



Facility Use and Fees

Patrons of the District sometimes have the idea that, because school facilities are generally paid for with public tax money, facilities, especially large meeting areas or gyms and outdoor fields are available for the public to use any time without charge. The truth is, of course, that school facilities are not "open to the public" at all times for all uses. Your facilities are under board and administrative control and are available for outside use only when that use has been authorized under district policy and the requestor follows district procedures for requesting and scheduling outside use.

A strict reading of the Texas Constitution's provisions prohibiting the gratuitous grant of public funds requires districts to assess a fee for those uses that at least covers out-of-pocket expenses. As a result of community interests (and pressures), many districts use a three-tiered system for assessing facility use rates:

1. little or nothing to school-related organizations;
2. actual utility and maintenance costs to local governments and civic organizations;
3. fixed rental user fees to others.

Whatever is decided in your district, the board should formally adopt a fee schedule and apply it consistently for all requests for facility use. Remember that, generally, once you make facilities open to a particular type of group or organization or for discussion on particular topics, you cannot pick and choose the viewpoint about those topics that you will allow to be expressed in the facility. In other words, if you permit the local Republican party to rent a room, you cannot say no to the Democratic party because you disagree with their positions. However, districts are also permitted to have different rules about usage and fees for different facilities, such as performing arts facilities, stadiums, basketball courts, cafeteria, and so on. Districts may also require the renter to purchase insurance making the district a beneficiary should there be significant damage to the facility. Check with your school attorney if you have a request that is troublesome.

A simple, but complete, facility use agreement is also a very good idea. That document sets out the basic terms of usage and what the user is responsible for, costs, etc., and is evidence should there be a dispute as to liability for damages, etc.

Board policies at GKD (LEGAL) and (LOCAL) and GKDA (LEGAL) and (LOCAL) contain more information on the legal framework and basic policy.