



# THE NEWARK BOARD OF EDUCATION Newark, New Jersey POLICY



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## USE OF SCHOOL FACILITIES

The Newark Board of Education (“District”) understands that schools are a major part of the community and encourages the development of a sense of ownership by the community. The primary purpose of our schools is to offer a full educational program for our children. Prudent use and management of school facilities outside of the regular operating schedules, provided 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 schools. The District understands the value of the schools as being central to the neighborhoods in which they are located. We also understand that the District is responsible for the long-term preservation of the schools so that associated fees are intended to assist in that endeavor. Applications for facility use must be received twenty (20) business days before the start of the activity with appropriate proof of insurance along with a hold harmless statement as a prerequisite to being considered. The Board reserves the right to deny permits if they are not consistent with the above-mentioned goals and/or prohibit, rescind, modify, change or waive fees for the approved use of the facilities.

### Permit Procedure

The following steps must be followed in order to obtain a District permit for the use of school facilities:

- A. The request must be submitted by the requestor or third party to the Principal of the building for which use is being requested at least twenty (20) business days before the start of the activity.
- B. The Office of Facilities Management will issue a permit for use of the building only after the request has been reviewed and approved.

Requestors shall detail the exact location in the building where the event is to occur (e.g., auditorium, cafeteria, gymnasium), the purpose of the event, names of celebrities (if applicable), and estimated number of attendees and participants, since all schools must adhere to occupancy capacity limits as set forth for each respective school.

When deemed appropriate by the District, particularly in the case of high school dances and similar activities with a large number of attendees, the requesting entity may be required to undertake additional precautionary measures in order to secure the permit. For example, uniformed officers may be required to be present and visible; the Youth Gang Task Force should be notified of certain events; and all attendees may be required to pass through metal detectors at every point of entry. Also, the local police precinct is to be notified upon approval of the event.

The District shall require that all users of school facilities comply with the policies, rules and regulations of this District including the Code of Conduct. Each user shall present evidence of the purchase of organizational liability insurance to the limit prescribed by such rules.

Misuse and/or improper use of permits may jeopardize future use of the building and may result in administrative action against the building administrator and/or user.

The State District Superintendent may refuse to grant the use of a school building whenever in his/her

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judgment, the proposed use is not permitted by law and/or is not consistent with District policy or the previously mentioned District goals.

Allowable Uses

The District will permit the use of school facilities when such permission has been requested in writing and has been approved by the State District 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.

In the case of school-related events, attendees/guests should provide proper identification at the point of entry, as some events may be designated solely for students of the District.

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

The District reserves the right to charge users of its facilities for costs associated with security or custodial services. The charges will include a facilities usage fee.

The user of school facilities must accept full responsibility for any damage to or loss of property resulting from the use.

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 buildings shall not be available for community use during holidays, vacation periods, or during the time school is not in session during the summer 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 using the same 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 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 non-school 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, etc.). No District equipment shall be removed from the premises for use by non-District personnel.

Authorization for use of school facilities shall not be considered an endorsement of or approval of the activity, person, group or organization.

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Adopted by State District Superintendent: March 24, 2009  
 NJSBA Review/Update: November 2010  
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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  
 GOALS 2000: Educate America Act (Pro Children Act of 1994), Pub. L. 103-227  
No Child Left Behind Act of 2001, Pub. L. 107-110, 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  
 \*4119.23 Possession of Use of Drugs/Alcohol prohibited; Gambling, Smoking, Possession of Firearm Prohibited  
 \*5136 Fund-Raising Activities  
 \*6145 Extracurricular activities

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