

## Guidelines and Procedures for Use of School District Facilities

While the building, grounds, and facilities of the Estell Manor School District are primarily to benefit and serve the educational needs of the district's students, they are also a community resource. As a result, the district provides for the short-term or temporary use of the district building, grounds, and facilities (collectively referred to as "facilities") by individuals, groups, and organizations when such use is of a lawful purpose and does not conflict or interfere with the district's programs, operations, or activities. Fees may be charged for the use of facilities so that district funds intended for the educational benefit of children are not used to support other activities.

Although the district operates its school as a nonpublic forum, these procedures are designed to create a limited public forum for the use of the district's facilities, subject to the requirements set forth in these procedures and the district's regulations and policies. The district may modify these procedures and its regulations or close the forum at any time without cause and without incurring any liability.

### Who can rent district facilities?

The district believes that the primary beneficiary of the district's facilities should be its school children. As a result, after the district's own use, priority will be given to non-profit organizations that serve Estell Manor School District students.

Facility use shall be allowed within the following user classifications. The classifications listed are in priority order for use of the district's facilities.

### Group I – District or School-Oriented Groups

- **First Priority:** District or school-related programs or activities and district or school-oriented groups that exist primarily because of the school program shall have this classification. They will be given first priority for the use of the district's facilities. This group includes all curricular or extra-curricular student groups, associated student body, as well as HSA, Education Foundation, staff groups, EMEA, and district convened citizen advisory groups. Superintendent approval is required.

### Group II – City/County Sponsored Youth Activities via City/County/School Interlocal Agreements

- **Second Priority:** Joint-use interlocal agreements shall be given second priority for the use of the district's facilities. City adult recreation programs will be allowed based on annual approval by the district; however youth activity (ex.-WACYL) scheduling receives higher priority than adult activity scheduling. Superintendent approval is required.

### Group III –Non-Profit Youth Organizations with Memberships Residing Within the District

- **Third Priority:** Local community non-profit youth organizations with a roster of at least 50% of members residing within the boundaries of the district will have third priority for the use of the district’s facilities. Examples include: 4-H Club, Girl Scouts, Boy Scouts, and the Young Explorers Fire Fighters. Superintendent approval is required.

### Group IV –Non-Profit Adult Organizations with Members Residing Within the District; Other City and State Agencies

- **Fourth Priority:** Adult non-profit organizations that have as their prime focus the interest and needs of the local community and whose membership roster demonstrates that at least 50% of its members reside within the boundaries of the district shall have fourth priority. This group also includes state and local agencies with which the district does not have a joint-use interlocal agreement. Examples include: community clubs, League of Women Voters, senior citizen groups, adult choirs, and churches. Superintendent approval is required.

### Group V –Other Adult Organizations

- **Fifth Priority:** Private organizations and commercial groups including semi-professional groups or private social groups are included in this classification. Superintendent and Board of Education approval is required.

A group’s priority status will be used to determine the order of processing requests for Facility Use by the Business Administrator which will be forwarded to the Superintendent for review. After Superintendent review and initial approval, all Group II – Group V requests will be forwarded to the Board of Education for review and must be approved by a majority vote. The amount of time allotted to an individual group may be limited to allow use by other users within the same or other priority classifications as determined by the Superintendent and Board of Education. Groups wishing to use district facilities for public activities must ensure that accommodations are available to provide for access to individuals with disabilities who wish to participate in the activity or program.

**What documentation is required to determine a group's user classification?**

**Non-Profit Status:** All groups wishing to be considered under this classification must submit evidence of non-profit status before use of the district's facilities.

**Membership Roster:** Groups III and IV are required to submit a letter stating the percentage of members who reside within the Estell Manor School District.

**Financial Statement:** Financial statements of revenues and expenses from any admission charges or offerings must be provided by the applicant upon request. Other documentation regarding financial statements related to facility events must be provided when requested by the Board of Education.

**What areas of the facility may be rented/loaned?**

Facility spaces available for rental are generally limited to public areas and/or assembly spaces. This includes areas such as the gymnasium, cafeteria, conference room, library, and fields. Classrooms are not considered public spaces due to the nature and impact of use on the educational process. Limited classroom rental may be allowed for designated classrooms.

The facility use agreement does not give the user the right to control other portions of the facility or site. Use by other groups, community members, or staff may not be prohibited by facility user other than for the specific portion of the facility that is rented/loaned within the specific rental/loan period. Site access may not be restricted by facility users.

Other than for sports fields, rental/loan of exterior portions of school sites is not generally allowed. Use of school site by outside groups for demonstrations, protests, leafleting or other organized events is not allowed. Any requests for exterior site use, parking, etc., should be directed to the district's Business Administrator for Superintendent review and approval/denial.

**Who schedules and approves facility use?**

Requests for use of district facilities should be directed to the Business Administrator who will forward these to the Superintendent who will either approve/deny such requests. The Superintendent will forward any relevant requests that have been approved by the Superintendent to the Board of Education for approval/denial. The Superintendent has the overall responsibility and authority to determine use of facilities during and after school hours by district personnel and any community organizations in accordance with established policies. The Superintendent is the final authority on the interpretation and modification of all non-commercial use of school facilities (Groups I, II, III, & IV). The Board of Education, upon Superintendent's recommendation for approval only, is the final authority on the interpretation and modification of all other use of school facilities (Group V). Organizations that are denied use may submit a written appeal to the Board of Education within five business days of written notification of denial.

### *When may use be denied to groups?*

The district reserves the right to deny use for any activities contrary to the district's interests or those that might create a substantial disruption to the educational environment. Users who have violated use agreements and/or procedures and/or have damaged district facilities, and/or failed to pay required fees may be denied use. A written warning of violations shall be given to the user prior to denying use applications unless such violations are egregious.

### *What are the fees to use district facilities?*

#### Fees for Use of Facilities

All Group I, II, III, and IV users will not be charged for the use of any district facility if activities are conducted during hours when there are custodians and/or administrators normally present. An exception to this condition is when the service required will result in additional expenses to the district. In such cases, a charge equal to the additional cost shall be made, e.g., custodial fee, special equipment arrangements, administrative coverage, technicians, and/or food service fees. Supply charges for facility use at any time and a supplemental energy fee for use on non-school days may be assessed.

#### Calculation

The Business Administrator or designee will estimate the appropriate fees based on the requested activity, space, and hours and will provide users with a copy of the same. All fees must be paid before the application may receive final approval. The district shall make all final determinations regarding application facilities use fees to be assessed.

#### Additional Charges

The user group will be responsible for the cost of any damage, vandalism, or other alteration to the district's facilities. The user group will also be responsible for the cost of any additional clean up above and beyond the custodial fees initially set forth in the use agreement. Users who cause damage to the district's facilities may be required to submit a damage deposit or may be denied further use of the district's facilities if the damage is severe or if the damage occurs during more than one use.

### **Payment of User Fees (Pre-payment required)**

Estimated facility use fees must be prepaid before the application may be given final approval and the facilities actually reserved. For users of a continuing nature, e.g., church groups, adult sports leagues, etc., a monthly amount can be calculated and prepaid each month. No refunds will be given for cancellations; however, fees paid for activities that must be canceled due to weather may be applied to rescheduled facility use.

### **When are staff required for building use and what is the cost to the user?**

#### **Custodial**

Custodial services will be required for facility use outside of normal custodial staff hours to ensure the cleanliness of the facility for school use and to ensure that the building is appropriately locked and secured. Any required additional custodial time will be paid for by the user. A custodian working on a weekend will be paid a minimum of two and one half (2 ½) hours. A custodian working on a district recognized holiday shall be paid time and a half for a minimum two and one half (2 ½) hours. If custodial services are required but the district is unable to provide adequate custodial staffing, an application for use may be denied and/or prior approval revoked.

#### **Food Service**

Whenever a kitchen facility is used, a food service employee must be present. Actual labor costs for kitchen supervision and/or staffing will be billed to the user based on services required.

#### **AV Equipment**

If AV equipment is requested for use and the Superintendent determines a technician's and/or teacher's presence is required, the user will pay for the labor costs. Use of classroom AV equipment, computers, and/or projection equipment is not allowed without written approval from the Superintendent.

#### **Other**

Proper police and/or fire protection, as determined by the district in its sole discretion, must be provided at the users' expense.

**What are the procedures for use of district facilities?**

Any person or group, other than official school/student activity users, must complete an application before using any district facilities. There are no exceptions to the written application process. All applications must include the name of the person who will be responsible for sponsorship, supervision, indemnification, and security of the facilities. The applicant must sign the form, which acknowledges that the user agrees to comply with the district's rules, procedures, and requirements. The Business Administrator reviews the applications and identifies each according to classification group and then forwards all applications to the Superintendent for review and approval/denial. The Superintendent will submit any relevant requests for approval to the Board of Education. Upon Superintendent and/or Board of Education approval, the Business Administrator will make custodial, AV, and/or food service arrangements.

**Duration of Use and District's Right to Revoke**

Users who are granted permission to use the district's facilities are granted a revocable license to use designated facilities areas only. Nothing in the application or in these rules should be construed to grant to users a lease or a property interest in the district's facilities. The district reserves the right to cancel use due to an emergency as determined by the district or due to inclement weather. Further, the district reserves the right to revoke permission to use the district's facilities, without advance notice or reason, and without incurring liability.

**Insurance**

With the exception of Group I users and certain Group II users as determined through interlocal agreements, groups using district facilities are required to provide, at their own expense, a comprehensive general liability insurance policy naming the Estell Manor School District as an additional insured. This policy shall be written with limits of \$1,000,000 combined single limits per occurrence. This certificate of insurance must indemnify and hold harmless the Estell Manor School District, the Board of Education, district employees, and district volunteers from any and all claims, liabilities, damages, or rights of action directly growing out of the use of the facilities. A certificate of insurance evidencing coverage and a copy of the endorsement naming the district as an additional insured must be submitted to the Business Administrator prior to use approval. In the event of damage arising from the use of the district's facilities, the user will be held responsible for all expenses incurred by the district. Users are required to sign an indemnification form prior to use and must submit this to the Business Administrator prior to use. If a user does not have insurance coverage, special events coverage must be purchased by contacting the city and/or district's Joint Insurance Fund at (609) 653-8400 or (856) 218-8772.

### *Prohibitions and Proper Conduct*

1. Users shall not post any materials on the walls, ceilings, floors, etc., unless the district has approved the materials in writing in advance of the use. No signage, other than that used for directional purposes, may be used. Directional signage must be put up and taken down after the event is and limited to the same day as the event.
2. Users shall not alter any area of the facilities.
3. Food and beverages are not permitted in the gymnasium.
4. The burning of candles or any other materials that might pose a fire hazard is strictly prohibited.
5. Proper footwear must be worn on appropriate surfaces.
6. Users are required to remove their materials, equipment, and rubbish after using the facilities. Furniture must be returned to the original set-up for regular district use. If the user leaves any materials, equipment, furnishings, or rubbish, the property will be considered abandoned and the user will be responsible for all costs associated with removal.
7. Users shall not practice unlawful discrimination of any kind.
8. Alcoholic beverages, tobacco, narcotics, or other dangerous or illegal drugs shall not be permitted in district facilities or on school property.
9. Except for on-duty law enforcement officers carrying licensed weapons, firearms, explosives, and dangerous weapons are not permitted at any district facility at any time regardless of whether the owner of the firearm or explosive is legally permitted to carry the firearm or explosive.
10. Requests to make or allow radio, Web, or television broadcasts during any user event must be submitted with the initial application, and may only occur upon prior written approval by the Superintendent and/or Board of Education.
11. The use of the district's facilities shall not be granted to any individual or organization if the use will be to promote illegal activities.
12. Except for properly licensed bingo and/or raffles for the sole purpose of fund raising for civic or charitable purposes, gambling is prohibited in any of the district's facilities.
13. Once an application for use of the district's facilities has been granted, users are strictly prohibited from assigning the license to use the facilities to any other individual or organization.
14. Users are expected to restrict their use and activities to the times and places designated in their application for use.
15. No animals may be brought into district facilities during facility use, except for required service animals.

### *Nondiscrimination Policy*

Federal Law prohibits educational program and employment discrimination on the basis of gender (Title IX of the 1972 Educational Amendments); handicap (Section 504 of the Rehabilitation Act of 1973); age (Age Discrimination in Employment Act of 1967); and race, color, religion, gender, or national origin (Title VII Of The Civil Rights Act of 1964). New Jersey Title 6 prohibits educational program and employment practices discrimination on the basis of race, color, creed, religion, gender, ancestry, national origin, and social/economic status.

The Estell Manor School District does not discriminate on the basis of race, sex, sexual orientation, ethnicity, creed, religion, national origin, social/economic status, age, or handicap in its educational programs or employment practices in accordance with the applicable statutes.

In addition, the Board of Education is committed to maintaining an instructional, working, and community environment that is free from harassment of any kind. All policies are applicable when determining appropriate facilities usage. The district prohibits discrimination against any person based on the laws and policies noted above regarding the operation, conduct, or administration of community programs for youths or adults that use district facilities.