

Muenster Independent School District

Facility Use Guidelines

The use of MISD school buildings and other facilities shall be made available to groups that wish to conduct activities which promote, stimulate and foster the interest of students and the community, as well as activities which promote the efficiency of the school district, so long as such activities do not conflict with the school program and community expectations for the district. *Shops, field house/weight room, and computer labs will not be available for non-school use.* Programs serving district students will be given priority for use. The Muenster ISD guidelines shall pertain to all groups who desire to use schools and/or other facilities in accordance with this policy. **(Policy GKD LEGAL and LOCAL)** School district facilities are not automatically open for public use. Normally, all school facilities are operated for school purposes and therefore are not public. *(Grayned v. City of Rockford)*. All use of school facilities **by non-district entities** will be coordinated through the Administration Office. All Athletic facilities will be coordinated through the Athletic Department. The district will charge a **reasonable fee** for community use.

The Texas Constitution prohibits school districts from spending district resources to serve non-school purposes. Arguably, charging no fees at all constitutes an improper “gift of public funds,” if the district is spending its resources to keep its doors open for non-school use. A community group’s direct payment of compensation to district staff who works to keep a facility open may lead to violation of federal law. The Federal Fair Labor Standards Act requires a school district employer to pay overtime to non-exempt employees who work more than 40 hours in a week.

Organizations or individuals using school facilities shall release the district from liability for personal injury and/or damages to personal property. All groups using school facilities shall be responsible for the cost of damages incurred during their use. Organizations using school facilities shall conduct their business in an orderly manner and will 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 or vaping on school property. Organizations or individuals using school facilities shall not distribute non-school materials if the materials are obscene, vulgar or otherwise inappropriate for the age and maturity of the audience or if the materials endorse actions endangering the health or safety of students. The distribution of non-school materials is also prohibited if the materials criticize Board members or school officials or advocating violations of school rules and fall within the standard described at Limitations on Expression. **(Policy FNAA LEGAL and LOCAL)**

Scheduling Muenster Facilities for Non-ISD Related Activities

Contact the Administration Office to check availability of space desired. • Muenster ISD (940-759-2281 leslie.hartman@muensterisd.org • Muenster Athletic Facilities (903)814-7583 brady.carney@muensterisd.org .

1. If the space desired is available, the MISD will temporarily schedule the event.
2. Requester will complete and submit a “Facility Use and Setup Request Form” to the Administrative or Athletic Office.
3. Administrative Staff will confirm availability and sign the form. If event is scheduled for a day or time that the building is not already staffed by support services, the administrative office will provide an appropriate budget code to charge accumulated overtime or support services expenses.
4. Once a request is confirmed by the Administration Office, it will be reviewed for approval. If approved – Administration Office will: • Determine applicable charges. • Send requester a Facilities Use Agreement & collect charges if required. • Provide Custodial Staff instructions and/or setup directions. • Technology Department will schedule the heating or air conditioning required. • Use of facilities by non-district entities will be coordinated through the Administrative Office. All Athletic facilities will be coordinated through the Athletic Department.

Programs serving District students will be given priority for use. The following guidelines shall pertain to all groups who desire to use schools and/or other facilities in accordance with this policy. (Policy GKD LEGAL and LOCAL)

1. COMPLIANCE WITH LAWS, RULES, REGULATIONS AND POLICIES.
 - a. No school facility shall be used by any group or individual who is not in compliance with the requirements of all Federal or State statutes, regulations and rules prohibiting discrimination on the basis of race, religion, color, sex, national origin, handicapping conditions, age or other classification.
 - b. State law prohibits the use of alcohol on school property. All laws (federal, state, local) and District policies are in effect 24 hours per day, including the times a facility is rented. Contraband shall include, but not be limited to drugs, drug paraphernalia, weapons, and alcohol. The District’s “Tobacco Free Policy” prohibits the use of tobacco in ANY form, in or on any District property or any location leased by the District where a user group is being held. The policy includes, but is not limited to, all buildings, vehicles, property (outdoor or indoor), and all staff, students, parents, visitors, and patrons.
(GKA Legal, Education Code 38-006)
2. VIOLATION OF LAWS, RULES, REGULATIONS AND POLICIES. Any misrepresentation by any organization and/or individual, any abuse of any District property, any

violation of state, local law or federal and/or any violation of any District policy, rule or regulation may result in the immediate termination of the contract..

3. RESTRICTED USE OF CERTAIN AREAS:

- a. Certain areas such as laboratories & shops are not available for public use (see Page 1). The MISD Cafetorium may be used by non-profit organizations for general youth group leadership-training events; by performance studios for annual recitals, or one-time events and any established business partners for approved training or employee recognition events.
- b. The athletic facilities will be available to lease only with the approval of the District's athletic department. **Concessions, if applicable, will be operated by a MISD organization, unless otherwise negotiated.**
- c. **Unless advised otherwise, all district facilities, including the gyms will be closed at 9:30.**

4. RESTRICTED USE DATES & TIMES

- a. Non-Athletic facilities cannot be reserved for leasing until September of each year. There will be no rentals during Winter Break, Spring Break or the Month of August. No last minute (need the day of) requests for the use of athletic facilities will be honored. The athletic director or designee must be available to monitor facility usage. The facility may be available the next day.

5. CUSTODIAL AND OTHER SERVICES

- a. District custodial staff may be required during various events. Base custodial fees charged to paying groups shall include limited custodial service only. Any specific service required shall be paid for in addition to the base fee.

6. PROPERTY DAMAGE

- a. Damages to District property shall be paid for by the using group whether caused by the using Group or others. Misuse or abuse of District equipment and/or facilities will result in the immediate denial for further use.

7. INSURANCE

- a. All Classification Group II must sign a Muenster ISD Facility Use and Set-up Rental Agreement and must furnish liability insurance prior to approval for use. Any organization using school facilities must provide an original Certificate of Insurance, with the district named as the Certificate Holder, indicating a minimum of \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage Liability coverage. In addition, the district must be named as an additional insured on this policy.

8. ATTENDANCE BY GENERAL PUBLIC

- a. Any group renting or using a building for an occasion which the general public is eligible to attend **shall be held responsible for the treatment of the property by the general public during that time.** The group shall, at the discretion of the Superintendent/designee, be required to employ Law Enforcement officers to help ensure the safety of attending persons as well

as to help prevent the destruction of school property. Employment of law enforcement officers does not release the renting or using group from liability for any damages incurred and/or injuries sustained while the building is occupied by the using group.

9. USE OF SCHOOL KITCHEN

- a. Any group or organization wishing to use a school kitchen shall be required to have District Food Service staff on duty to supervise the use of equipment during the entire time the facilities are rented or used. Any individuals working in the kitchen area will be required to have a Food Handlers certification.
StateFoodSafety.com **Food Safety Certificate** course.

10. DISTRICT STAFF

- a. The District shall furnish the necessary staff to open, clean and close the property. If the building is being rented or used during hours when District staff members are normally on duty and it is determined by the Superintendent's designee that no additional cleanup is warranted, there will be no charge for this service. However, if the building is being rented or used for hours during which District staff members are not normally on duty, the Superintendent's designee shall assign the number of staff necessary to maintain the facility.

11. DESIGNATED REPRESENTATIVE

- a. Any group renting or using District facilities shall designate one member of the group to be responsible for the program or activity. This person shall, in turn, be responsible to the Superintendent and/or the district staff.

12. DISTRICT STAFF CAMPS

- a. Any district staff member conducting a camp must be an employee under contract or employee agreement.
- b. Charges may be applied for utility costs.

13. RENTAL AND PAYMENT TERMS

- a. Checks shall be made payable to the District and payment of the facility usage charges shall be made prior to rental or use of the facility. Rental Time shall be charged from the time the lessee enters the building until the lessee leaves the building (set-up time till break-down time).

14. EXCEPTIONS AND MODIFICATIONS

- a. Muenster ISD recognizes the need to allow exceptions for, or make modifications to, this policy as it applies to the best interests of the District. As such, the Superintendent or his designee reserves the authority to make exceptions or modifications to this policy without notice.

15. CLASSIFICATION OF GROUPS:

- a. Groups that may be allowed to use or rent District facilities shall be classified in THREE different classifications.
 - i. **Classification 0.** District Related (No-Charge)
 - ii. **Classification I.** Local / Non-Profit (May be a Charge)
 - iii. **Classification II** Private or Profit (Will be a Charge)

District Related (No-Charge)

Student, staff and parent organizations directly related to the District shall have the use of facilities as scheduled by and under the supervision of the principal without charge. Examples: (non-exhaustive)

- (1) School student organizations
- (2) PTO/Booster Clubs
- (3) MISD Education Foundation
- (4) Polling places
- (5) School clubs and activities
- (6) MISD recognized Alumni Organizations
- (7) MISD recognized summer programs organized by MISD coaches/sponsors and approved by Central Office (*Fees may be required based on utility usage)

Classification I. Local / Non-Profit

* Non-profit (501c3) service organizations holding an IRS tax-exempt status, whose efforts support the goals, curriculum and student development practices of the district, as determined by the superintendent or the superintendent's designee. Access will be assigned to sites on a schedule, based on space available. Examples: (non-exhaustive)

- (1) Muenster Youth Association or team comprised by a majority of MISD Students
- (2) Boy Scouts
- (3) Girl Scouts
- (4) Sacred Heart Athletic & Academic Activities
- (5) 4H
- (6) Civic: Rotary Clubs, Chamber of Commerce, etc.
- (7) Local religious organizations
- (8) Local college events
- (9) School Employees

Classification II. Non-MISD / Private or Profit

Access will be assigned to sites on a schedule, based on space available.

Examples: (non-exhaustive) *less than a majority of MISD Students

- (1) YMCA or Youth Sports Groups (PSA, AAU, BCI, BBI, Select, Club, All-Stars)
- (2) Community/Civic Youth Groups (Church)
- (3) SAT Instruction – if conducted by outside private organizations
- (4) Drill Team Camps – if conducted by outside private organizations
- (5) Cheerleading Camps – if conducted by outside private organizations
- (6) Instructional Private Organizations
- (7) Performance Studios: Martial Arts, Dance, etc.