

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 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.

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

FOR-PROFIT USE The District shall permit individuals and for-profit organizations to use its facilities for financial gain when these activities do not conflict with school use or with this policy.

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 District activity.

APPROVAL OF USE The Superintendent or designee is authorized to approve nonschool use of any District facility.

EXCEPTION No approval shall be required for nonschool-related recreational use of the District's elementary schools' unlocked, outdoor recreational facilities, such as the track, playgrounds, tennis courts, and the like, when the facilities are not in use by the District or for a scheduled nonschool purpose. Nonschool use of secondary school facilities, both indoor and outdoor, shall be prohibited without proper approval in accordance with this policy and administrative procedures.

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EMERGENCY USE	In case of emergencies or disasters, the Superintendent or designee may authorize the use of school facilities by civil defense, health, or emergency service authorities.
REPEATED USE	The District shall permit repeated use by any group or organization for nonschool purposes for no longer than one year. After this one-year period and at one-year intervals thereafter, a group or organization shall make a new request for renewed approval of a nonschool use.
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.
FEEES FOR USE	<p>Nonschool users shall be charged a fee for the use of designated facilities.</p> <p>The Superintendent or designee shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.</p>
EXCEPTIONS	<p>Fees shall not be charged when school buildings are used for public meetings sponsored by state or local governmental agencies.</p> <p>Fees shall not be charged for use by District employee professional organizations. [See DGA]</p>
REQUIRED CONDUCT	<p>Persons or groups using school facilities shall:</p> <ol style="list-style-type: none">1. Conduct business in an orderly manner.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]3. Make no alteration, temporary or permanent, to school property without prior written consent from the Superintendent. <p>All 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.</p>

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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">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;2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the District;3. Refuse to grant a benefit to the person; or4. Impose an unreasonable burden on the person. <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></u>, 508 U.S. 384 (1993)</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></u>, 460 U.S. 37 (1983); <u><i>Chiu v. Plano Indep. Sch. Dist.</i></u>, 260 F.3d 330 (5th Cir. 2001)</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></u>, 533 U.S. 98 (2001); <u><i>Lamb's Chapel v. Center Moriches Union Free Sch. Dist.</i></u>, 508 U.S. 384 (1993)</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>

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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.

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

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. *Election Code 43.031(c)*

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. *Election Code 43.033(a)*

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

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