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6/21/01
(Section 9 Revised
10/22/12)

USE OF SCHOOL BUILDINGS POLICY

Section 1 - Consistent with the First Amendment of the United States Constitution and the Anti-Aid Amendment of the Massachusetts Constitution, the School Committee shall allow the public to use school property subject to such reasonable time, place and manner regulations as the School Committee may establish provided such use does not interfere with the use of school property for school purposes and provided that such does not endanger the health, safety and welfare of the public.

Section 2 - Preference will be given to organizations connected with the schools or composed of pupils in the schools or of school age.

Section 3 - Subject to these Rules and Regulations, permission to use accommodations in school buildings for other purposes than the regular work of the school may be granted in behalf of the Committee by the Superintendent, except that the Superintendent shall refer to the Committee at its next meetings those requests which, in his judgment, should be acted on by the Committee. The Superintendent shall report at the next meeting of the School Committee those requests which have been granted or denied by him.

Section 4 - Permits for public or private functions shall be granted only for those purposes set out in Massachusetts General Laws, Chapter 71 Sec. 71 and which are deemed to be in the interest of the community.

Section 5 - When school buildings are used for meetings of Newton teachers, pupils or other persons connected with schools and are held on regular school days, there shall be no charge for light, heat, or custodial service and the custodian shall not be allowed any compensation on account of such occupancy, except that when such meetings are held in the evening, or not on a regular school day, there shall be an approved charge for custodial service if such service is necessary. The cost of such service for five regular evening meetings of each local Parent-Teacher Organization shall be borne by the Newton Public Schools.

Section 6 - Charges may be abated when, in the judgment of the Superintendent or

his/her designee, the purpose is of such significance as to warrant such abatement. In such cases, the expense of the necessary custodial service shall be borne by the Newton Public Schools.

Section 7 - When school property is used other than for school purposes, the School Committee shall be paid for such use at a rate set by the School Committee.

Section 8 - Smoking in school buildings and on school grounds is prohibited.

Section 9 - Consistent with current Massachusetts law Chapter 272, sec. 40a (see below), neither the sale nor the use of alcoholic beverages is permitted in school buildings or on school grounds. The law permits the School Committee to grant permission to public or non-profit organizations to possess and sell alcoholic beverages in a school building during non-school hours provided the organization is properly licensed under the provisions of M.G.L. c. 138, sec. 14.]

The School Committee will consider granting one-time requests from public or non-profit organizations that wish to serve alcohol at an event during non-school hours in school buildings or on school grounds.

Each applicant would be required on a case by case basis to obtain permission from the School Committee, approval of the Newton Police Chief, and a one-day permit from the Newton Board of Licensing Commissioners. Permission is contingent upon satisfying the School Committee's requirements, including compliance with school building policies, and that no minors will attend the event, unless accompanied in and out by an adult for a specific appearance related to the event.

All after-hours users will be responsible for a reasonable rental charge and all other costs related to any such after-hours use, including any liability incurred as a result of said use. Any user organization must sign an agreement absolving the City of Newton, its officials, officers and employees from all liability in connection with the proposed use, and show evidence itself of adequate liability insurance in the context of the use of alcohol at events in accordance with requirements of the Newton Board of Licensing Commissioners and/or the City Solicitor.

Any action inconsistent with this entire policy or any related procedure may be cause for a function to be closed down immediately.

This policy will be communicated to relevant groups, such as the Board of Aldermen, the PTOs, the Newton Schools Foundation, and the building principals to ensure compliance.

*MGL c272, sec.40A

Whoever gives, sells, delivers or has in his possession any alcoholic beverage, except for medicinal purposes, in any public school building, or on any premises used for public school purposes and under the charge of a school committee or other public board or Officer shall be punished by imprisonment for not more than thirty days or by a fine of not more than one hundred dollars, or both; provided, however, that a school committee of a city, town or district may authorize a public or nonprofit organization using a public school building with its permission during non-school hours to possess and sell alcoholic beverages therein provided such nonprofit organization is properly licensed under the provisions of section fourteen of chapter one hundred and thirty-eight.

Section 10 - At all meetings attended exclusively or in part by pupils of the schools under jurisdiction of the Committee, the principal of the school shall be responsible for the preservation of good order, and shall remain in charge until all the pupils have left the building.