



Regulation of the Chancellor

Number: **D-180**

Subject: **EXTENDED USE OF SCHOOL BUILDINGS**

Category: **PERSONNEL**

Issued: **July 22, 2021**

ADVISORY

Pending further review of the DOE's extended use policy, the Chancellor has waived enforcement of Section I.R of this regulation which prohibits permits from being granted for the purpose of holding religious worship services or otherwise using a school building as a house of worship.



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SUMMARY OF CHANGES

This replaces and supersedes Chancellor's Regulation D-180 dated March 24, 2010.

Changes:

- Adds that permits granted under this regulation do not confer DOE sponsorship on Users' events, programs, or activities. (Section I.C)
- Adds "birthday parties" to the examples of events which are personal in nature and strictly forbidden during the extended use of school buildings under this regulation. (Section I.E)
- Clarifies that extended-use permit holders that invite the public to a meeting or program in a school facility "must provide, at no cost to the DOE, disability-related reasonable accommodations as needed for individuals with disabilities to participate in the meeting or program." (Section I.S)
- Changes "guidelines and/or limitations" to "requirements" and cautions that failing to conform to those requirements may lead to revocation of the permit, denial of future permits, and other legal action. (Section II.L)
- Adds Section III, "Incident Reporting," regarding requirements for non-DOE Users to report all health, safety, and medical incidents including, but not limited to, criminal and non-criminal incidents.
- Relocates the two attachments to this regulation to a separate webpage.
- Updates "Integrated Service Centers (ISCs)" to "Borough/Citywide Offices (BCOs)," and adds "instructional" support to the description of BCOs in Definitions.
- Removes reference to the guide "Request for After School Security Coverage" and related content (Section VII.C).
- Removes "Children's First Network Schools," and adds the BCOs' contact information. (Section XV).
- Throughout, for ease of reference, moves hyperlinks to the text of the regulation.



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DEFINITIONS

Beacon Programs:

Programs funded by the NYC Department of Youth and Community Development (DYCD). Beacon Community Centers operate a minimum of six (6) days and 42 hours a week in the afternoons and evenings, on weekends, during school holidays and vacation periods, and during the summer. Myriad community programs are offered to students and residents free of charge.

Custodial Payroll System (CPS):

An online, automated system, which is used to calculate and process the cost of custodial services based upon the amount of space used, the nature of the space and day/time of usage.

Custodial Entity:

A school's Custodial Engineer/Building Manager or their designee(s).

Extended Use:

The use of a school building by the School, Outside Organizations and/or Community Based Organizations (CBOs), i.e., the "User," outside normal school hours and days when school is not in session (mornings prior to the start of classes or a recognized breakfast program, late afternoons, evenings, weekends and holidays) consistent with this regulation.

Extended Use Permit:

A permit must be obtained to reserve space for activities occurring outside normal school hours and days when schools are not in session. The permit application can be accessed through the Extended Use web application by school personnel and completed online. The User must complete and sign the permit when applying for space to be reserved.

Extended Use Application Process:

An online system that allows Organizations/Users to formally request the use of a school building. See Processing and Completing the Extended Use Permit Application (available at <https://www.schools.nyc.gov/about-us/policies/chancellors-regulations/frequently-used-documents>) for additional details.

Borough/Citywide Offices (BCOs):

The sources of instructional and operational support for schools and programs in the DOE. Their focus is to align services and resources with instructional priorities and School-based need to support teaching and learning.

OST – Out of School Time:

Programs funded by the NYC Department of Youth and Community Development (DYCD). OST programs offer a range of activities for young people during the hours they are not in school, i.e., after school, weekends and holidays, and during up to twenty (20) days of school and summer vacations, to support their social, emotional, and academic development while providing a safe and supportive environment while their parents work.

Space Fees:

The cost for the Custodial Entity to prepare and clean the actual space required by a User to carry out the functions of its programs.

Space Sheet:

A form prepared by the School's Custodial Entity and validated by the User for the purpose of reporting the actual space and/or services used (sometimes referred to as the *Report of Authorized Space and Custodian Services Rendered Form*). This report is used to determine the actual contractual costs incurred for usage and to generate the appropriate custodial payments to cover the additional labor services, referencing the approved Permit Application. See Processing Space Sheets and Accounting for Custodial Fees (available at <https://www.schools.nyc.gov/about-us/policies/chancellors-regulations/frequently-used-documents>) for additional details.

User:

Any individual, Community Based Organization (CBO), or other group using a school building during extended use time.



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ABSTRACT

This regulation governs the extended use of school buildings. It establishes the procedures for organizations and individuals to follow in order to use NYC public school buildings outside normal school hours and on days when school is not in session, including weekends and holidays. It supersedes the Standard Operating Procedures chapter on this topic.

INTRODUCTION

The Department of Education (DOE) encourages the use of its public schools for purposes consistent with this Extended Use policy. School building principals, custodial engineers/building managers (Custodial Entity), the group, individual and/or organization wishing to use the school (the User), the Division of School Facilities (DSF), the Division of Financial Operations (DFO), and the Borough/Citywide Offices (BCOs) are the principal entities with key roles in the Extended Use process.

I. USE OF SCHOOL BUILDINGS

- A. The Extended Use of School Buildings is subject to this regulation, New York State Education Law § 414 and all other applicable federal, state and local laws.
- B. The primary use of a school's premises must be for DOE programs and activities. After DOE programs and activities, preference will be given to use of school premises for community, youth and adult group activities.
- C. Permits granted under this regulation do not confer DOE sponsorship on Users' events, programs, or activities.
- D. Responsible adults must be in attendance at all times when youth groups are using school premises.
- E. Events which are personal in nature (e.g., weddings, showers, engagement parties, birthday parties) are strictly forbidden.
- F. Permits may be granted for the purpose of instruction in any branch of education, learning, or the arts.
- G. Permits may be granted for civic forums and community centers in accordance with applicable law.
- H. Permits may be granted for recreation, physical training and athletics, including competitive athletic contests of children attending nonpublic, not-for-profit schools.

- I. Permits may be granted for holding social, civic, and recreational meetings and entertainment, and other uses pertaining to the welfare of the community. All such uses shall be non-exclusive and open to the general public.
- J. Permits may be granted for holding PTA/PA meetings. Such meetings must be non-exclusive and open to the general public, pursuant to New York State Education Law §414.
- K. Athletic fields, gymnasiums, auditoriums, swimming pools and other large areas shall not be scheduled in a way that creates an unreasonable restriction of use by others.
- L. "Take the Field"

Take the Field athletic fields are available free of charge to certain CBOs/Users that demonstrate a financial hardship. Outside usage must be consistent with DOE policies and procedures and must be allowed only when the field is not being utilized by the respective school. This arrangement applies only to the athletic field, not the use of any space within the confines of the school building. If the User wishes to use space within the building including, but not limited to, lavatories, if applicable, usage fees must be paid. Many refurbished fields under the "Take the Field" program have portable lavatories in the athletic field area.

Before a User applies for the athletic field and begins the permit process, it must first contact the "Take the Field" organization at 212-521-2232. A representative will guide the User through the process to determine if the organization/user is eligible to have the applicable fees waived.

- M. School premises may not be used for commercial purposes except for flea market operations authorized pursuant to Chancellor's Regulations A-650 (available at <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-650-flea-markets-english>).
- N. Permits may be granted for such other uses as may be authorized by law.
- O. Gambling is not permitted on school premises.
- P. The sale, use, consumption and/or possession of any alcoholic beverage in any school building by youth or adults are strictly prohibited.
- Q. The selling of refreshments on school premises is prohibited unless specifically approved on the permit.
- R. No permit shall be granted for the purpose of holding religious worship services, or otherwise using a school as a house of worship.
- S. No group or organization that invites members of the public to a meeting or program in a school facility may exclude persons on the basis of any impermissible discriminatory reason as set forth in Chancellor's Regulation A-830 (available at <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-830>). Accordingly, such groups or organizations must provide, at no cost to the DOE, disability-related reasonable accommodations as needed for individuals with

- disabilities to participate in the meeting or program. Such accommodations may include having an adult staff member who has completed a New York State Medication Administration Training (MAT) course approved or administered by the New York City Department of Health and Mental Hygiene (DOHMH) or the State Office of Children and Family Services administer medication to a student as permitted by law.
- T. Permits may be granted to religious clubs for students that are sponsored by outside organizations and otherwise satisfy the requirements of this regulation on the same basis that they are granted to other clubs for students that are sponsored by outside organizations.
 - U. Any User who obtains a permit to use a NYC public school building may not use the school premises as a mailing or business address.
 - V. The DOE, in light of the inherent risk of injury to participants, reserves the right in its sole discretion to decline permission for any event.
 - W. The Chancellor reserves the right to waive this regulation or any portion(s) thereof, that is not otherwise required by law, if he determines it to be in the best interests of the school system. Requests for waivers from the Chancellor shall be directed to the Deputy Chancellor for Infrastructure and Planning.

II. REVIEW AND APPROVAL OF PERMIT APPLICATION

- A. Every User must have an approved permit to use a school's premises (see the Procedures for Processing and Completing an Extended Use Application).
- B. The permit is required to be completed by each User wishing to use the school building during extended use time regardless of whether the User is paying the required space and/or security fees (if applicable) or not.
- C. In order to use the school building during times other than normal school hours or days when the school is not in session, a public charter school must submit a permit application.
- D. Principals are responsible for making the decision to approve or deny a permit application, based on a determination as to whether the space is available for use and the User has satisfied the requirements of this regulation. Principal approval is subject to review by the BCO and Central DOE.
- E. Before a Principal approves a permit for an outside organization to use a school building, a thorough check of the potential User should be made.
- F. No permit shall be considered approved unless it bears the approval of the User representative, Principal, Custodial Entity, and BCO (or their designees).
- G. Permits are not transferable. A User receiving a permit may not transfer any portion of the premises covered by the permit to another User.
- H. Permits cannot be extended beyond midnight unless special permission has been granted by the BCO.

- I. No Permit Application may be approved where the scheduled duration exceeds that for which payment is made. Renewal requires a new application. The longest permissible time period for a permit shall be twelve months, i.e., one fiscal year from July 1 through June 30. Permits may not cross fiscal years.
- J. A permit must be initiated at least 30 days prior to the scheduled event. If a permit is not used, the BCO or User must delete it, because such a permit will remain in the system until action is taken. This does not apply to construction vendors responsible for repairs and/or refurbishing to a school/site. Such construction vendors must file a permit to enter the building after school hours. Once authorized by the Principal and Custodial Entity, these permits with payment are submitted directly to the DSF.
- K. The User must agree to the following when signing an Extended Use Permit Application:
 - that the information provided on the Permit Application is complete and accurate to the best of the User's knowledge;
 - that rates are subject to change by DOE;
 - to observe all of the rules and regulations contained in this regulation and in the Permit Application;
 - to conform to all applicable laws and regulations governing the Extended Use of School Buildings;
 - to provide adequate supervision of the activity at all times;
 - to complete a User Organization Incident Report (available at <https://infohub.nyced.org/docs/default-source/default-document-library/user-organization-incident-report.pdf>) when safety/criminal incidents occur and return it to the Principal/designee and/or the School Safety Agent (SSA) if on duty; and
 - to save the DOE harmless from any claim, loss or damage by reason of any act on the part of the applicant, its members, officers, agents, or any person using the premises invitation or with permission of the User.
- L. Providing incorrect, incomplete, or misleading information on the Permit Application or the failure to conform to any of the requirements of this regulation, as well as any other applicable laws and regulations governing the use of school buildings and grounds, may lead to the revocation of the permit, the denial of future Permit Applications and other legal actions by the DOE.
- M. DOE may terminate any permit at any time when it is in the best interest of the DOE. Absent an emergency, a minimum of one week notice will be provided. In the event of termination, DOE shall refund a pro-rated portion of the permit amount.
- N. Appropriate number of restrooms must be included in every Permit Application. Where possible, separate restrooms should be made available for male/female adults and male/female children.

- O. If special services are required, the User must request approval for the provision of such services from the principal. The user is responsible for these additional costs. Examples of such services may include, but are not limited to the following:
- utilizing a certificate of fitness holder to operate air conditioning equipment when required;
 - having a trained and knowledgeable individual to operate stage equipment, including lighting, sound and stage sets.

III. INCIDENT REPORTING

- A. Non-DOE Users must immediately notify the Principal, and the School Safety Agent if one is on duty, of all health, safety, and medical incidents including, but not limited to, criminal and non-criminal incidents.
- B. Non-DOE Users must complete a User Incident Report (available at <https://infohub.nyced.org/docs/default-source/default-document-library/user-organization-incident-report.pdf>) and submit it to the Principal within one (1) school day after the incident. The Principal/designee must input the information about the incident into the Online Occurrence Reporting System (OORS).

IV. CARE OF SCHOOL PREMISES AND PROPERTY

- A. Users must exercise the utmost care in the use of school premises and property; make good any damage arising from the occupancy of any part of school premises; and save harmless the DOE from any claim, loss, or damage by reason of any act on the part of the permit holder, its members, officers, employees and agents, or any person using or coming upon the premises by invitation or with the permission of the permit holder.
- B. Classrooms and offices must be left in the same condition in which they were found. Displays, papers, etc. must not be disturbed. If desks are moved, they should be returned to the original location before vacating the room.
- C. Modification or alteration, whether permanent or temporary, to the physical plant systems (i.e., electrical, heating, ventilation, air conditioning (HVAC), plumbing, or architectural) is prohibited unless written approval from DSF is secured.
- D. The following shall apply regarding the use of signs, banners and posters:
1. Signs, banners, posters or other notices of the permitted activity shall not be posted on school property including, but not limited to, walls, gates, columns, doors, windows, floors, elevators, building exteriors, sidewalks, emergency telephones, light standards and trees, except that they may be posted to indoor or outdoor notice boards, display cases or in other locations designated by the Principal at the time of the activity, only for the purpose of identifying the room where the activity is held.
 2. Unless the activity is sponsored or supported by the school, the DOE, or New York City, the following disclaimer is required to be made by the User on all public

notices or any other material, including media or internet use, that mentions the school name or school address in connection with the activity to be held on school grounds, and on any signs posted inside or outside the school at the time of the activity.

“This activity is not sponsored or endorsed by the New York City Department of Education or the City of New York.”

3. The disclaimer must be clearly displayed in typeface of similar size as used in the public notice or materials. Use of the school name is restricted to identifying the location of the activity and may not create an impression of sponsorship or endorsement by the DOE, the school and/or school personnel.
4. Other considerations:
 - Approval of the school’s Principal must be obtained prior to the posting of any material.
 - The individual or organization responsible for disseminating the information shall be identified on all materials posted on school property.
 - Material posted on school property may not demean or expose any individuals or groups to ridicule.
 - Advertising related to private, commercial activities is not permitted on school property.

V. PASS-ALONG CONTRACTUAL COSTS/FEES FOR USING SCHOOL SPACE

- A. While the DOE imposes no excess charge (profit or overhead) on extended use of its schools, there are pass-along contractual costs (determined through a collective bargaining agreement between the DOE and Custodial Engineers Local 891), i.e., costs incurred in schools for custodial services when the use is outside of normal school hours on school days and anytime on weekends, holidays and when school is not in session. These costs may vary depending on several factors such as type of space required, time of day of usage, and number of days required. Extended use fees can be less costly if activities are planned during timeframes that minimize the use of additional labor (e.g., between 3:00 and 6:00 p.m. on school days, when there is no fee applied for usage.) Contractual costs for security services provided by school safety agents, generally after 4:00 p.m., are passed along to the Users at all schools.
- B. Except as otherwise provided in this regulation, fees for using school space are required to be paid with respect to use by all organizations and individuals, e.g., unions, Community Based Organizations (CBOs), other government entities, elected officials that conduct an allowable activity that shall not have been directly engaged by the school or the DOE, even if the activity involves students, staff, or parents from the school. The fee is applicable to schools managed by both custodial engineers and building managers. The DOE’s automated CPS system calculates the cost of custodial

services based upon the amount of space used, the nature of the space and day/time of usage.”

- C. No part of any fee shall directly or indirectly benefit or be deposited into an account which inures to the benefit of the Custodial Entity.
- D. Cancellation and Refunds

If cancellation of a scheduled school usage is necessary, the User must notify the BCO and respective school Custodial Entity of such cancellation at least one week in advance of the scheduled activity. The User could reschedule the event, which is the preferred alternative, or request a refund from the respective BCO. Failure to provide one week notice of cancellation will result in a 15% charge of the fee for the date when the activity was scheduled. In order for any refund to be issued, the payee must complete a W-9 Form which can be found at [https://a127-pip.nyc.gov/LoginExternal/Forms/Substitute W 9 Certification Form.pdf](https://a127-pip.nyc.gov/LoginExternal/Forms/Substitute_W_9_Certification_Form.pdf) and submit it to the Comptroller’s Office by fax or mail as indicated on the form. In addition, the school or BCO must enter the adjustments to the permit and forward a request for refund to DFO’s Bureau of Financial Management and Reporting for issuance.

VI. USE OF SPECIALIZED ROOMS AND EQUIPMENT

- A. Where services by DOE employees are required by this regulation, the User is responsible for all charges incurred. BCOs and respective schools will calculate the charges based on the current contractual per session pay rates for the concerned employee.
- B. When shop rooms, home economics rooms, or similar rooms with special equipment are required, licensed DOE staff must be assigned. A DOE teacher and/or Custodial Entity/designee must be used for the operation of school equipment such as stage lighting and audio/visual apparatus. Prior approval of the Principal must be obtained in writing, with a copy of the approval affixed to the Permit Application.
- C. Where kitchen equipment is to be used in the preparation of food, an Office of School Food employee must be assigned.
- D. For the use of swimming pools, one DOE-licensed swimming teacher or a licensed DOE teacher with current American Red Cross Water Safety Instructor’s Certification must be assigned for every 25 pool participants. All pool participants involved in non-instructional pool time activities (except for Scuba Diving instruction – see below) must have their heads and shoulders above the water at the shallow end of the pool. No more than 40 persons may utilize the pool at any one time. All applicable New York State Department of Health and DOHMH regulations regarding the use and operation of swimming pools must be adhered to at all times. Such regulations include but are not limited to the following:
 - All DOE swimming pools must have Level IIa aquatic supervision; and,

- Aquatic supervisory staff shall be at poolside providing direct supervision of pool participants. Aquatic supervisory staff on duty shall be engaged only in activities that involve direct supervision of pool participants.
- When instructional activities occur including, but not limited to, learn to swim programs, physical education classes and swim team activities, and the required supervisory staff provide the instruction, at least one additional staff member meeting at least Supervision Level III must be supplied for each aquatic supervisory staff member engaging in instructional activities.
- When a Supervision Level III staff member is used to assist a Supervision Level II staff member with direct supervision of pool participants during instruction, the Supervision Level III staff member must possess certification in aquatic injury prevention and emergency response as set forth in 10 N.Y.C.R.R. §6-1.31(c)(2).
- Each school's written pool policy safety plan must describe the duties, positioning at poolside, and interaction between the Supervision Level II and III staff members which ensures adequate bather supervision and emergency response.
- With each extended use Permit Application for swimming pool use, the applicant must submit photocopies of the above required certifications and photo identification of the supervisory staff members whom the applicant will use as required above. As supervisory personnel changes, the permit holder must provide updated copies of the above required certifications and photo identification. All supervisory staff must have photo identification cards on their persons while performing their duties at DOE swimming pools.
- Scuba Diving instructors must hold a license or certificate indicating special training. One instructor must be provided for every eight (8) pool participants engaging in Scuba Diving instruction.

VII. SECURITY

- A. All DOE sponsored events must have security provided by the New York Police Department School Safety Division (NYPDSSD).
- B. All non-DOE sponsored events must have adequate security to provide for the safety and well-being of the attendees at the function and the integrity of school property. Prior to approving a permit, the Principal must determine whether the proposed security is adequate for the nature of the activity. A Principal may determine that in circumstances where there is an increased security risk, the User must provide and pay for security by the NYPDSSD (e.g., where a large crowd is expected).
- C. Questions regarding security coverage should be addressed to either to the BCO or External Program Coordinators.

Please see Procedures for Processing and Completing an Extended Use Application (linked above) for details on how to process a request for SSA coverage and Processing Space

Sheets and Accounting for Custodial Fees (linked above) for details on how to pay for the required services.

VIII. INSURANCE

- A. The DOE has established mandatory insurance requirements for the following events and activities:

Summer Camps - See Section XIV.A

Carnivals – See Section XIV.B

Flea Markets – See Section XIV.C

Boxing, Wrestling and Martial Arts – See Section XIII.C

Contact Sports Instruction or Activities – See Section XIV.D

- B. The DOE may require that a User seeking a permit to conduct an activity or event other than that listed in VIII.A. above, maintain and pay all premiums on a Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence. Such policy shall list the DOE and the City of New York, including their respective officials and employees, as additional insureds. The organization applying for the permit must inform its insurance broker that such additional insured coverage is to comply with Insurance Services Office (ISO) Form CG 20 26, a standard insurance industry-wide form. Prior to and as a condition to any event, the User shall provide a certificate of insurance evidencing such insurance to the principal.

IX. FEES PAID BY THE CENTRAL DOE (AGAINST CENTRAL BUDGETARY ACCOUNTS)

- A. No fees should be charged to:

1. Reimbursable program or grants that directly provide full funding for Extended Use of school space.
2. Activities which are authorized by the school, conducted on behalf of the school or operated in partnership with the school. Such activities include, but are not necessarily limited to, the following:
 - Parent meetings or forums;
 - Activities connected with Open School Week or Parent/Teacher Conferences;
 - Public meeting of the Community/Citywide Education Councils;
 - Beacon Programs;
 - Out-of-School Time (OST) activities; and,
 - School clubs and other school-sponsored events.
3. PTAs/PAs are entitled to free use of school buildings, including school safety or security coverage for one hundred ten (110) hours per year outside of school hours. These hours apply twelve (12) months per year and are not transferable. If more than one PA is in a given school building, each is entitled

to the full one hundred ten (110) hours per year. See Chancellor's Regulation A-660 (available at <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-660-english>).

4. In rare situations, an extended use fee to an outside organization may be subsidized from the school's budget when the school's Principal authorizes the charge of these fees to their school budget for an activity that provides a direct educational service to students and parents of the concerned school and community by supplementing or complementing the existing curriculum at the school.
5. For extenuating circumstances, a request by the User to centrally fund the pass-through costs may be granted by the Executive Director of DFO at 65 Court Street, Room 1801, Brooklyn, NY 11201.

Before submitting this request, outside organizations should ensure that the following questions have been addressed:

- Is the User/organization a not-for-profit, § 501 (c)(3), entity?
- Can the activity be performed between the hours of 3:00 p.m. and 6:00 p.m.?
- Has the activity/organization been approved in writing by the Principal of the concerned school?
- Does the activity provide a direct educational service to students and parents of the concerned school and community by supplementing or complementing the existing curriculum at the school?
- Does the activity/organization provide an in-kind service, which is equal to or greater than the Extended Use costs/fees?
- Can the User provide historical precedents which will assist in evaluating its subsidy request?
- Can the User prove (providing financial statements and other supporting documentation) that paying the fee will result in severe financial hardship to that organization?

X. FIRE REGULATIONS

The number of tickets sold or the number of persons admitted must not exceed the capacity listed on the fire regulations for the area.

XI. FUND-RAISING/DONATIONS/ADMISSION FEE

A. The following applies if a User is charging admission (and/or has pre-sold tickets to an event), or is accepting or collecting money, or soliciting donations or conducting fund-raising activities of any kind (including, but not limited to, the sale of refreshments):

1. The net proceeds (revenues less actual production costs) must be expended

for the benefit of a charitable or educational purpose except that the proceeds may not be applied for the benefit of a society, association or organization of a religious sect or denomination, or a fraternal, secret or exclusive society or organization other than organizations of veterans of the military, naval and marine service of the United States and organizations of volunteer firefighters or volunteer ambulance workers.

2. The Permit Application must indicate the admission fee (if applicable); and the name of the organization designated as beneficiary of the proceeds resulting from admission fees, solicitations or donations.
3. The following must be attached to the Permit Application prior to final approval, and retained by the appropriate BCO:
 - A letter on official stationery from the charitable or educational organization that is to receive the proceeds stating that it approves of the fund-raising function and will use the proceeds for recognized charitable or educational purposes. The letter must be specific about the nature of these purposes (e.g., providing a Senior Citizens' Program);
 - A brief listing of expenditures and projected net proceeds by the user; and,
 - A § 501(c)(3) Tax Exempt Approval Form (for non-DOE organizations) from the organization which is to receive the proceeds.

XII. POLITICAL AND ELECTION ACTIVITIES (See Chancellor's Regulation D-130, available at <https://www.schools.nyc.gov/docs/default-source/default-document-library/d-130-4-29-2021-final-posted>, which sets forth the procedures which must be followed regarding the use of a school building for political purposes.)

- A. School buildings and other DOE facilities **may** be used for:
 1. Polling places for holding primaries, general elections and special elections for the registration of voters; and
 2. Conducting candidate forums, provided, **all** candidates are invited to participate. Permit applications for such forums must include a written representation that all candidates have been invited to participate. Once the permit, with the above written statement attached, has been approved by the school and the BCO, it must be submitted to the Office of Public Affairs, 52 Chambers Street, New York, NY 10007, 212-374-4947.
- B. School Buildings may **not** be used for conducting **political events**, activities or meetings, unless the purpose is for a candidate's forum as indicated above.
- C. The use of any school during extended hours by any person, group, organization, committee, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates, or political organization/committee is **prohibited** except as indicated in Section XII.A.2.
- D. No rallies, forums, programs, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates, or political organization/

committee may be held in a school building after school/business hours except as indicated in Section XII.A.2 above.

- E. No candidate for public office or elected official seeking re-election may use any DOE school building after school business hours during the 60 calendar days prior to a primary and/or general election, except if directly related to the elected official's public duties and responsibilities.

XIII. OTHER CONSIDERATIONS

- A. Those participating in athletic activities in the gymnasium must wear appropriate footwear and apparel.
- B. Tips shall not be solicited or accepted on school premises.
- C. CBOs and other User organizations wishing to conduct boxing, wrestling, or martial arts programs on school premises must meet the following criteria:
 - 1. The activity is sanctioned by a recognized organization established to conduct such events. As an example, Golden Glove Boxing is a nationally sanctioned event under the auspices of the U.S. Olympic Committee.
 - 2. The sponsoring organization for any boxing, wrestling or martial arts event shall maintain and pay all premiums on a Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence, and an excess or umbrella liability policy (or policies) with a limit of not less than \$5,000,000 per occurrence. All such policies shall list the DOE and the City of New York, including their respective officials and employees, as additional insureds with coverage at least as broad as provided by Insurance Services Office (ISO) Form CG 20 26. Prior to and as a condition to any event, the sponsoring organization shall provide a certificate of insurance evidencing such insurance to the principal.
 - 3. Sponsors understand and accept that they will pay for the full cost of security provided by DOE School Safety Officers (SSAs). The number of SSAs will be determined by the DOE School Security Office. Payment for the estimated cost of security must be paid in advance.
 - 4. The event may not be for-profit and all proceeds (i.e., admission fees, charges, etc.) must go to a recognizable charitable or educational organization as set forth in Section XI.
- D. The DOE, in light of the inherent risk of injury to participants, reserves the right in its sole discretion to decline permission for any event.
- E. The use of a school yard or other school property for parking privileges by outside organizations/Users is prohibited.

XIV. SUMMER DAY CAMPS, CARNIVALS, FAIRS, FLEA MARKETS AND CONTACT SPORTS INSTRUCTION/ACTIVITIES

- A. Summer Day Camps

The operation of Summer Day Camps is permitted as set forth below:

1. Camp operations must:
 - be not-for-profit;
 - be community oriented;
 - be open to all eligible children of the community; and,
 - maintain necessary insurance.
2. The User shall maintain and pay all premiums on a Commercial General Liability insurance policy with a limit of not less than \$1,000,000. per occurrence, and an excess or umbrella liability policy (or policies) with a limit of not less than \$5,000,000 per occurrence. All such policies shall list the DOE and the City of New York, including their respective officials and employees, as additional insureds with coverage at least as broad as provided by Insurance Services Office (ISO) Form CG 20 26. Prior to and as a condition to any event, the User shall provide a certificate of insurance evidencing such insurance to the principal.
3. The camp shall obtain and maintain all licenses, permits, etc., required by applicable laws and regulations for the operation of summer day camps.
4. The camp shall advise the parents or guardians of the campers by means of a written statement on all applications and/or registration forms that:
THE (Name of the Camp) IS NOT A PROGRAM OF, OR OTHERWISE SPONSORED BY, THE NEW YORK CITY DEPARTMENT OF EDUCATION.
5. The books and records of summer day camp operations shall be available for inspection and duplication by the Chancellor or his designee within five (5) days of written notification.

B. Carnivals and Fairs

Carnivals and fairs are permitted as set forth below:

1. The User shall maintain and pay all premiums on a Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence. Such policy shall list the DOE and the City of New York, including their respective officials and employees, as additional insureds with coverage at least as broad as provided by Insurance Services Office (ISO) Form CG 20 26. In the event the carnival or fair includes “rides,” “moonwalks” or other facilities provided by a commercial company, the User shall assure that such company maintains a Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence, and an excess or umbrella liability policy (or policies) with a limit of not less than \$5,000,000 per occurrence, naming the User, DOE and the City of New York as additional insureds with coverage at least as broad as provided by ISO Form CG 20 26. Prior to and as a condition to any event, the User shall provide certificate(s) of insurance evidencing such insurance to the principal.
2. Licenses/permits from the DOHMH (with respect to serving of food) and the Department of Consumer Affairs (with respect to rides) must be presented to

- the BCO at the time of application.
3. The User is responsible for ensuring that any equipment brought onto school property is erected in accordance with law and its design, and that full consideration has been given to equipment weight load, height and clearance limitations.
 4. No rides or equipment will be permitted that require the excavation or penetration of the ground surface to secure any such equipment or rides.
- c. Flea Markets (see Chancellor's Regulation A-650, available at <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-650-flea-markets-english>) which sets forth the conditions under which flea markets and certain other flea market-type programs may be initiated and conducted on DOE property).
1. Regardless of the flea market's duration, all monies raised as a result of a flea market operation must be for the primary purpose of raising funds to benefit the educational, social and cultural programs at the respective school.
 2. The Parent Association/PTA (sponsoring organization) must secure an Extended Use Permit approved by the Principal and Custodial Entity of the concerned school in order to use the school during extended hours. The permit process is the same for flea markets as it would be for any other User wishing to use DOE schools when they are not in session. Applicable opening and space fees for the event must be affixed to the approved permit and forwarded to the BCO which oversees the business operations of the school at which the event will be held.
 3. The user will be required to obtain adequate security to ensure the safety of those attending the flea market and the integrity of school property.
 4. The User shall maintain and pay all premiums on a Commercial General Liability Insurance Policy with a coverage limit not less than \$1,000,000 per occurrence and an excess or umbrella liability policy of not less than \$3,000,000 per occurrence. Such policies shall list the DOE and the City of New York, including their respective officials and employees, as additional insureds with coverage at least as broad as provided by Insurance Services Office (ISO) Form CG 20 26. Prior to and as a condition to any event, the User shall provide certificate(s) of insurance evidencing such insurance to the principal.
- D. Contact Sports Instruction or Activities
1. The sponsoring organization for any contact sports instruction or activities shall maintain and pay all premiums on a Commercial General Liability insurance policy with a limit of not less than \$1,000,000 per occurrence and an excess or umbrella liability policy of not less than \$3,000,000 per occurrence. Such policies shall list the DOE and the City of New York, including their respective officials and employees, as additional insureds with coverage at least as broad as provided by Insurance Services Office (ISO) Form CG 20 26. Prior to and as a condition to any

event, the User shall provide certificate(s) of insurance evidencing such insurance to the principal.

- E. The DOE reserves the right to require additional types, levels, or terms of insurance as it deems appropriate for any of the events or activities set forth in XIV.A.-D. above.

XV. INQUIRIES

Inquiries pertaining to this regulation should be addressed to the BCO that oversees the business operations of the concerned school. All paperwork pertaining to Extended Use Permits is handled by the BCO. Please click on the following link to access contact information for each of the BCOs:

<https://sites.google.com/a/strongschools.nyc/contacts/>.