be deemed a waiver of any and all rights held by the District.

\*Insurance requirements are subject to change based on current NYSIR guidelines.

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## Required Documents

- Certification of insurance
- CG 20 26 Additional insured
- CG 20 01 Primary and noncontributory
- CG 24 04 Waiver of subrogation
- DB120.1 Workers comp or CE 200 Certificate of Attestation of Exemption

Please make sure that you are sending in all documents listed above.