

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 chief school administrator 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 non-profit organizations formed for charitable, civic or educational purposes, which are defined as 501(c)3.

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 chief school administrator deems it advisable, any application may be submitted to the board of education for action.

The chief school administrator 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. The board shall not be required to give a reason for such refusal. Permission may be cancelled in order to accommodate school needs.

Smoking is prohibited at all times in any district building or on school grounds. No one may bring alcoholic beverages onto any school property. All facility use shall comply with state and local fire, health, safety and police regulations.

The board may limit the use of the district facilities during holidays, testing periods, vacation periods, or during the time school is not in session over the summer and/or when the programs interfere with cleaning and maintenance schedules.

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 district equipment on the premises by nonschool personnel is limited to the equipment that is an integral part of the facility being used, i.e., the stage lights and piano in the auditorium, the basketball baskets in the gym. No district equipment shall be removed from the premises for use by nondistrict personnel.

The board shall require that all users of school facilities comply with policies of this board and the rules and regulations of this district.

USE OF SCHOOL FACILITIES (continued)Insurance Requirements

The board (Licensor) shall require that all users of school facilities (Licensee) assume full responsibility for Bodily Injury and Property Damage incurred as a result of the acts or omissions of the Licensee, its members, agents, contractors, servants, employees, volunteers, licensees, or invitees. The Licensee must present an insurance certificate guaranteeing proper liability coverage of at least a Combined Single Limit of \$1,000,000 per occurrence/\$2,000,000 aggregate insuring the Licensee against any liability for bodily injury and property damage. The Licensor shall be named as an additional insured on such insurance policy. The Licensee must also include an additional insured endorsement via a CG 20100704 or equivalent. A copy of the necessary insurance policy must be presented to the Licensor, upon request, prior to the Licensee's use of the facilities.

If the Licensee is a "youth sports team organization," as that term is defined by N.J.S.A. 18A:40-41.5(b), the Licensee shall provide the Licensor with a statement of compliance with the Licensor's Policy No. 2431.4 "Concussion Testing and Return-to-Play" for the management of concussions and other head injuries. As defined in N.J.S.A. 18A:40-41.5(b) a "youth sports team organization" means one or more sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department.

If the Licensee is a "sports" organization the Licensee shall provide the Licensor with a copy of their Blanket Accident Policy, or an equivalent insurance certificate guaranteeing proper accident coverage for the participants.

Pursuant to N.J.S.A. 18A:40-41.5, the Licensor shall not be liable for the injury or death of a person due to the action or inaction of the Licensee or any of the Licensee's members, agents, contractors, servants, employees, volunteers, licensees, or invitees.

Service Charge/Fees

A service charge for hours worked by school and municipal employees will be levied on all groups using school facilities. Custodial service will be required for all occasions when buildings are used and may also be required for fields. A cafeteria employee will be required for use of the kitchens. Municipal police may be required at the discretion of the chief school administrator or his/her delegate. Other service, such as audio-visual operator or other school attendant may be requested.

In addition to the above fees, rental fees will be charged to all profit organizations and non-community and non-profit groups in accordance with the board-approved "Schedule of Fees for Facility Use" (1330 Regulation) attached.

Damages

The user of school facilities will assume full financial responsibility for any and all damage done to school property as a result of or during use.

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.

Unauthorized Use of School Grounds

The use of the schoolyards shall be subject to the following regulations:

- A. Profanity, picnicking, fires or any dangerous, unsightly or unsanitary practices are prohibited;
- B. The use of skateboards, roller skates and/or in-line skates is prohibited on school grounds;

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- C. No glass containers are permitted on any section of school grounds;
- D. Bicycles are to be stored in schoolyard bicycle racks;
- E. All unauthorized motor vehicles on school property are to be removed at the owner’s expense;
- F. All unauthorized persons shall vacate the premises at dusk. Violators shall be subject to arrest;
- G. Any unauthorized person who loiters on or about any school building or grounds, or who causes disturbances may be guilty of disorderly conduct and may be prosecuted according to law; and
- H. Any other violation of these provisions will be investigated and reported to the board by the police.

Political Activity

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

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.

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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. 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.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation  
 20 U.S.C.A. 4071 – 4074 – Equal Access Act

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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.

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  
\*6145 Extracurricular activities

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