

WESTFIELD PUBLIC SCHOOLS
Westfield, New Jersey 07090

BYLAWS
0145

Board Member Resignation and Removal

M

Page 1 of 1

0145 BOARD MEMBER RESIGNATION AND REMOVAL

The membership of a Board of Education member shall terminate immediately upon:

1. the cessation of the member's bona fide residency in the school district the member represents (N.J.S.A.18A:12-2.2); or
2. the member's election or appointment to the office of mayor or member of the governing body of Westfield (N.J.S.A.18A:12-2.2); or
3. the member's disqualification from voting pursuant to N.J.S.A. 19:4-1 (N.J.S.A.18A:12-2.2);
4. the member falsely affirms or declares that he/she is not disqualified as a voter pursuant to NJ.S.A. 19:4-1 or that he/she is not disqualified from membership on the Board due to conviction of a crime or offense listed in N.J.S.A. 18A:12-1; or
5. the removal of the member by the Commissioner of Education.

A member who fails to attend three consecutive meetings of the Board without good cause may be removed from office on the affirmative votes of a majority of the remaining Board members, provided that:

1. the member's removal was proposed at the immediately previous Board meeting; and
2. notice of the proposed removal was given to the affected member at least forty-eight hours in advance of the meeting at which the vote will be taken.

N.J.S.A. 18A:12-2; N.J.S.A.18A:12-2.2;18A:12-3; 18A:12-29

Approved: February 1, 2000
Revised: April 23, 2013
Reviewed: October 16, 2019
First Reading: March 2, 2021
Second Reading:

7510 – USE OF SCHOOL FACILITIES

The 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” shall include, but not be limited to, school buildings, school grounds and athletic fields.

The Board will permit the use of school facilities when such permission has been requested in writing via the approved application form and has been reviewed and approved by the Buildings and Grounds Supervisor. The written application for the use of school facilities shall be made available on the district’s website and Buildings and Grounds office. Each user shall submit evidence of organizational liability insurance to the limit prescribed by district regulations with its written request for use of school facilities. The application and supporting documentation should be submitted to the Buildings and Grounds Office at least ten (10) business days in advance of the requested date of use. Applications will not be accepted more than 6 months prior to requested use.

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. Permits are subject to cancellation if information on the application is false or the use is contrary to policies, rules and regulations of the Board of Education. The Board and its agents are to be held harmless of any expense or losses incurred by the sponsoring organization due to the required cancellation of programs or activities in violation of policies, rules or regulations.

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

1. Uses and groups directly related to the district’s educational program and the Westfield school district operations, including student and teacher groups.
2. Uses and organizations indirectly related to the schools, including parent-teacher organizations and other school-parent related organizations.
3. Departments and agencies of the municipal government.
4. Other governmental agencies.
5. Community organizations formed for charitable, civic, social, or educational purposes.
6. Other community groups.
7. Private groups and organizations.

The use of school facilities will not be granted for any purpose that is prohibited by law.

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 district administration.

Use of school equipment in conjunction with the use of school facilities must be specifically requested in writing and may be granted in accordance with Policy No. 7520. 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 qualified school district employees and the user will be charged a fee.

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 the district's educational program and Westfield school district operations shall be without cost to the user.
2. Free use of the facilities will also be given to organizations whose primary purpose is to provide educational, cultural, patriotic, recreational, or religious programs to the Westfield community or otherwise provide a town wide benefit. These users shall be responsible for any custodial overtime costs incurred by the use of school facilities, the services of school employees required by use of the facilities, and any fees charged by a law enforcement agency in connection with the use.
3. All other organizations or persons granted the use of school facilities shall pay in advance the scheduled fee and the cost of any additional staff services required by the use.

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. In accordance with the provisions of N.J.S.A. 18A:40-41.5, the school district shall not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that uses school facilities or operates on school grounds if the youth sports team organization provides the school district proof of an insurance policy in the amount of not less than \$50,000 per person, per

occurrence; insuring the youth sports team organization against liability for any bodily injury suffered by a person. The youth sports team organization must also provide a statement of compliance with the school district's Policy and Regulation 2431.4 - Prevention and Treatment of Sports-Related Concussions and Head Injuries.

For the purpose of this Policy, 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.

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:41-7.

The Superintendent 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 Policy and Regulation 7510, 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.

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

Approved: June 24, 2000
Approved: August 28, 2018
Reviewed: September 24, 2019
First Reading: March 2, 2021
Second Reading:

R 7510 – USE OF SCHOOL FACILITIES

A. Classification of Users

With the exception of the Westfield Area Y (which is specifically addressed in Subsection F.4. herein), organizations and individuals using school facilities will be classified as Group I, II, or III users as follows:

1. Group I users will be given priority for the use of school facilities over other users and may use school district facilities without payment of a rental fee or charge for custodial costs. Group I users are those seeking the use of school facilities for activities directly related to the district's educational program and Westfield school district operations. The Town of Westfield will be classified as a Group I user.
2. Group II users will be given priority for the use of school facilities over Group III. Group II users are those organizations whose primary purpose is to provide educational, cultural, patriotic, recreational, or religious programs to the Westfield community or otherwise provide a town wide benefit.

Group II users include, but are not limited to, the following organizations and individuals:

- a. parent-teacher organizations, including the Parent Teacher Council and its associated committees
- b. Westfield Boosters
- c. Rotary Club
- d. Local Boy Scout and Girl Scout troops
- e. The Education Fund of Westfield
- f. Westfield Adult School
- g. Westfield Soccer Association
- h. Westfield Basketball Association
- i. Westfield Baseball Association
- j. Westfield Lacrosse Club
- k. Westfield PAL
- l. Westfield Adult School
- m. Westfield Summer Workshop
- n. Children's Specialized Hospital
- o. Chinese School
- p. Dr. Martin Luther King Association of Westfield New Jersey

Westfield school district teachers who seek the use of school facilities for summer or after-school programs for which they charge a fee may be classified as Group II users, but may receive a lower priority for use of facilities than a Group I or another Group II user. In addition, the district reserves the right to charge a user fee or facilities fee not otherwise set forth herein.

3. Group III users will be given lowest priority for the use of school facilities. Group III users are defined as for-profit groups, groups from outside Westfield, and groups not included in Groups I or II above. Group III users include, but are not limited to, the following organization(s) and individual(s):

- a. Westfield Tigers

B. Application Procedures

1. Application must be made in writing and on the district's approved form which is available on the district's website, the Buildings and Grounds office, and the office of each of the district's school buildings.
2. Application for use of a specific school building must be submitted to the Buildings and Grounds Supervisor.
3. Applications for use must be submitted not less than ten (10) business days before the date of the requested use. A use that does not conform to this policy requires the approval of the Board and must be submitted not less than fifteen (15) business days prior to a regular Board meeting and not less than twenty (20) business days before the date of the requested use.
4. The application must be signed by an authorized adult representative of the requesting organization, who will be considered by the Board to be the agent of the organization.
5. The application must include all the school 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 school 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.

6. The application must include evidence of organizational liability insurance to the limit prescribed by subsection (D) of these regulations with its written request for use of school facilities.
7. The application must include all the equipment and supplies that the applicant wishes to include in the use, pursuant to Policy No. 7520, Loan of School Equipment.

C. Approval

1. Applications for the use of a specific school building will be reviewed by the Principal of the requested school building, and/or Athletic Director and the Buildings and Grounds Supervisor. Applications for the use of school grounds or athletic fields will be reviewed by the Principal and/or Athletic Director and the Buildings and Grounds Supervisor. These individuals will check the district and school calendars to determine whether the school facility requested is available at the date and time requested, and has not been scheduled for use.
 - a. in the instructional or co-curricular program,
 - b. for maintenance, repair, or capital improvement, or
 - c. for use by another organization.
2. If the school facility is not available for use, the Buildings and Grounds Supervisor will so inform the representative of the organization and may suggest alternative dates, times, or facilities.
3. If the school facility is available for use and the applicant meets the standards set by Policy No. 7510 and these regulations, the Buildings and Grounds Supervisor will note his/her approval on the application form and will record the classification of the applicant organization. Requests that require Board approval will be forwarded to the Business Administrator for placement on the Board agenda.
4. Standards for approval include the following limitations on use:
 - a. School facilities are available for use only on weekdays.
School facilities may be available for use on Saturdays, Sundays, vacations and other public holidays depending on appropriate and adequate custodial coverage.

- b. 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.
 - c. 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.
 - d. In accordance with Policy No. 7510, 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.
5. The Business Administrator or designee will determine the classification (I, II, III or IV) 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.
6. In the event of a conflict between requesting organizations within the same class, the request received earlier by the district will be honored first.
7. A copy of each approved or disapproved application will be distributed to the representative who signed the application form.
8. 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.
9. 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.
10. Permission to use school facilities is not transferable.

11. The organization representative must inform the Supervisor of Buildings and Grounds of any canceled use request as soon as he/she is aware of the cancellation. An organization's failure to inform the Supervisor of Buildings and Grounds of a canceled use at least three (3) business days in advance of the scheduled time of the use may result in imposition of service charges.
12. 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.

D. Insurance and Indemnification

1. 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.
2. The organization and/or its representative will hold the 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.
3. The user shall furnish evidence of the purchase of liability insurance and will provide a certificate of insurance naming the Westfield Board of Education as additional insured in the amount of
 - a. \$500,000 per person,
 - b. \$1,000,000 per accident or event, and
 - c. \$100,000 property damage.
4. Any youth sports team organization that is granted permission to use school facilities must provide the school district proof of an insurance policy against liability for any bodily injury in the amount of not less than \$50,000 per person per occurrence, insuring the youth sports team organization against liability for any

bodily injury suffered by a person. The youth sports team organization must also provide a statement of compliance with the school district's Policy and Regulation 2431.4 - Prevention and Treatment of Sports-Related Concussions and Head Injuries, which will be provided to the adult representative of the requesting organization with the application to use school facilities.

For the purpose of this Policy, 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.

E. Rules for the Use of School Facilities

1. Users of school facilities will be bound by the law.
 - a. 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.
 - b. The use must not exceed the established capacity of the facility used.
 - c. The use must not involve gambling or games of chance.
 - d. The use, possession, and/or distribution of alcohol and/or controlled dangerous substances is absolutely prohibited, in accordance with law and Policy Nos. 5530 and 7435.
 - e. Smoking is prohibited in accordance with Policy No. 7434.
 - f. 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.
2. Users of school facilities will respect Board property.
 - a. 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.

- b. 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.
- c. 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.
- d. The user must request in the application and receive permission to use, move, or tune a district piano. A piano may be moved only by school district staff or by a competent and experienced commercial mover approved by the Board and at the expense of the user. Any piano that has been moved must be returned to its original placement with the same care and at the expense of the user.
- e. Users of the gymnasium must ensure that all participants wear rubber-soled footwear to prevent damage to floors.
- f. No school facility may be used for a purpose in conflict with the purpose for which the facility was designed.
- g. Lighting equipment, ventilation systems, and thermostatic controls may be operated only by an employee of the district.
- h. 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. 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. The user may not consume food or beverages or use supplies purchased with public funds.

- i. No signs, posters, advertisements, or other displays may be placed in a school building without prior approval.
 - j. No school keys shall be issued to a user.
 - k. No pets shall be allowed on school premises without prior approval as per District policy 7490 - Pets on School Property. Service Animals are allowed as provided for by the Americans with Disabilities Act.
 - l. 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.
 - m. 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.
 - n. No vehicles of any type shall be operated in any area that is not designed for such vehicles without prior permission.
3. Users Must be Properly Supervised.
- a. 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.
 - b. The use of certain school facilities (such as kitchen and auditorium sound and lighting) require the services of school employees trained in the use of the facility. Only authorized Board employees are allowed to operate sound and lights in auditoriums. The user will be charged an additional fee and the school employee will be compensated accordingly by the district.

- c. 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.
- d. The user must, in consultation with the Principal, 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 Principal, the Principal may recommend that permission to use the facility be withdrawn.
- e. 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.

F. Fee Schedule

- 1. Group I users will not be charged a fee or costs for the use of any school facility. Except, however, if the Group I user is the Town of Westfield, they will be charged for overtime costs and for the specific services of school employees rendered pursuant to Subsections E(3)(a) and (E)(3)(b).
- 2. Group II users seeking use of any school facility **other than an Auditorium**, will not be charged a rental fee, but will be charged:
 - a. For the specific services of school employees rendered pursuant to Subsections (E)(3)(a) and (E)(3)(b), if any;
 - b. For overtime costs, when overtime is required, at the rate of \$45 per hour M-F, \$55 per hour Saturdays, Sundays and holidays; and
 - c. Any fees charged by law enforcement in connection with the use.

Group II users seeking use of any school Auditorium, will be charged:

- a. a rental fee of \$250 per day, unless the Group II user is a parent-teacher organization renting the auditorium for a fundraising show in which students or parents perform, in which case the rental fee is waived for one (1) dress rehearsal and two (2) performance nights;
- b. for the specific services of school employees rendered pursuant to Subsections (E)(3)(a) and (E)(3)(b), if any;
- c. for overtime costs, when overtime is required, at the rate of \$45 per hour M-F, \$55 per hour Saturdays, Sundays and holidays; and
- d. any fees charged by law enforcement in connection with the use.

NOTE: No food or drinks are allowed in High School or Middle School Auditoriums. A violation of this rule can result in immediate termination and withdrawal of use privileges by the district.

3. Group III users seeking use of any facility **other than an Auditorium** will be charged:
 - a. a fee of \$20 per participant per quarter;
 - b. For the specific services of school employees rendered pursuant to Subsections (E)(3)(a) and (E)(3)(b), if any;
 - c. For overtime costs, when overtime is required, at the rate of \$45 per hour M-F, \$55 per hour Saturdays, Sundays and holidays;
 - d. Any fees charged by law enforcement in connection with the use; and
 - e. Additional facility use fees as follows:
 - i. High school gymnasium - \$100 per hour
 - ii. High School cafeteria - \$100 per hour
 - iii. Intermediate School gymnasium - \$100 per hour
 - iv. Intermediate School cafeteria - \$100 per hour
 - v. Elementary School Multipurpose room - \$75 per hour
 - vi. Grass athletic field - \$50 per hour
 - vii. Turf athletic field & track - \$150 per hour
 - viii. Equipment rental, as needed - \$50 per hour
 - ix. Classroom - \$40 per day
 - x. 50 or more chairs - \$50 per day

Auditoriums at the High School and Middle Schools will not be available for use by Group III users.

4. Historically, the Westfield Area Y has sought the use of school facilities and fields in the following ways:
 - a. After-care programs at various school buildings during the week;
 - b. Westfield Area Y track and field programs use of Kehler track and field facility; and
 - c. Summer camp programs at various locations throughout the district including but not limited to Elm Street field.

In recognition of the extensive and long-standing relationship between the Westfield Area Y and the Westfield school district, the use of school facilities by the Westfield Area Y shall be separately agreed to and negotiated between the Westfield Board of Education and the Westfield Area Y. In determining the appropriate fees associated with the Westfield Area Y's use of school facilities and athletic fields, the district should give consideration to the use of the Westfield Area Y pool by the Westfield High School swim team. In all cases, however, the Westfield Area Y shall pay for overtime costs incurred by the district as a result of their use of school facilities.

5. An itemized bill for the use of school facilities will be prepared based on the approved application form. If the user does not totally vacate the premises at the time stated on the application additional fees will be charged. The bill will be sent to the representative of the applicant organization in advance of the use and payment will be required at least five days in advance of the use.

G. Provision of Training on School Safety and Security

1. In accordance with the provisions of N.J.S.A. 18A:41-7.c., the Board of Education 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.

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 and other district required protocols.
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.

In Effect: August 28, 2018
Revised: September 24, 2019
Revised: