

### USE OF SCHOOL FACILITIES

The Board of Education believes that the school facilities of this district should be made available for community purposes, provided that such use does not interfere with the educational program of the schools.

#### A. General Conditions

1. All requests for use of school facilities by any group (other than school-sponsored activities and programs within each school are to be submitted to the Principal's office on the proper application form (available from the Board of Education Offices and as published on the Board of Education website), with all information supplied at least 14, but not more than 90, days prior to the event. Applications must describe, with specificity, the entity or group that will use the facility during the allotted time, and the specific nature and purpose of the use (e.g. Basketball practice). Applications for scheduling of field use for non-school sponsored sporting related activities shall be made directly to the Mountainside Board of Education, who shall maintain that calendar in coordination with the Mountainside Recreation Department.
2. Regular school activities will have priority for all space. All applications will be processed according to date of receipt of the application.
3. The granting of a permit for the use of one part of a building or grounds confers no privileges for the use of any facilities other than those stated in the permit. Specific to the use of fields, applicants must receive a separate approval from the Board of Education for use of the field lights. Approval for use of the fields does not constitute approval for use of the lights, and approval for use of the lights does not constitute approval for use of the fields. It does not include any other time or times for preparation or rehearsal unless specifically permitted.
4. A permit is not transferable. If the event is to be canceled, the applicant should notify the Principal's office at the earliest possible time in advance of the date reserved. Further, no reservations of time periods, shall be permitted without specific explanation and description of the specific users and uses, approval of which shall be at the reasonable discretion of the Board of Education.



5. Violation by a permit holder of any of the regulations governing the use of school buildings or grounds may be cause for the cancellation of all existing permits and the denial of any permits in the future.
6. Special permission must be obtained for decorating, installing scenery, moving furniture, etc. School pianos are not to be moved.
7. Use of school equipment shall be governed by Board policy and implementing regulations.
8. Organizations wishing to bring unusual equipment, materials, devices, and/or animals into school buildings or on school premises must request specific written authorization prior to use.
9. Scenery, decorations, or equipment provided by the holder of a permit must be removed from the school building promptly after the event so as not to interfere with school activities. If there is a delay, the removal will be made by the Board of Education at the expense of the holder of the permit.
10. A school custodian is required to be on duty during the hours of use of any school facility. Evening affairs are to be terminated by 10:00 p.m. unless special arrangements have been made in advance. No school building shall be open after 11:00 p.m. Departure time after the program should be included in use hours applied for. Officers or other duly authorized adult supervision of the permit holder must be present at the school facility or field, at all times during its permitted use, or use may be denied or suspended at the Board of Education discretion.
11. Smoking anywhere within school buildings or on school property is positively prohibited.
12. No alcoholic beverages will be permitted on the premises or on school property at any time. Any violation of this rule by any organization will be cause for immediate termination of any use or access, and may prohibit future use.
13. The Board of Education and its authorized representatives shall have full and free access to the premises at all times.



14. School facilities may be available for use by rental groups on the following designated holidays subject to the availability of custodial personnel with a Black Seal License and otherwise at the discretion of and subject to such additional conditions as may be imposed by, the Board of Education: Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Presidents' Recess, Good Friday, Easter Sunday, and Memorial Day.
15. If the application is approved, the person and/or organization responsible will assume responsibility for orderly and careful use of the school facilities. It is agreed that the applicants assume liability for damage or loss of property that may accrue. It is understood that the applicants will hold the Board of Education harmless from claims arising out of the use of the school buildings or grounds for the function being sponsored on the specified date or dates. The sponsoring group shall be required to furnish a bond or certificate of insurance to indemnify the group and the Board of Education against any and all suits for injury or loss sustained by attendance at the function.
16. At least seven days prior to the school use, the applicant should review the use requirements with the Principal.
17. The use of kitchens and kitchen equipment must be on the building use permit. Foodservice personnel must be onsite for the event. They will be paid at their hourly rate.
18. Tipping of custodians or other school personnel is not permitted.
19. Any desired simultaneous use of school facilities or property by multiple organizations (such as for tournaments hosted by a Mountainside organization) must be fully explained on the subject use application, identifying with specificity, the participant organizations, and requiring each such participant organization to comply with the application requirements and submissions, including without limitation, submission of requisite insurance certificates. Further, the host organization must also submit written notification to the Mountainside Police Department, for coordination of access, traffic and parking needs.

B. Limitations of Use



1. Since the Board of Education is charged by law with the responsibility of school facilities, it must reserve the final right to deny the use of school facilities when the Board deems it necessary in the public interest.
2. Sponsoring organizations will conduct orderly meetings, and such gatherings are not to incite others to disorder.
3. Sponsoring organizations will conduct meetings which are not abusive of other groups or individuals by reason of age, race, creed, color, national origin, ancestry, marital status, sex, affectational or sexual orientation.
4. No school facility, building, or grounds will be used for unlawful purposes.
5. Gambling, games of chance, raffles, and lotteries as prohibited by law are not permitted. Gymnasiums will not be used for dances without special provisions and permission.
6. Use of the gymnasium requires proper footwear to prevent damage to the floors. No baseball batting practice is permitted in the gymnasiums. Unauthorized use of gym apparatus is strictly forbidden.
7. No school facility is to be used for any other purpose or in any other way than its designed use without expressed written permission.
8. School facilities shall not be used for parties or celebrations which are essentially private in nature. This exclusion includes birthdays, anniversaries, and other similar parties.
9. No programs of the official township recreation commission are to be held unless they are supervised with adequate numbers of recreation personnel. The township recreation officials and/or officers of recreational sport clubs will be responsible for the supervision and monitoring of their programs.
10. No signs, banners, pennants, placards, or similar items of advertisement are to be placed in the schools without the express consent of the Board of Education, and included expressly in the subject permit.
11. No ticket selling for any other event or the sale of merchandise or food is permitted without the written approval on the permit.



12. No group that limits membership in or attendance at its activities on the basis of age, race, creed, color, national origin, ancestry, marital status, sex, affectational or sexual orientation shall be allowed to use the school buildings or grounds.
13. Sunday use is discouraged and will be permitted only under special circumstances as determined in the sole discretion of the Board of Education.
14. Normal permitted use of a facility is not to exceed four hours from the time of entry to the building closing. Any additional time for setup, preparation, or extended exhibition hours will be charged at prevailing rates for extra personnel services and space uses. Custodial fees are included in the regular rental fee. Custodial services include opening and closing of the building, operation of room lights, heating of the building, operation of ventilation equipment, and normal cleanup. If custodians are expected to help load or unload equipment, prior approval will be required, and the use may be subject to additional charges.

### C. Special Conditions

All permits are subject to immediate cancellation if it is discovered that information given on an application is misrepresented. If the use of the facility is discovered to be contrary to any policies, rules, and regulations of the Board of Education, the permit is subject to immediate cancellation. Upon notice by a duly authorized agent of the Board, such activity is to cease and end. The Board of Education and its agents are to be held harmless of any expense or losses incurred by the sponsoring organization due to the required cessation of use of the facilities.

Any group or organization using a public school facility is responsible for any damage above normal wear and tear and shall be required to:

1. Provide an officer or other duly authorized adult representative of the applying group to be present with the permit at all times during the use of the facility. This representative is to make himself/herself known and present the permit to school personnel for verification if requested. He/she is to be responsible for the use of the facility.
2. Ensure with the school representative that:



- a. Exit doors are free from obstruction in the area being used;
- b. Exit lights are turned on;
- c. Locations of extinguishers are known;
- d. Fire, police, Board of Education regulations, and school rules and regulations are observed. Sign-off of attached regulations from the Fire Official is required.

#### D. Inspections

Under certain conditions, the revised Uniform Fire Code requires an inspection of school facilities for use by non-school organizations. The cost of such an inspection will be the responsibility of the sponsoring agency. Any fire inspection fees shall be in addition to charges listed below.

#### E. All Facility Use Priority Groups

1. Use of school facilities may be granted to organizations, with the following provisions:
  - Use of facilities is not to interfere with the school program.
  - Use of facilities will not create unreasonable additional supervisory or custodial requirements.
  - Facility Availability
    - When school is closed due to weather or other emergencies, the facilities are closed and not available for use.
    - On holidays or when school is not in session facility use is subject to the availability/schedule of custodians determined at the time of application.
    - Indoor use on weekdays and weekends during the months of July and August will be based upon facility and custodial availability determined at the time of application.
  - Organizations will provide sufficient supervision to restrict use to permitted areas and will reset facility for school use upon departure.



- No organization can transfer, assign, sublet or otherwise share their time to or with another organization, unless expressly and specifically identified on the application and approved permit, at the discretion of the Board of Education.
2. Prioritization between organizations shall be on a first come, first served basis with the approval date creating the prioritization status. Priority for use of the field is as follows:

Priority One – Board of Education and school related programs and activities (including P.T.O., Mountainside Education Foundation, teachers, associations, etc.), and Mountainside youth service related organizations including Boy Scouts, Girl Scouts, Brownies, Cub Scouts, 4-H, etc.).

Priority Two – Recreation Department programs and activities; other municipal agencies and municipal purposes.

Priority Three – The following non-profit organizations: Mountainside Softball and Baseball League and Mountainside PAL programs.

Priority Four – Other non-profit Mountainside organizations (which shall include, by way of example only, non-profit Mountainside sports programs, and non-profit sports programs combining Mountainside and other neighboring Town(s) enrollment in which is open to all Mountainside students) and Mountainside family gatherings.

Priority Five – Mountainside businesses, non-resident non-profit organizations.

Priority Six – Private, for profit organizations including sport camps, private ball clubs and teams.

- Set up/takedown/custodial assistance

Any and all set-up and takedown must be done under consultation of the custodian on duty. The district will provide a custodian to assist in set up and takedown of Priority 1 organization events if requested. Organizations must re-set the facility for school use upon departure.



Free use of school facilities on weekdays during the school year will be granted to all Priority One, Two, and Three groups or organizations. All other Priority groups shall be charged a fee for facility use according to the following schedule:

### 3. Fee Schedule

A fee schedule will be adopted by the Board on an annual basis. Priority Four, Five and Six users will be charged a fee for both indoor and outdoor use of facilities on weekdays, weekends, and any other permissible times that result in additional cost to the district (e.g. holidays). Also, Priority One through Three users whose program hours were not contemplated at the time of setting the custodial overtime budget will be charged a fee of \$50 per hour, with a two-hour minimum, for both indoor and outdoor use of facilities on weekends, holidays, and any other permissible times when school is not in session that results in a cost to the district over and above the monies budgeted for custodial overtime hours for such users. Indoor use includes, but is not limited to, gymnasiums, all-purpose rooms, cafeterias, classrooms, and library media centers. Outdoor use includes, but is not limited to, fields, tennis courts, and parking lots. The fee schedule will be as follows:

A \$250.00 refundable security deposit is required for Priorities 4 – 6 ten days before the first event.

- The following rates are per hour, with a minimum of one hour. Any fraction of an hour will be a minimum of an hour. For example, 1 hour and 25 minutes is 2 hours.

a. Indoor/Outdoor Use (Weekdays during the School Year While School Is in Session)

Priority Four - \$25/per hour

Priority Five - \$40/per hour

Priority Six - \$55/per hour

b. Indoor/Outdoor Use (Weekends during the School Year While School Is in Session)

Priority Four - \$50/hour, 2 hour minimum





Priority Five - \$75/hour, 2 hour minimum

Priority Six - \$100/hour, 3 hour minimum

### c. Payment of Fees

All hourly costs based on the anticipated use shall be paid to the Board of Education 10 days prior to the event or 10 days prior to the first event in cases of multiple events, and all additional costs incurred by the event will be paid within 10 days of billing. If the advance payment is not received, the use will not be permitted. A user whose fees are habitually paid late may be permanently barred from building use at the discretion of the Board of Education. Notwithstanding the foregoing, the Board of Education reserves the right to consider requests for modification of the fee structure where (i) the Board of Education determines that the proposed program or use does not directly fit into a specific Priority group or category in b above, and/or (ii) the Board of Education, after due consideration, determines that the proposed program or use will provide an important beneficial educational or other opportunity for the citizens and/or children of Mountainside, sufficient to justify mitigation or modification of the otherwise requisite fee as determined by the Board of Education on a case by case basis, in its sole discretion. No modification of any fees otherwise chargeable for a specific permitted use shall compel or be deemed to represent a waiver or commitment by the Board of Education to grant further or similar modifications for other or future uses.

### d. Cancellations and No Shows

- Priority 1-3 – Even though facility use is free, the district incurs additional custodial costs on weekends. We request that the school office be notified 3 days prior to the event for cancellations. No shows without prior notification will be billed for custodial costs.
- Priority 4-6 – We request all cancellations be made 3 days in advance for a full refund. Refunds will not be provided for no shows.

### F. Curfew and Restrictions on School Property



The Board of Education is charged with the proper maintenance, control, and management of school property. The following regulations have been implemented so that the Board can properly discharge its obligations:

1. All school grounds and buildings shall be closed to the public each night, beginning at 11:00 p.m. until 7:00 a.m. the following morning, prevailing time, and no persons shall be allowed on said grounds or in buildings except for school or other activities specifically authorized by the Board of Education or by authorized personnel in connection with their duties.
2. No motorized vehicles of any type shall be permitted on any portion of the property of the Board of Education other than roadways and parking areas, except as authorized by the Chief School Administrator.

### G. Lending of School Equipment

#### 1. Community

Community groups may borrow equipment on the written request of the user and approval granted by the Chief School Administrator. The user of the district-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use and shall be responsible for its safe return.

When equipment authorized for loan requires the services of an operator, the user may be required to employ the services of a person designated by the district and shall pay such costs as have been set for said hire.

2. Pupils who wish to borrow equipment which is related to the instructional program shall sign out such equipment through the responsible instructor. The parent(s) or legal guardian(s) must submit a written request to the Building Principal which acknowledges that the user has full operational knowledge of the equipment and accepts responsibility for its safe return.
3. Any staff member who wishes to borrow equipment as part of his/her job responsibility shall be permitted to do so provided such use does not interfere with the regular operation of the district. The teacher shall make the request by completing the appropriate request form and having it approved by the appropriate building administrator or supervisor who shall have the authority to sign out the equipment. Equipment so borrowed shall be the sole responsibility of the borrower.



H. Standard Insurance Requirements; Indemnification Clause; Corporate Documentation.

1. A Certificate of Insurance shall be supplied to the Mountainside Board of Education for use of their premises. Each certificate shall require not less than 10 days prior written notice before any termination or cancellation becomes effective. All said insurance shall contain a clause indemnifying and saving harmless the Mountainside Board of Education, its agents, servants, and employees from any and all liability of whatever nature arising out of this specific use of their premises. The Mountainside Board of Education shall be named as an additional insured under said policy of insurance.

2. The required insurance is set forth as follows, with the specific limits subject to modification by the Mountainside Board of Education:

Comprehensive General Liability - with a minimum Combined Single Limit of Liability per occurrence of \$1,000,000 for bodily injury, personal injury and property damage.

Worker's Compensation - Statutory - in compliance with the Compensation Law of the State of New Jersey.

Automobile Liability Insurance - with minimum Combined Single Limit of Liability per occurrence of \$1,000,000 for bodily injury and property damage, for all owned, hired, and non-owned vehicles.

3. Insurance certificates for group, multi-organization or tournament use of school premises shall require compliance with all obligations of this policy 7510 by all participant groups or organizations, including without limitation all insurance and indemnity obligations hereof.

4. All permitted users shall release, indemnify, and hold harmless, and defend (with counsel of the Board of Education's choosing) the Board of Education from and against any and all loss, claim, injury, damage, and liability, however arising from the access to and use of any school facility or premises, except as shall be proven, by a clear and convincing standard, to have been solely and directly due and caused by the gross negligence of the Board of Education.



5. Priority One through Priority Five applicant must provide together with submission of their permit application proof of good standing of the applicant corporate or business organization, together with proof of its then current 501(c)3 non-profit status, which status shall be maintained in good standing throughout the period or term or use of school facilities or premises in order for said organization to maintain its Priority status.
- I. Provision of Training on School Safety and Security
    1. The Board shall provide to all persons who supervise youth programs that are not sponsored by the school district, but operate a program in a district building before or after school hours, on the weekend, or during a period when school is not in session, information on the district's school practices and procedures in the event of a school safety or security incident at a school including non-confidential information on evacuation procedures, emergency response protocols, and emergency contact information in accordance with the provisions of N.J.S.A. 18A:41
    2. It shall be the responsibility of the organization that sponsors the youth program to train the program's employees and volunteers on the school security and emergency procedures in effect in the school building in which the youth program is located.
    3. The organization that sponsors the youth program shall file a statement of assurance with the Superintendent or designee that it has complied with the training requirements prior to the district authorizing the use of the school building.
      - a. The statement of assurance shall be developed by the Commissioner of Education and shall be filed with the school district on an annual basis.
    4. The school district shall provide a copy of Policy and Regulation 2431.4 – Prevention and Treatment of Sports-Related Concussions and Head Injuries to all youth sports team organizations that operate on school grounds or in school facilities.



# POLICY

## MOUNTAINSIDE BOARD OF EDUCATION

Property  
7510/Page 13 of 13  
USE OF SCHOOL FACILITIES

N.J.S.A. 18A:20-20; 18A:20-34; 18A:41-7

Adopted: 13 November 2007  
Revised: 22 September 2009  
Revised: 22 December 2009  
Revised: 29 June 2010  
Revised: 25 January 2011  
Revised: 24 February 2012  
Revised: 28 April 2015  
Revised: 22 March 2016  
Revised: 27 November 2018  
Revised: 24 August 2021

