

COMMUNITY RELATIONS:
NONSCHOOL USE OF SCHOOL FACILITIES

GKD (R)
(LOCAL)

GENERAL CONDITIONS	<p>The Board desires to permit and encourage the use of <u>school facilities and specific interior and exterior spaces</u> school facilities inside and outside in a manner that will best serve the needs of the District community within the laws, rules, and regulations that govern the operation of a public independent school district.</p>
	<p>School facilities are designed for educational purposes and shall be used for these purposes by the District without rental <u>facility use</u> costs.</p> <p><u>Other</u> organizations may apply for use of school facilities for activities of an educational, civic, philanthropic, social or recreational nature intended to promote the public welfare and not create conflict with activities of the District. <u>The District will assess charges for use of school facilities by these organizations.</u></p>
SUPERVISION AND AUTHORITY	<p>All school facilities shall be under the general supervision of the Superintendent, subject to the terms and provisions of this policy and any other law, rule, and regulation that may be enacted by an authority governing the operation of the District. <u>The Superintendent shall have sole authority to waive the requirements of this policy. Any use of school facilities can be cancelled at the discretion of the Superintendent without advanced notice, if the activities are determined to be detrimental to the District's purposes. In the case of cancellations, the District assumes no liability other than the return of any previously paid fees for charged for unused facilities.</u></p> <p>A school principal or authorized director shall have authority to approve availability of a facility, schedule the event, and assign District personnel to ensure access, maintenance, and security.</p> <p>The support services director <u>Department of Facilities Management</u> shall review applications for compliance with this policy and inform the school principal or director whether the application is in compliance.</p> <p>The school principal or director shall inform support services <u>the Department of Facilities Management</u> when the rental use of the facility is completed, the date(s) and time(s) of rental <u>facility use</u>, personnel support, equipment rental, and any other information pertinent to the rental activity.</p> <p><u>Support Services Facilities Management</u> shall prepare billing for rental activity and forward the invoice to the business office for mailing.</p> <p>The District Business Procedures Manual, Section I: Use of Facilities, Equipment,</p>

and Inventory Control, shall govern all accounting and collection of accounts due.

PERSON AND
PROPERTY
CONTROL

The Business Office shall receive all payments for ~~rental~~use of facilities fees.

Approved organizations renting school facilities shall guarantee orderly behavior of any and all persons using the facilities and shall be liable for any damages to property or injury or death to any ~~participant or spectator~~person. A deposit against ~~liabilities~~ damages may be required prior to use. The amount of deposit shall be determined by the Superintendent. The deposit shall be in the form of a cashier check or money order payable to Eanes Independent School District, Austin, Texas.

At the discretion of the District, staff may be assigned to an ~~rental~~ event as needed to provide for safety and security or to maintain the facilities for its educational purposes. All charges will be borne by the organization where appropriate.

All persons using District facilities shall comply with all applicable law at all times during such use. A person using, under the influence of, or in possession of alcohol or illegal drugs within the premises is in violation of state law. Organizations or persons renting facilities shall be wholly responsible for the conduct and action of all participants and spectators. Organizations or persons renting facilities may not authorize any person to be in possession of any weapon or exercise law enforcement without prior approval of the Board. Organizations renting facilities shall be responsible for the safe conduct and safe use of facilities by participants and spectators.

PROGRAM
CONTROL
ADVERTISING

Use of school facilities shall not be allowed for activities that may be detrimental or destructive to the facilities and contents.

All advertising by ~~o~~Organizations in groups 1, 2, 3, and 4 may, in connection with use of district facilities, (i) display posters related to the proposed program, (ii) sell related merchandise and (iii) distribute related printed matter other than school events or school-related events, with the exception of posters incidental to the program during the event, and sale of merchandise, printed matter, and any other materials shall be forbidden on public school premises. Organizations in all other categories shall not be permitted to display posters or banners, sell merchandise or distribute printed matter in or on district facilities. In no event shall ~~no~~ advertisement of tobacco products or alcoholic beverages ~~shall~~ be permitted.

PRIVATE USE

School facilities shall not be used for private gain. Under the Community Education program, school facilities may be used for private academic instruction in the event that District students profit from the private instruction. Prior written approval from the Superintendent shall be required.

Private academic instruction, with the exception of tutoring programs approved by the Superintendent, shall ~~also~~ be either an approved District community education program or shall provide all insurance requirements set forth in this policy.

INELIGIBILITY

Any organization or authorized representative of such organization that, in the process of application for ~~rental, approved to approval to~~ use school facilities or in the process of using a school facility, ~~that is is~~ determined to ~~make or~~ have made

inaccurate, incomplete, or untrue statements or violated any law, rule and/or regulation governing the operation of a public school shall immediately become cause the authorized representative and the organization to become immediately ineligible for rental use of facilities and shall be to become liable for any damages to the District resulting therefrom incurred by the District.

PAYMENT OF
RENTAL FACILITY
USE FEES

Total payment of all fees and any deposit may be required not later than five days prior to the scheduled use date, or upon receipt of a District invoice. The organization shall make complete payment within 30 days from the ~~last date of rental use invoice date.~~ All amounts due but not paid to the District within such thirty (30) day period shall ~~a or agree to a penalty fee of six percent per calendar day in addition to the costs for use of the facilities bear interest at a per annum rate equal to the lesser of 18% per year or the maximum lawful contractual amount of interest that is permissible and nonusurious under the weekly ceiling from time to time in effect provided by Chapter 303 of the Texas Finance Code.~~ Deposits shall be a cashier's check or money order payable to Eanes Independent School District.

~~Support Services~~ The Department of Facilities Management shall inform the Business Office of all rental facility use fees due. The business office shall collect all fees as required.

PERSONNEL
SUPPORT

School officers responsible for providing access to the organization shall be required to assign authorized school employees to provide access to facilities.

The Department of Facilities Management shall assign personnel including security, custodial and maintenance support, as needed to maintain the school facilities for educational purposes. and security to the school facility.

District employees assigned to the rental event will provide access to all rented facilities used during the event. The District will not issue keys to people who are not employees of the school district. Duplication of District keys by applicant lessee is prohibited.

Federal law prohibits payment of honorarium or "tips" to any public employee in lieu of or in addition to services provided on behalf of the public.

Contracted services for security shall comply with all laws, regulations, and rules. Armed security service must have the expressed prior written approval of the Superintendent and Board, and shall comply with all District insurance requirements.

SUPPLY AND
EQUIPMENT USE

Use of school supplies, furniture, and equipment shall be at the discretion of the school officer responsible for the custodial care of the equipment. No school equipment shall be removed from the facilities or any other school property without the written consent of the Superintendent.

RENTAL FACILITY USE FEES AND INSURANCE REQUIREMENTS

RENTAL FACILITY USE FEES

~~Support Services~~ The Department of Facilities Management shall publish ~~rental~~ rates for ~~facilities facility use and authorized for rental purposes. Rental rates~~ shall be updated ~~them on an~~ annually basis. Rental Facility use fees shall include, but not be limited to, charges for use of buildings, staff, security personnel, equipment rental and disposal services.

Priority Groups 1, 2, 3, and 4 are exempt from ~~rental facility use~~ fees.

Priority Group 4 is exempt from rental facility use fees except for events sponsored by Community Education and governed by Board Policy EHBI(Legal) and EHBI(Local).

Priority Groups 5, 6, 7, and 8 may be required to pay ~~rental facility use~~ fees if the use requires additional services by the District beyond normal school hours.

Priority Group 9 must pay ~~rental facility use~~ fees.

INSURANCE REQUIREMENTS

Priority Groups 6, ~~7~~, 8, and 9 are required to provide to the District, prior to facility use, a certificate of insurance ~~with the District named as a certificate holder for limits posted on the application and agreement for use of District facilities. naming the District as an additional insured for the limits posted on the application and agreement for use of District facilities.~~

Organizations in Priority Group 7 are also required to provide a certificate of insurance naming the District as an additional insured, unless under Texas law they have been declared by State of Texas to be without are immune from liability and can provide a evidence thereof statement to that effect.

Organizations in Priority Group 5, School-Sanctioned Groups, that qualify as "charitable organizations" under the Charitable Immunity and Liability Act, may be required to produce a certificate of insurance with limits prescribed for Priority Groups 6, 8, and 9.

A certificate of insurance for the term of ~~rental facility use event~~ must be provided by an insurance agency licensed to provide insurance by the Texas State Board of Insurance. The certificate of insurance must be underwritten by an insurance company acceptable to the District.

PRIORITY OF USE BY ORGANIZATIONS

The "Priority Rating List" shall govern priority of use at all times in the use of school facilities.

The District shall not be obligated to locate and/or provide substitute space for an approved organization should the space be required by an approved organization with greater higher priority.

PRIORITY RATING LIST

The Priority Rating List is as follows:

Priority Groups 1, 2, 3 and 4 (as defined below) shall have priority over all other Priority Groups with regard to usage of District facilities are intended to set aside the school facilities for the education of district students at the schools. There is also a distinction between district children using district facilities and groups who organize to support the children.

Priority Groups:

1. Emergency use under authority of the Superintendent.
2. Local school using own facilities.
3. Local school having area-wide school activity. Examples: athletic games, school dances, debate tournaments, career days, Hyline events, etc.
4. Local school using another school facility, including community education. Examples: Westlake High School wrestling team if they use the using Cedar Creek Elementary gym, or art displayed at another school, but not including groups organized for the purpose of supporting District students, which are included in Group 5 below.

Priority Groups 5 and 6 include school-related activities and groups who support the students in school-related activities. These groups are required to complete rental facility use agreements and are usually required to provide a certificate of insurance.

5. School-sanctioned groups: UIL events, parent and teacher clubs, student clubs, booster clubs, athletic clubs, band booster clubs, and the like. Examples: booster clubs, parent/teacher organizations, band booster clubs, Eanes Education Foundation events, UIL events that do not include our students, such as AISD Youth Orchestra.
6. Community youth sponsored groups: Boy Scouts, Girl Scouts, chartered nonprofit community athletic groups, and the like. Examples: lacrosse, soccer, flag football, basketball and baseball leagues, BSA and GSA meetings.

Priority Groups 7, 8 and 9 are not necessarily formed to support the educational goals of the District, although some students may participate in the activities of these groups.

7. Governmental: Elections; national, state, county, city or local meetings of approved organizations; water control and improvement districts; Travis County Fire Districts; and the like. Examples: Travis County Elections, Austin Community College Elections, meetings held by Westlake Fire Department.

8. Nonprofit neighborhood organizations and community civic, service, welfare, recreational, and religious organizations. Examples: Farmer's Market, Frisbee golf games, churches using school facilities for their meetings, Austin Westlake Rotary Club and Austin Jaycees.
9. Private groups, tutorials, after-school, nonprofit child care groups that receive written approval from the Superintendent. Examples: Westlake Tai Kwon Do plus, Semi-pro football games, dance academies.

FACILITIES AUTHORIZED FOR USE BY APPROVED ORGANIZATIONS The ~~director of support services~~ **Department of Facilities Management**, with the consent of the school principal/director and Superintendent, shall publish a list of school facilities and specific interior and exterior spaces to be available for rental use by Priority Groups 5, 6, 7, 8, and 9.

TEMPORARY USE BY NONPROFIT ORGANIZATIONS School facilities may be made available to chartered nonprofit community organizations for a temporary period not to exceed one year nor for use more than two days per week. Chartered nonprofit community organizations may apply for renewal. These organizations include neighborhood, civic, community service, community welfare, recreational, and religious organizations.

The following documents shall comprise the application and shall be maintained in full force during the term of the agreement:

1. An application submitted and signed by a resident of the District who is an officer of the organization and who shall remain a resident of the District and an officer of the organization during the term of the agreement. The organization shall submit an amended application for any status change.
2. ~~A statement that no other suitable facility within the community is available for use by the organization.~~
3. A list of the District residents who are active members of the organization.
4. If applicable, assurance that all instructors are trained and qualified or certified in the activity being conducted, that public safety and health will be maintained, that a reasonable ratio of participants to supervisors will be maintained, and that all laws, rules, and regulations of any regulatory authority have been met and will be maintained.

RENTAL USE OF WESTLAKE HIGH SCHOOL FINE ARTS FACILITIES ~~Upon approval by the Superintendent, the Fine Arts Facility may be rented by approved community or noncommunity, and profit or nonprofit groups. Specific rules governing use and rental rates for the facility shall be published by the manager of the Fine Arts Facility and shall be subject to review and approval by the Superintendent.~~

RENTAL OF WESTLAKE HIGH SCHOOL ATHLETIC FACILITIES ~~The District athletic director shall manage and publish special rules and rates for rental of the athletic facilities at Westlake High School. The Fine Arts Facility and athletic facilities at Westlake High School, including Chaparral Stadium, the baseball stadium, practice fields, the athletic gymnasium and~~

fieldhouse, and the physical education gymnasium and locker rooms, ~~subject to review and approval by the Superintendent.~~ are available for rent for may be rented by community and non-community groups.

~~Rental~~Facility use rates and rules shall be reviewed and published on an annual basis for review and approval by the Superintendent.

~~The athletic director shall receive the consent of the Westlake High School principal prior to rental of the physical education gymnasium and locker rooms.~~

APPLICATION
PROCEDURE

Organizations desiring to rent school facilities shall complete and submit to the appropriate school officer for consideration the following forms:

1. Application and Agreement for Use of Eanes Independent School District Facilities-only a patron ~~person living within of~~ the District shall be authorized-permitted to sign as the authorized representative and ~~is be responsible-identified as the party responsible~~ for payment of rental facility use fees. Exceptions shall be requested in writing to the Superintendent.
2. Certificate of insurance for the term of the requested use produced by an insurance agency licensed to produce insurance by the Texas State Board of Insurance. The insurance company or companies underwriting the insurance policy shall be acceptable by the District, and the District shall be named as a primary beneficiary certificate holder, for the minimum limits of coverage posted on the Application and Agreement for Use of Eanes Independent School District Facilities.

The "Application and Agreement for Use of Eanes Independent School District Facilities" shall be completed and presented to the school official in charge of the appropriate facility.

The school official, upon consent in writing, will forward the application to the ~~director of support services~~ Department of Facilities Management for review and action.

Applications must be filed no less-fewer than 21 days and no more than 60 calendar days prior to the requested date(s) of use, with the exception of approved annual agreements with governmental organizations and special groups approved by the Superintendent.

Incomplete or disapproved applications shall be returned to the school official with whom the application originated.

The school official from whom the application originates shall be responsible for notification to the applicant of all transactions related to the application and use of the facility including access, utility needs, and personnel support.

DISTRIBUTION OF
NONSCHOOL

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials over which the District does not exercise control shall

LITERATURE

not be sold, circulated, or distributed by persons or groups not associated with the school or a school support group on any school premises in the District without permission in accordance with this policy.

~~during the school day~~, The District's classrooms ~~during the school day~~ are to be used provided for the limited purpose of delivering instruction to students in the courses and subjects in which they are enrolled. Hallways in school buildings are ~~provided to be used~~ for the limited purpose of facilitating the movement of students between classes and allowing access to assigned lockers. Classrooms and hallways shall not be used for the distribution of any materials over which the school does not exercise control.

Each school campus shall designate an area where materials that have been approved for distribution, as provided below, may be made available or distributed to students or others in accordance with the time, place, and manner restrictions developed and approved by the campus principal. The Superintendent shall designate appropriate areas and determine appropriate time, place, and manner restrictions regarding distribution of non-school materials at District buildings other than school campuses.

PRIOR REVIEW

All written material ~~over which the school does not exercise control and~~ that is intended for distribution on District property shall be submitted for prior review according to the following procedures:

1. Materials shall be submitted to the Superintendent or designee for review.
2. To be considered for distribution, materials shall include the name of the organization or individual sponsoring the distribution.
3. Using the standards below at LIMITATIONS ON CONTENT the Superintendent or designee shall approve or reject submitted material within two school days of the time the material is received.
4. The requestor may appeal the decision of the Superintendent or designee to the Board in accordance with GF(LOCAL), beginning at the appropriate Level.

Appropriate law enforcement officials may be called when a person refuses to follow the procedures for submitting materials and fails to leave the premises when asked. [See GKA]

LIMITATIONS ON CONTENT

Non-school materials shall not be distributed if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.
3. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.

4. The materials contain defamatory statements about public figures or others.
5. The materials criticize Board members or school officials or advocate violation of school rules and fall within the standard described at LIMITATIONS ON EXPRESSION at FNAA (LEGAL).
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials include hate literature that scurrilously attacks ethnic, religious, or racial groups, and similar publications aimed at creating hostility and violence if they fall within the standard described at LIMITATIONS ON EXPRESSION at FNAA(LEGAL).

[See CPAB regarding use of the District's internal mail system and FNAA regarding distribution of non-school literature by students]

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This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]