REGULATION: 1330-R USE OF SCHOOL FACILITIES

The Hoboken Board of Education assumes no liability for the user and assumes no liability for the damage to the property of the user. Each user shall accept responsibility for the facility and any participants at the user’s event. Promotional materials for the event, including but not limited to posters, flyers, signs and other forms of advertising must state that the event is not sponsored by the Board. All outside users must provide evidence of general liability insurance coverage with a minimum of $2,000,000 per occurrence, which names the Hoboken Board of Education as an additional insured.

Each user of school facilities must secure a permit following district application procedures. The permit to use the facility is conditioned upon the good behavior of the user. If any rules or regulations are broken or property damaged through carelessness or neglect, future application for use may be rejected. The user will be responsible for preservation of order and shall be liable for any damages to or loss of property that may result from said use.

The Business Administrator and Facilities Committee shall not recommend the use of public school facilities when, in the exercise of reasonable judgment, there is a conclusion that the requested use is for personal monetary gain; likely to cause a material and substantial disruption or interference with the orderly operation of the School District or school activities; or for any purpose prohibited by law.

Application Process

All applications for a permit for the use of school facilities by outside persons or organizations must be submitted to the Business Administrator or his/her designee at least two weeks prior to the date on which the facility is to be used. The application shall be referred to the Facilities Committee which is composed of the Business Administrator, and certain members of the Board for review and recommendation to the Board of Education for formal approval. Thereafter, the Business Administrator shall include each facilities request and the ultimate recommendation of the committee in a report to the Board of Education.

In all cases permission may be granted only on the following conditions:

1. The building principal responsible for the requested facility has determined the requested use is not in conflict with the use of the facility for school purposes.

2. The applicant will provide a certificate of general liability insurance coverage naming the Hoboken Board of Education as Additional Insured. The certificate must be filed with the Business Administrator one week prior to the scheduled date of use. Limits of insurance shall be written for not less than $2,000,000 per occurrence.

3. At least one responsible person shall sign the application in acknowledgement of assuming responsibility on behalf of user for any damage. At least one signatory shall be present for the duration of the use. At the end of the use a signatory shall sign off on the application noting any damage done by user.

4. One or more custodial employees of the Board must be present for the duration of the use, inspect the premises after use, and sign off a copy of the users’ application, noting any damage done by the user. This copy will be presented to the building principal or his/her designee by the custodian as the final report on the use. A copy of this form is attached to this policy and shall be utilized.

5. All fees for agencies using the facility shall be approved annually at a public meeting of the full Board. The Facilities committee is not authorized to change fees without approval by the Board.

6. No decorations, signs, advertising, or scenery shall be used on school property unless authorized by the Business Administrator or his/her designee and supervised by custodial employees. Such authorization may be obtained at the time of application by providing a description of such materials along with the application. No facility shall be approved for use without certification that all charges have been paid.

7. Payment for the use of the facility shall be made immediately upon Board approval and before the facility is utilized.

8. Promotional materials for the outside user’s event, including but not limited to posters, flyers, signs and
other forms of advertising, must state that the event is not sponsored by the Board of Education.

9. Use of any facilities shall be under such other conditions as the Board may direct.

**Conditions for Granting Use of the Facilities**

1. The use of any facility for school purposes shall have priority over any other request or permit. Permission to use the facilities is primarily restricted to enterprises sponsored by Hoboken organizations or adult citizens of Hoboken with priority given as follows: 1) school organizations and activities; 2) local non-profit organizations; 3) non-local non-profits; and 4) for profit outside agencies.

2. Only in exceptional cases, organizations or persons not resident of Hoboken will be granted a permit. Request for use of a facility by a pupil shall be through the pupil’s building principal.

3. Permission to use the facilities is predicated upon a permit issued and signed by the Business Administrator. The Board reserves the right to reject an application and to amend or to revoke any permit at any time.

4. Applications for permission to use the facilities can be obtained at the Business Administrator’s office or building principal’s office. The application shall be referred to the Facilities Committee for review and recommendation to the Board of Education for formal approval. Thereafter, the Business Administrator shall include each facilities request and the ultimate recommendation of the committee in a report to the Board of Education.

5. The application shall also first be submitted to the building principal who will verify that the event can be scheduled and forward the application in quadruplicate, signed by the principal to be reviewed by the committee.

**Rules for Authorized Users of the Board’s Facilities**

1. The facility shall at all times be under the control of the Business Administrator or his/her designee. The members of the Board of Education and board representatives shall have access to all parts of the facility whether or not it is leased. If the leased facility includes use of a building or field, a custodian must be in the building or at the field at all times when it is occupied under the terms of the permit.

2. The permit carries with it the express understanding that the lessee shall sell only the number of tickets equivalent to the seating capacity of the facilities used.

3. No one will be permitted the use of any Board of Education facility unless the activity and the group are properly supervised by responsible adults over the age of twenty-one years. All groups must have adequate supervision and security as determined by the Director of Facilities to insure health and safety of people and property.

4. The permission for use of any Hoboken Board of Education facility is confined specifically to the request and no extension to cover any other part of the facility will be granted by the custodian in charge unless first approved by the Director of Facilities or his/her designee.

5. No loitering in the entrances or corridors of the Hoboken Board of Education facilities will be allowed. The activity must be confined solely to the facility for which the permit has been issued.

6. Hoboken Board of Education property must be protected at all times. Any damage thereto or any unruly conduct or disorder will be noted on the application signed by both the user and the custodian and submitted to the school principal the following morning. Any application that notes damage or unruly conduct or disorder will be referred to the Director of Facilities or his/her designee for immediate action.

7. Any damage to Hoboken Board of Education property incurred through negligence of the sponsoring organization during the assigned hours will require reimbursement to the Hoboken Board of Education for such damage and can result in excluding the organization from future use of the Hoboken Board of Education facilities.

8. The granting of this permit requires assumption on the part of the organization of full responsibility for all
damages incurred by those participating under the organization’s supervision. The Hoboken Board of Education will be in no way responsible for accidents or damages resulting from the organizational activities. The organization will assume all such risks incident to the activity and provide evidence of general liability insurance coverage with a minimum of $2,000,000 per occurrence, which names the Hoboken Board of Education as additional insured.

9. Promotional materials for the outside user’s event, including but not limited to posters, flyers, signs and other forms of advertising, must state that the event is not sponsored by the Board.

10. This permit is granted with the provision that it may be revoked at any time upon notice of the Hoboken Board of Education.

11. If the activities require police service the organization must arrange for police coverage from the City of Hoboken. The number of police will vary with the nature of the activity, and that number will be determined before the approval of the permit. Arrangement for such services shall be made by the user and at the user’s expense.

12. No public functions shall continue after the hour stated on the application, and in any event the activity must end by 10:45 pm, and the facility vacated by 11:00 pm. A one hour allocation for opening and securing the facility will be added to the time the organization is charged.

13. The following are prohibited on the facility:

   a. Use, consumption or possession of alcoholic beverages.

   b. Gambling in any form including but not restricted to raffles and bingo games, unless a gaming permit is obtained from the appropriate authority as required by law.

   c. Smoking in any building.

14. Only designated areas within board facilities, equipment, materials and supplies, apparatus, tools or other school properties specified in the permit may be used.

15. Only those materials and other items approved by the Business Administrator may be brought on to the facility.

16. The following shall govern the use of specified board facilities.

   a. Pianos or scenery shall not be moved without express permission of the building principal. All arrangements for piano tuning will be made through the business office. A charge for the tuning will be levied in addition to the regular user fee.

   b. Use of sound equipment or stage lighting shall require express permission of the building principal who will appoint a suitable person(s) to operate the equipment. The applicant will be responsible for payment for services of this person(s), payable to the Board of Education.

   c. If the high school kitchen is to be used, the Business Administrator or his/her designee at the user’s expense shall arrange for a cafeteria worker(s) to be present.

   d. All persons using the gymnasium for athletic contests must wear appropriate footwear. The use of gymnasiums or playing fields does not include locker rooms or showers, unless specifically approved.

17. Under no circumstances shall materials, furnishings, or rubbish be left after the use of the facility. If not removed within 12 hours, the user will be required to pay the cost of the removal. Under no circumstances will the time be extended for the convenience of the Lessee.

18. Programs may be scheduled in school buildings on Saturdays or Sundays, legal or religious holidays only if appropriate Board of Education employees are available to work on such days. The Board may limit the hours of use on Saturdays, Sundays and holidays.

19. Charges for the use of facilities and reimbursement of paid employees in connection with such use are subject to change without notice.
Charges and Fees

1. The following will be exempt from charges:
   a. Approved school functions.
   b. Approved functions of the home and school associations.
   c. Certain fund-raising activities whose net receipts are give to the Hoboken public school(s), if approved by the Board of Education.

2. Agencies of the municipal government and other governmental agencies may enter into separate sharing and cost allocation arrangements to be agreed upon.

3. The fee paid by for profit organizations requesting to use Board facilities shall be determined by the Board in its sole discretion as set forth above.

Last Minute/Extraordinary Requests

If a request is made by a city agency for use of a district facility before the next board meeting is held, the Superintendent, in his/her discretion, may approve the request with a courtesy notification to the Board.

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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. 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


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