

TEXAS SCHOOL FOR THE DEAF

COMMUNITY RELATIONS: USE OF SCHOOL FACILITIES FOR NONSCHOOL PURPOSES

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FACILITIES USE	<p>The Board delegates to the Superintendent the authority to license some or all of the physical facilities of the School. The Superintendent shall establish a fee schedule for lease of the facilities to the following persons under the following conditions:</p> <ol style="list-style-type: none">1. any organization, group, or individual at the prevailing market rate; or2. a federal or state agency, a unit of local government, a nonprofit organization, a school employee, or an individual member of the general public at less than the prevailing market rate if the Superintendent determines that sufficient public benefit will be derived from the use. <p>Education Code §30.052(j)</p>
PUBLIC USE	<p>The Board permits public use of designated School facilities for educational, recreational, civic, or social activities when these activities do not conflict with School use or with this policy.</p>
APPROVAL OF USE	<p>Approval shall not be granted for any purpose that would damage School property or to groups that are known to have damaged other rented property.</p>
PRIORITIES	<p>Priorities for scheduling the use of School facilities shall be as follows:</p> <ol style="list-style-type: none">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 School or School-sponsored activities.3. Meetings and other activities of groups made up primarily of school-aged children.4. Meetings of employee organizations.5. Meetings and activities of other groups on a first-come, first-served basis.
EMERGENCIES OR DISASTERS	<p>The Superintendent may authorize the use of School facilities by civil defense officials in the case of emergencies or disasters.</p> <p>The Superintendent may also suspend use of School facilities by outside entities during emergency situations.</p>
REQUIRED CONDUCT	<p>Organizations using School facilities shall:</p> <ol style="list-style-type: none">1. Conduct their 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.3. Make no alteration, temporary or permanent, to School property without prior written consent from the Superintendent.
RELEASE OF LIABILITY	<p>Organizations or individuals using School facilities shall release the School 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.</p>
PROCEDURES	<p>The Superintendent shall develop procedures to address licensing, approval</p>

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and fee structure for facilities use. The fee structure for facilities rentals is posted on the TSD website.

FORUM FOR COMMUNICATION

TSD 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.

Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S. Ct. 948 (1983); Chiu v. Plano Indep. Sch. Dist., 260 F.3d 330 (5th Cir. 2001)

TSD is not required to allow persons to engage in every type of speech when TSD establishes a limited public forum; TSD may be justified in reserving its forum for certain groups or for the discussion of certain topics. TSD 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.

Good News Club v. Milford Cent. Sch, 533 U.S. 98, 121 S. Ct. 2093 (2001); Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384, 113 S. Ct. 2141 (1993)

DISTRIBUTION OF NONSCHOOL LITERATURE

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials over which the School does not exercise control shall not be sold, circulated, or distributed by persons or groups not associated with the School for a School support group on any School premises without permission in accordance with this policy.

The School's classrooms during the school day are 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 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 Division Director shall designate an area where materials that have been approved for distribution, as provided below, may be made available or distributed to students and staff or others and determine how long materials may remain available for distribution and the manner in which they will be distributed.

PRIOR REVIEW

All written material over which the School does not exercise control and that is intended for distribution on School 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 five 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 TSD Board Policy GF.

Appropriate law enforcement officials may be called when a person refuses to

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follow the procedures for submitting materials and fails to leave the premises when asked.

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 within TSD Board Policy FNA.A.
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 FNA.A.

PATRIOTIC SOCIETIES

Because TSD has a designated limited public forum and receives funds made available through the U.S. Department of Education, TSD 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 society), that wishes to conduct a meeting within that designated 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 a 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, Pub. L. No. 107-110, Sec. 9525, 115 Stat. 1981-82 (2002) (to be codified at 20 U.S.C. 7905)

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DISTRIBUTION OF
NONSCHOOL
PUBLICATIONS

Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment.

Schenck v. Pro-Choice Network, 519 U.S. 357, 117 S. Ct. 855 (1997) (recognizing leafletting and commenting on matters of public concern as protected speech); Boos v. Barry, 485 U.S. 312, 108 S. Ct. 1157 (1988) (recognizing public issue signs as protected speech); Meyer v. Grant, 486 U.S. 414, 108 S. Ct. 1886 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech)

If a district creates a forum for the distribution of non-school literature, the district may impose time, place, and manner regulations and may reserve its facilities for their intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view.

Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S. Ct. 948 (1983)

USE OF TSD MAIL SYSTEM

Unless it has been opened to the public, by policy or practice, a school mail system is not a public forum. A district may create a limited public forum in its campus mailboxes.

Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S. Ct. 948 (1983)

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