

COMMUNITY RELATIONS  
NONSCHOOL USE OF SCHOOL FACILITIES

GKD  
(LEGAL)

PROHIBITED ACTS	<p>An officer or employee of the District who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:</p> <ol style="list-style-type: none"><li>1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the District;</li><li>2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the District;</li><li>3. Refuse to grant a benefit to the person; or</li><li>4. Impose an unreasonable burden on the person.</li></ol> <p><i>Civil Practices and Remedies Code 106.001(a)</i></p>
RIGHT TO PRESERVE USE	<p>The District, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. <u><i>Lamb's Chapel v. Center Moriches Union Free Sch. Dist.</i>, 508 U.S. 384 (1993)</u></p>
FORUM FOR COMMUNICATION	<p>The District may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. <u><i>Perry Educ. Ass'n v. Perry Local Educators' Ass'n</i>, 460 U.S. 37 (1983); <i>Chiu v. Plano Indep. Sch. Dist.</i>, 260 F.3d 330 (5th Cir. 2001)</u></p> <p>The District is not required to allow persons to engage in every type of speech when the District establishes a limited public forum; the District may be justified in reserving its forum for certain groups or for the discussion of certain topics. The District shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. <u><i>Good News Club v. Milford Cent. Sch.</i>, 533 U.S. 98 (2001); <i>Lamb's Chapel v. Center Moriches Union Free Sch. Dist.</i>, 508 U.S. 384 (1993)</u></p>
FEES FOR USE	<p>The Board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of the District's facilities, in the amounts and manner determined by the Board. <i>Education Code 45.033</i></p>
PATRIOTIC SOCIETIES	<p>If the District has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the District shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic so-</p>

COMMUNITY RELATIONS  
NONSCHOOL USE OF SCHOOL FACILITIES

GKD  
(LEGAL)

ciety), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

YOUTH GROUP	“Youth group” means any group or organization intended to serve young people under the age of 21.
LIMITED PUBLIC FORUM	For purposes of this policy regarding PATRIOTIC SOCIETIES, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.
SPONSORSHIP	Nothing in this policy shall be construed to require the District to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.  <i>Boy Scouts of America Equal Access Act, 20 U.S.C. 7905</i>
FACILITIES AS POLLING PLACES	The District shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings for the same day and simultaneous use is impractical, the District shall determine which authority may use the building. <i>Election Code 43.031(c)</i>  No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a District building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. <i>Election Code 43.033(a)</i>
POLITICAL PARTY CONVENTIONS	The District shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the

building for the convention. The District shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

COMMUNITY RELATIONS  
NONSCHOOL USE OF SCHOOL FACILITIES

GKD  
(LOCAL)

SCOPE OF USE                    The District shall permit nonschool use of designated District facilities for educational, recreational, civic, or social activities when these activities do not conflict with school use, limitations of staff, or with this policy.

Approval shall not be granted for any purpose that would damage school property or to any group that has damaged District property. However, the Superintendent or designee may consider allowing use by a group that remedies damage to District property that was caused by the group.

---

**Note:**     See the following policies for other information regarding facilities use:

- Use by employee professional organizations: DGA
- Use of facilities for school-sponsored and school-related activities: FM
- Use by noncurriculum-related student groups: FNAB
- Use by District-affiliated school-support organizations: GE

---

NONPROFIT FUND-RAISING     The District shall permit nonprofit organizations to conduct fund-raising events on District property when these activities do not conflict with school use or with this policy.

FOR-PROFIT USE                The District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the District shall permit school-related, private student instruction, public performances, recitals, or presentations so long as no admission fee is charged, when these activities do not conflict with school use, staff limitations, or with this policy.

EXCEPTION                      Any exceptions to this policy must be presented and approved by the Superintendent or designee.

Any lease agreement in effect prior to the adoption of this policy shall be exempt from this provision regarding for-profit use of District facilities.

SCHEDULING                    Requests for nonschool use of District facilities shall be considered on a first-come, first-served basis.

Academic and extracurricular activities sponsored by the District shall always have priority when any use is scheduled. [See FM] The Superintendent or designee shall have authority to cancel a scheduled nonschool use if an unexpected conflict arises with a

COMMUNITY RELATIONS  
NONSCHOOL USE OF SCHOOL FACILITIES

GKD  
(LOCAL)

Districtwide activity. The principal shall have authority to cancel a scheduled nonschool use of a campus if an unexpected conflict arises with a campus activity.

Priorities for scheduling the use of school facilities shall be as follows:

1. The regularly scheduled educational program, including instructional activities; meetings, practices, and performances of school-sponsored groups; and staff meetings related to official school business.
2. Meetings and other activities of school-support groups organized for the sole purpose of supporting the schools or school-sponsored activities [see GE].
3. Meetings and other activities of groups made up primarily of school-aged children.
4. Meetings of employee organizations [see DGA].
5. Meetings and activities of other groups on a first-come, first-served basis.

APPROVAL OF USE

The Superintendent or designee is authorized to approve use of any District facility. Campus-level requests shall initially be approved by the campus principal. Final approval and the assignment of the appropriate fee shall be the responsibility of the Superintendent or designee.

USE OF ATHLETIC  
FACILITIES

All requests for the use of gated athletic fields, including the football, baseball, and softball fields, and concession areas shall first be approved by the campus athletic coordinator, then the campus principal, with final approval by the Superintendent or designee.

EXCEPTION

Unless otherwise posted, no approval shall be required for non-school-related use of the District's unlocked, outdoor recreational facilities, such as tennis courts, playgrounds, and adequate public parking to the same, when the facilities are not in use by the District or for a scheduled nonschool purpose.

However, large groups and teams wishing to use unlocked facilities must submit a request to the Superintendent or designee and receive prior approval before using any unlocked facility. Access to these facilities shall be denied for violation of the law or abuse of District property.

FACILITIES NOT  
AVAILABLE

The following facilities shall not be available for nonschool use:

1. Campus offices;
2. Classrooms, AV rooms, and libraries; and

COMMUNITY RELATIONS  
NONSCHOOL USE OF SCHOOL FACILITIES

GKD  
(LOCAL)

3. Kitchen facilities.

EMERGENCY USE	In case of emergencies or disasters, the Superintendent may authorize the use of school facilities by civil defense, health, or emergency service authorities.
LONG-TERM USE	<p>The District may permit long-term use of facilities for nonschool purposes to any group or organization that is located within the boundaries of the District. Any group or organization that is not located within the boundaries of the District but provides a service to the District may be allowed long-term use of school facilities for nonschool purposes.</p> <p>The District shall permit long-term use by any eligible group or organization for nonschool purposes for no longer than 12 months from the date the rental agreement is signed. An eligible group or organization, which has received approval of plans and building permits from the municipality in which the facility will be built and can demonstrate that construction is in progress, may apply for a six-month extension after this 12-month period. A group may apply for no more than three six-month extensions.</p>
USE AGREEMENT	Any organization or individual approved for a nonschool use of District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the District is not liable for any personal injury or damages to personal property related to the nonschool use.
RELEASE OF LIABILITY	Organizations or individuals requesting use of District facilities shall release the District from liability for personal injury and/or damages to personal property related to nonschool use. All groups using school facilities shall be responsible for the cost of damages incurred during their use.
INSURANCE REQUIRED	All individuals or groups using school facilities must provide a certificate of insurance with the District being the co-insured party. The policy shall be for a minimum of \$1 million in liability insurance and must contain an endorsement stating that the insurance company will not terminate the policy or change any coverage prior to the policy expiration date without notifying the District by registered mail at least 30 days prior to such termination.
SCHEDULE OF FEES	<p>The District shall maintain, in the Superintendent's office, a schedule of fees for all of its facilities. The schedule of fees shall be subject to Board review.</p> <p>Nonschool users shall be charged a fee to cover the cost of operating, as well as any applicable personnel costs for supervision in-</p>

COMMUNITY RELATIONS  
NONSCHOOL USE OF SCHOOL FACILITIES

GKD  
(LOCAL)

	<p>cluding, but not limited to custodial services, food services, security, safety, utilities and technology services.</p>
EXCEPTIONS	<p>Fees shall not be charged for use by District employee professional organizations. [See DGA]</p> <p>Facility fees shall not apply when school buildings are used as polling places for public elections, for precinct and county conventions, or for public meetings sponsored by state or local governmental agencies. However, the District shall charge for costs associated with providing custodial workers at the event.</p> <p>Any group or organization that can demonstrate that its primary reason for existence is to aid and assist the students of the District may request an exemption of the building use fee only. The group or organization shall be charged a fee to cover the custodial/cafeteria worker costs and use of electricity.</p>
EQUIPMENT USAGE	<p>A per-hour usage fee shall be charged for VCRs, TVs, overhead projectors, slide projectors, and other District equipment. Arrangements for the equipment shall be made through the building principal, and the users shall be responsible for ensuring that the equipment is returned in good repair.</p>
REQUIRED CONDUCT	<p>Persons or groups using school facilities shall:</p> <ol style="list-style-type: none"><li>1. Conduct business in an orderly manner.</li><li>2. Abide by all laws and policies, including but not limited to those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products on school property. [See GKA]</li><li>3. Make no alteration, temporary or permanent, to school property without prior written consent from the Superintendent.</li></ol> <p>All persons or groups using school facilities shall be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the District for the cost of any such repairs. Misuse or abuse of District property or equipment shall result in immediate denial of further use by the group.</p>
KEYS	<p>Only authorized employees of the District shall be permitted to have keys to school buildings and/or property.</p>