



OXFORD TOWNSHIP BOARD OF EDUCATION

USE OF FACILITIES POLICY

POLICY AND REGULATION

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USE OF SCHOOL FACILITIES

The Oxford Township Board of Education believes the school facilities of this district should be made available for community purposes, provided that such use does not interfere with the educational and co-curricular programs of the school district. For the purpose of this policy, “school facilities” also includes school grounds.

The Board will permit the use of school facilities when such permission has been requested in writing, expressly via use of the Facility Use Application Form and has been approved by both the Chief School Administrator and the Business Office. The Board reserves the right to withdraw permission after it has been granted in the event circumstances change requiring such school facilities or school grounds will be needed for a school district purpose or due to a school closing due to weather or other emergency.

The Board shall require that all users of school facilities comply with policies of this Board and regulations of this district. Each user shall present evidence of the purchase of organizational insurance to the limit prescribed by such rules.

In the event the Chief School Administrator (CSA) deems it advisable, any application may be submitted to the Board Education for action.

The CSA 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. They are not are not required to give a reason for such refusal. Users granted access to the facility must abide by all Oxford Township Board of Education policies and regulations, all statutes governing the operation of the public schools of New Jersey and all New Jersey Department of Education regulations.

Use of facilities may be provided based on a fee schedule approved by the Board of Education.

In weighing competing requests for the use of school facilities, the Board will give priority to the following uses, in the descending order given:

Category I – Student organizations:

K-Kids Club, Student Council, OCS Theater, Archery, etc. will have the highest priority in the scheduling of the use of facilities. These organizations will not be charged nor will they need a certificate of insurance. The organization must be facilitated and run by a staff member. It is the responsibility of the person(s) representing the respective organization to submit a Request for Use of Facilities in a timely fashion. Any student organization sponsoring a fundraising activity and using the Oxford Central School facilities is required to bring 100% of the gross proceeds to the Business Office on the next work day following the event.

Category II – Community groups providing activities and/or services, including the OCS PTA, the Oxford Youth Association, OCS Education Foundation, the Girl Scouts and Boy Scouts must provide the appropriate and necessary insurance coverage. There will be a charge for weekend activities held here at the facilities. All other groups are category III.

Category III – Community groups providing activities and/or services for the students of the Oxford Central School constituent district may be provided the use of the district's facilities at a nominal cost. The majority of the group must be Oxford community members in order to qualify for this category. All appropriate insurance must be in place and on record in the Oxford Township School District Business Office. The fee schedule is outlined in Administrative Regulation #2.

The use of school facilities will not be granted for the advantage of any commercial or profit-making organization, partisan political activity, or any private social function.

The use of school facilities will not be granted for any purpose that is prohibited by law. Smoking is prohibited at all times in any district building or on school grounds. 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. All facility use shall comply with state and local fire, health, safety and police regulations.

Each user shall present evidence of the purchase of organizational liability insurance to the minimum as prescribed by Administrative Regulation #2. Each user shall inspect any facility or school grounds to be used prior to such use and shall notify a district representative of any existing safety or dangerous conditions. In the event such conditions exist, the district may cancel or modify the user's access to the school facility until such conditions are addressed. Users shall be financially liable for damage to the facilities and for proper chaperonage as required by the school administration.

Use of school equipment in conjunction with the use of school facilities must be specifically requested in writing in accordance with the Use of Facility Request Form. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use, regardless of any assignment of negligence. Where rules so specify, certain items of equipment may only be used by a qualified operator approved by the school district administration.

The Board shall approve annually a schedule of fees for the use of school facilities based upon the following guidelines:

1. The use of school facilities for activities directly related to student organizations or district operations shall be without cost to the user except that the user shall be responsible for any custodial costs incurred by the use and any fees charged by a law enforcement agency, emergency medical technicians, fire fighters, or other such necessary support agencies in connection with the use.

2. All other organizations or persons granted the use of school shall pay in advance the scheduled fee and the cost of any additional staff services required by the use.

The Chief School Administrator shall develop regulations for the use of school facilities; such regulations shall be distributed to every user of the facilities and every applicant for the use of school facilities. Permission to use school facilities shall be granted only to persons and organizations that agree to the terms of this Policy and Administrative Regulation #2, the requirements as outlined in the use of school facilities application, and in accordance with the terms outlined in the approval granted by the school district.

Political Activity

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 \$5,000.00, for each violation.

This policy will be reviewed annually by the Chief School Administrator and the Board of Education.

In light of current case law, the board should examine its procedures on the use of facilities to ensure that it is not practicing "viewpoint discrimination" in denying requests.

Date:

First Adoption: September 16, 1998

Review Date: July 17, 2008

Revision and Adoption: August 28, 2008

Review Date: December 20, 2011/ September 1, 2011

Revision and Adoption: October 27, 2011

Review Date: March 14, 2012

Revision and Adoption: April 26, 2012

Review Date: September 23 – October 11, 2016/ October 13, 2016

Revision and Adoption: November 17, 2016

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
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 19:44A-19.1	Solicitation on state owned property prohibited; certain circumstances
<u>N.J.S.A.</u> 26:3D-55 <u>et seq.</u>	<u>New Jersey Smoke-Free Air Act</u>
<u>N.J.A.C.</u> 6A:26-12.2(a)4	Policies and procedures for school facility operation
20 <u>U.S.C.A.</u> 4071 – 4074 –	<u>Equal Access Act</u> , ESSA
<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	
<u>Resnick v. East Brunswick Twp. Bd. Of Ed.</u> , 77 <u>N.J.</u> 88 (1978)	
<u>Boy Scouts of America v. Dale</u> , 120 <u>S. Ct.</u> 2446 (2000)	
<u>Good News Club v. Milford Central School</u> , 121 <u>S. Ct.</u> 2093 (2001)	

Possible Cross References:

1230	School-connected organizations
3514	Equipment
3515	Smoking prohibition
6145	Extracurricular activities
5131.1	Harassment, Intimidation, Bullying

Key Words

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

Administrative Regulation #2

USE OF SCHOOL FACILITIES

This regulation is governed by Policy 1330

Classification of Users

Organizations and individuals using school facilities will be classified as Category I, II, or III users as follows:

Category I

These users will be given priority for the use of school facilities over other users and may use school district facilities without payment of a use fee or charge for custodial and service (fuel, water, and electricity) costs. Class I users include the following organizations and individuals: All School clubs and activities

Category II

These users will be given priority for the use of school facilities over Class III users and may use school district facilities without payment of a use fee providing the use of the facilities is during school hours. No activity may **begin** after 8:30pm, Monday-Friday without the written permission of the Chief School Administrator. Class II groups will be charged custodial and service costs for approved weekend activities. Class II users include the following organizations and individuals: School affiliates, such as the PTA; Scout Organizations; Oxford Youth Association; and Oxford Township Municipal Government. Others may be approved as Category II users by the administration.

Category III

These users will be given lowest priority for the use of school facilities and may use school district facilities only on payment of a use fee and charges for custodial and service costs. Class III users include the following organizations and individuals: Other government agencies, community organizations, such as church groups and private for profit organizations.

No other organizations or individuals will be permitted to use school facilities.

Application Procedures:

Application must be made in writing and on the form supplied by the school district. The form is available in the office of the Oxford Central School and the OCS website, at www.oxfordcentral.org

Admin Regulation #2

Application for use of school facilities must be submitted to the Chief School Administrator not less than ten (10) working days before the date of the requested use. A use that requires the approval of the Board must be submitted not less than ten (10) working days prior to a regular Board meeting and not less than ten (10) working days before the date of the requested use.

The application must be signed by an adult representative of the requesting organization, who will be considered by the Board to be the agent of the organization.

The application must include all the facilities that the applicant wishes to use and all the dates and times of the requested use. Approval of any application is limited to the facilities, dates, and times expressly requested on the application. Approval does not include the privilege of additional rehearsal time or the use of rooms or buildings not expressly requested.

The application must include all the equipment and supplies that the applicant wishes to include in the use, pursuant to Policy 1330, Use of School Facilities.

Approval

The CSA or designee will review each application and check the school calendar to determine whether the facility requested is available at the date and time requested, that the facility has not been scheduled:

- a. For use in the instructional or co-curricular program,
- b. For maintenance, repair, or capital improvement, or
- c. For use by another organization.

If the facility is not available for use, the Chief School Administrator or Designate will inform the representative of the organization and may suggest alternative dates, times, or facilities.

If the facility is available for use and the applicant meets the standards set by Policy 1330 and this regulation, the CSA will note approval on the application form and will record the classification of the applicant organization and forward the application to the Business Office for referral to the Board for requests that may be approved only by the Board.

Standards for approval include the following limitations on use:

1. School facilities are available for use on weekdays, excluding school vacations.
2. School facilities may be available for use on Saturdays, Sundays, and public holidays depending on appropriate and adequate custodial coverage.
3. School facilities are available for use only during the hours of 3:10 p.m. and 9:00 p.m.

Admin Regulation #2

4. School facilities are not available for use during the school day or for any use that may interfere with the school district's educational or co-curricular programs.
5. The use of school facilities will generally not be granted for observances or celebrations that are essentially private in nature or for meetings of small groups that can conveniently convene in private homes.
6. In accordance with Policy 1330, the use of school facilities will not be granted for the advantage of any commercial or profit-making organization or partisan political activity, or any purpose that is prohibited by law.
7. The CSA will determine the classification (I, II, or III) of the applicant organization and the fees and costs, if any, to be charged for the use of the facility. This information will be provided on the application form.
8. In the event of a conflict between requesting organizations within the same class, the request received earlier by the district will be honored first.
9. A copy of each approved or disapproved application will be distributed to the representative who signed the application form.
10. The application form will include the rules governing the use of school facilities, and the representative's signature on the application will signify notice of those rules and the organization's agreement to be bound by those rules.
11. The Board reserves the right to deny an application and to withdraw permission to use school facilities after approval has been granted and after the use has commenced. Permission may specifically be withdrawn from any organization whose representative has willfully made misrepresentation on the application or whose members violate the rules established for the use of school facilities. Such withdrawal of permission may constitute grounds for denying a future application made by the organization.
12. Permission to use school facilities is not transferable.
13. The organization representative must inform the Business Office of any canceled use request as soon as he/she is aware of the cancellation. An organization's failure to inform the Business Office of a canceled use at least two (2) working days in advance of the scheduled time of the use may result in denial of future requests.
14. Permission to use a school facility is automatically withdrawn on a day when the facility is closed for inclement weather, work stoppage, or other emergency.

Insurance and Indemnification

The representative of an organization granted permission to use a school facility must assume responsibility for the orderly and careful use of the facility and must agree to assume liability for any damage or loss of property caused by the use or in the course of the use.

Admin Regulation #2

The organization and/or its representative will hold the Oxford Township Board of Education harmless from claims arising out of the permitted use of the school facility or during the user's occupancy. In addition, the user shall agree to save the Board harmless from liability for injury or damage to any person or property of any person who may be attending or participating in the function or activity for which permission has been granted. **The user shall furnish evidence of the purchase of liability insurance in the amount of \$1,000,000, naming Oxford Central School as additionally insured. There must also be \$2,000,000 aggregate coverage.**

The youth sports team organization must also provide a statement of compliance with the school district's Policy 5141.8 -- Sports-Related Concussions and Head Injury, which will be provided to the adult representative of the requesting organization with the application to use school facilities.

The youth sports team organization must also provide a statement of compliance with the Janet's Law mandate. Janet's Law requires that team coach or other designated adult present during the athletic event or team practice, be trained in CPR and the use of an AED.

For the purpose of this regulation, 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.

Rules for the Use of School Facilities

Users of school facilities will be bound by the law.

Users must comply strictly with all applicable statutes; municipal ordinances; and rules of the Board of Health, Fire Department, and Police Department regarding public assemblies.

The use must not exceed the established capacity of the facility used.

The use must not involve gambling or games of chance without proper NJ state licensure.

The use, possession, and/or distribution of alcohol and/or controlled dangerous substances is absolutely prohibited, in accordance with law and Policy 5131.6 Drug Policy.

Smoking is prohibited in accordance with Policy 3515, Smoking Prohibition. **Smoking is prohibited at all times in any district building or on school grounds. 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.**

Admin Regulation #2

Chewing tobacco is also specifically prohibited by this policy. 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.

School facilities cannot be used for any purpose prohibited by law or likely to result in rioting, disturbance of the peace, damage to property or for the purpose of defaming others.

Users of school facilities will respect Board property. The user will not damage, destroy, or deface school property. The facility shall be used with care and left in an orderly and neat condition.

The user must request in the application and receive permission to bring and use equipment, decorations, or materials to the school facility. No equipment, decorations, or materials may be nailed to floors, walls, windows, woodwork, curtains or fixtures or affixed to the same in any manner that defaces or damages school property or grounds.

Any equipment, scenery, decorations, or other material brought to the school facility and any debris caused by the use or remaining after the use must be promptly removed by the user. Any such materials left on school premises beyond the time period approved in the application may be removed by the Board at the user's expense. The Board assumes no liability for damage to or loss of materials brought to school facilities.

Users of the gymnasium for athletics must ensure that all participants wear rubber-soled footwear to prevent damage to floors. Special events, such as concerts, will be exempt. However, the user will be liable for any damage to the floor during the special event.

No school facility may be used for a purpose in conflict with the purpose for which the facility was designed.

Lighting equipment, ventilation systems, and thermostatic controls may be operated only by an employee of the district.

The user must request in the application and receive permission to serve and consume food and/or beverages on school premises. The service and consumption of food and/or beverages is strictly limited to the area for which permission is granted. The user may not consume food or beverages or use supplies purchased with public funds. If use of the kitchen is requested, the user will pay a fee for a school employee or Maschio's Food Service employee to supervise the kitchen area. If food and/or beverages are served, the user must clean all utensils, equipment, serving dishes, and the like and restore the facility to its proper condition.

No signs, posters, advertisements, or other displays may be placed in a school building without prior approval.

Admin Regulation #2

No school keys shall be issued to a user.

No animal(s) shall be allowed on school premises without prior approval. Service dogs are excluded from this clause.

An authorized school district staff member shall examine the school facilities and/or grounds after the use and will inform the user of any loss or damage that must be corrected.

Permission to use school facilities extends only to the facility requested. Users are not entitled to enter health offices, administrative offices, storage closets, or any other room to which permission to use has not been expressly granted. Users are not permitted to use district telephones, word processors, and office equipment.

No vehicles of any type shall be operated in any area that is not designed for such vehicles without prior permission.

Uses Must be Properly Supervised

A school custodian must be on duty during the entire time a use occurs. The custodian is present for the purpose of insuring the security and proper functioning of the facility and of enforcing these regulations. The custodian is paid by the Board and may not accept gratuities from users. If the custodian is needed to perform extra services as an accommodation to the user, the user may be charged an additional fee and the custodian will be compensated accordingly by the district.

The use of certain school facilities (such as kitchen and auditorium stage) require the services of school employees trained in the use of the facility. The user will be charged an additional fee and the school employee will be compensated accordingly by the district.

The user must assume full responsibility for the conduct of all participants in the use while they are in or about school buildings and grounds and must enforce these regulations. The user must provide an adequate number of persons to supervise participants in the activity. The district, depending on the activity, may require as a condition of approval, a certain number of chaperones, law enforcement officials, and/or a school district representative(s) to be present at the activity.

The user must, in consultation with the CSA or designee, anticipate the need for the assistance of police officers, fire fighters, and/or parking attendants. All such services must be arranged by the user and will be at the expense of the user. When a user refuses or fails to secure police, fire, and/or parking assistance after having been advised to do so by the CSA, the CSA may recommend that permission to use the facility be withdrawn.

Admin Regulation #2

Board members and school officials are entitled to full and free access to any part of the school premises during any use. No user may exclude a Board member or school official from a school facility for any reason.

If a participant is injured during the set-up or breakdown of the event, or during the event, the group is responsible to provide an accident report to the Chief School Administrator the next business day. Notification will also be made to the Chief School Administrator via email if someone is injured. This email notification will be completed as soon as possible.

Fee Schedule

Class I users will not be charged a fee or costs for the use of facilities, except that special charges for the specific services of school employees rendered pursuant to certain stipulations as outlined in previous text will be billed.

Class II users will not be charged a facility fee, but may be charged for the specific services of school employees rendered pursuant to certain stipulations, if any and for service costs of the use as follows: Hourly custodial overtime fees for Saturday and/or Sunday facility use.

Class III users will be required to pay a usage fee of \$25.00 per day for use of any part of the OCS facility, Monday – Friday. On Saturday and Sunday, pending approval from the Oxford Township Board of Education, a group requesting to use the facility will be charged \$150.00 for the first two hours of time and a \$50.00 an hour for each hour thereafter.

An itemized bill for the use of school facilities will be prepared based on the approved application form. The bill will be sent to the representative of the applicant organization in advance of the use and payment may be requested in advance of the use.

This regulation will be reviewed annually.

Date:

Review:

First Reading/Adoption

October 10-13, 2016, November 11, 2016

November 17, 2016