

**Policy**

USE OF SCHOOL FACILITIES

The district facilities belong to the community, which paid for them for the primary purpose of offering a full educational program for its children. Prudent use and management of school facilities outside of the regular operating schedules--providing that such use does not interfere with the orderly conduct of a thorough and efficient system of education--allows the community to benefit more broadly from the use of its own property.

The board will permit the use of school facilities when such permission has been requested in writing and has been approved by the superintendent for:

- A. Uses and groups directly related to the school and the operations of the school;
- B. Uses and organizations indirectly related to the school;
- C. Departments or agencies of the municipal government;
- D. Other governmental agencies;
- E. Community organizations formed for charitable, civic or educational purposes.

The use of school facilities shall not be granted for the advantage of any commercial or profit-making organization, private social functions, or any purpose which is prohibited by law.

General Requirements

The school and facilities shall be made available to the public as freely as is consistent with state statutes and policies of the board of education. The buildings will not normally be available during holidays or vacations, or if the programs interfere with cleaning and maintenance schedules.

All groups and organizations must submit a completed application form to the school office for approval. If approved, a permit will be issued by the board for use of the facility.

Applicants for use permits must satisfy the superintendent that:

- A. They are responsible persons and officially represent responsible organizations:
- B. They will guarantee orderly behavior and will underwrite any damages due to their use of the premises:
- C. Their program is of a nature suitable for presentation in a public school:
- D. The proposed activity is lawful and in conformity with regulations of the board.

Responsibility for use of facilities and observance of regulations shall rest upon the applicants. Custodians or other designated representatives of the board of education, on duty in the schools at the time, are required to report all irregularities to the superintendent.

Inaccurate or untruthful statements made in application or violations of any district or state regulation may place the responsible persons or organizations or both on an ineligibility list. Subsequent applications of such ineligibles will be referred to the board of education, which will determine whether disqualification shall be temporary or permanent.

USE OF SCHOOL FACILITIES (continued)

The permit holder must agree to save and hold harmless the said public schools and must agree to assume responsibility for all liabilities arising incident to occupancy. A certificate of insurance coverage should be presented at the time of application for facilities use. Insurance coverage must be at least \$500,000.

Applications not covered by these policies will be referred to the board of education for action.

The use of school facilities shall not be granted for the advantage of any commercial or profit-making organization, private social functions, or any purpose which is prohibited by law.

In the event the superintendent deems it advisable, any application may be submitted to the board of education for action.

The superintendent or board of education may refuse to grant the use of a school building whenever in their judgment there is good reason why permission should be refused.

Authorization for use of school facilities shall not be considered as endorsement of or approval of the activity, person, group or organization nor the purposes they represent.

Special Requirements and Restriction on Use

The use of school facilities shall not be granted for the advantage of any commercial or profit-making organization, private social functions, of political organizations or any purpose, which is prohibited by law.

The board of education may refuse to grant the use of a school building whenever in their judgment there is good reason why permission should be refused. The board shall not be required to give a reason for such refusal.

Smoking is not permitted in any school facility. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy. No one may bring alcoholic beverages onto any school property. Intoxicating beverages and the use of illegal drugs are prohibited on all school properties at all times, and any person under the influence of alcohol and/or drugs shall not be permitted to remain thereon. All facility use shall comply with state and local fire, health, safety and police regulations. Responsibility for these controls rests upon the party signing the application.

The applicant must comply with the board of education policy 5141.8 Sports-Related Concussions and Head Injuries which can be found on the district's website. A signature on this application shall serve as a statement of compliance with policy 5141.8.

All meetings involving children must be supervised by responsible adults, the number of supervisors varying according to the number of participants. Adequate supervision and leadership must be provided throughout the period authorized for use. Recommended ratio is 1-15 or less.

Use of school facilities for games of chance or the use of any scheme or device, which encourages or suggests gambling or games of chance, is prohibited unless approved in advance by the superintendent and the board of education.

Use of school equipment in conjunction with the use of school facilities must be specifically requested in writing and may be granted by the procedure by which permission to use facilities is granted. The user of school equipment must accept liability for any damage to or loss of such equipment that occurs while it is in use. Where rules so specify, no item of equipment may be used, except by a qualified operator.

USE OF SCHOOL FACILITIES (continued)

Use of any materials on floors or other parts of the building without specific approval of the superintendent is strictly prohibited.

Organizations and groups using the building or facilities without charge must set up and restore, if moved, all furniture and equipment and leave them clean.

Any decorations shall be erected in a manner that will not be destructive of school property, and such erection shall be in accordance with local and state fire marshal regulations and approved by the superintendent or designee on duty. All decorations shall be removed from the building before 8:00 A.M. on the day after the building has been used.

The permit holder shall assume responsibility for securing necessary police supervision, if so directed by the school administration.

The permit holder shall be fully responsible for all damage or loss of school property, including that belonging to students and employees, as well as his own property, occurring during the time the building is in use under the permit.

Permission for use of special or extra equipment must be included in the application. If such equipment is desired, it must be district owned and arrangements made at the time of application. Extra compensation must be paid for employees to operate or supervise special or extra equipment or transfer it from another building. No equipment is to be loaned or rented for use outside public school property. No district equipment shall be removed from the premises for use by non-district personnel.

Future school facility use will not be permitted if charges are not paid within 30 days after statement has been rendered.

Basis of Charges

Charges and rentals of school property shall be determined by the status of the requesting group with regard to the following classifications:

A. Class A – No Fee for Facilities

Class A uses shall be responsible for only custodial and/or cafeteria worker costs, and energy fees. Security costs will be charged if a non-school group. School sponsored programs, clubs, student or employee organizations, PTA groups, which have a direct affiliation with the school district or its municipality's recreational program are included in the Class A group. This also includes other public groups such as civic associations, garden clubs, youth, local agencies, etc., character-building organizations, not operating for profit.

B. Class B – Commercial Rental Rates

This classification includes closed political meetings and meetings called for commercial or semi-commercial purposes or group benefit and organized groups within the community dedicated to personal or private use for meetings or entertainment. This class must pay a facility usage fee plus custodial overtime. The board will set fees annually for both Class A and Class B groups.

Political Activity

As used in this section, "school property" shall mean a building or buildings used for school operations.

USE OF SCHOOL FACILITIES (continued)

Candidates for elective public office, holders of elected public office or their agent or representative are prohibited from soliciting campaign contributions on school property. No person shall make contributions, directly or indirectly, to or on behalf of any candidate for elective public office, or the candidate committee or joint candidates committee of any such candidate, while on school property.

This shall not apply to persons or groups reserving or renting school property for a nongovernmental purpose as a meeting location.

Any person in violation of this policy may be reported to the Election Law Enforcement Commission and liable to a penalty of not less than \$5000, for each violation.

Application Procedures

- A. Any individual group conforming to Class A of the preceding section which plans to use school property shall obtain a permit application form from the school and complete and return it no later than thirty days prior to the event. If the group is deemed to conform to Class A status and the requested facilities are available, the superintendent or designee will notify the group prior to the event. The superintendent or designee shall act as a central clearinghouse for reserving and checking dates. The board shall receive a report of all facility use at each regular meeting. Those groups refused Class A status may appeal in writing to the board of education through a letter to the superintendent;
- B. An application for a permit to use public school facilities by groups conforming to Class B status shall be filed and submitted to the office at least forty days prior to the date for which the building is to be used. The application shall include the time of the opening and closing of the event, the date and time of rehearsal, if any, and the materials, rooms and outside equipment, such as extra and special lighting to be used. The application shall contain the name, address and telephone number of the person in charge, who shall assume responsibility of the group, the purpose and scope of the activity and the number and description of the individuals to be involved. The board reserves the right to limit or deny the use of facilities if the board feels in its judgment there is good reason for refusal;
- C. The application shall then be submitted for board consideration at its next regular meeting. The superintendent or designee shall notify the group of the action of the board, with a statement of the fee to be paid if approval is granted. Full payment for the use of the building shall be made at the time of permit approval;
- D. In cases where use of the building or grounds is unforeseen or necessary between board meetings, the superintendent may grant approval upon a favorable response from the board's building and grounds committee. All other procedures outlined in this policy will remain in effect.

Fees

Annually, the board will set fees for the following:

- A. Gymnasium/multi-purpose room;
- B. Cafeteria;
- C. Classrooms;
- D. Custodian;

USE OF SCHOOL FACILITIES (continued)

- E. Cafeteria workers;
- F. Stage hands;
- G. Stage advisor;
- H. Security costs, when required, will be charged at the schools' security company's rate;
- I. Any group shall be responsible for any damage that is attributable to the group's negligence;
- J. No application is complete until the Permit page and pages 7 and 8 are filled out and signed by a representative of the group. Sunday or holiday usage requires that all fees be doubled.

Payment

Upon approval of the board for the use of school property a copy of the contract and a cover letter showing what fees need to be paid, and to whom, will be sent to the person in charge of the group:

- A. A check made payable to the board shall be paid for the rent at the time of the approval of the contract;
- B. Custodians/cafeteria workers/stage advisor will be paid through the board payroll account. The organization renting the facility will be billed for district personnel time;
- C. A check should be made for the student stagehands. Students will be paid directly by the renting organization;
- D. In the event of overtime usage, a bill will be sent to the group for extra rental or other fees.

Adopted: February 24, 1998  
 Revised: December 16, 2003, March 12, 2012  
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 Readopted:

Key Words

Use of School Facilities, Use of School Equipment, District Facilities, Facilities Equipment

**Legal References:** N.J.S.A. 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 19:44A-19.1 Solicitation on state owned property prohibited; certain circumstances  
N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act  
N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation  
 20 U.S.C.A. 4071 et. seq. Equal Access Act  
 GOALS 2000: Educate America Act (Pro Children Act of 1994), Pub. L. 103-227  
Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

USE OF SCHOOL FACILITIES (continued)

Resnick v. East Brunswick Twp. Bd. of Ed., 77 N.J. 88 (1978)

Boy Scouts of America v. Dale, 120 S. Ct. 2446 (2000)

Good News Club v. Milford Central School, 121 S. Ct. 2093 (2001)

**Possible**

**Cross References:** \*1230 School-connected organizations  
\*3514 Equipment  
\*3515 Smoking prohibition  
\*5131.1 Harassment, intimidation and bullying  
\*6145 Extracurricular activities

\*Indicates policy is included in the Critical Policy Reference Manual.