

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

**Sec. 1. PURPOSE OF POLICY.**

Through this policy, the Board of Directors (hereafter, the “Board”) of Student Alternatives Program, Inc. doing business as Triumph Public High Schools (TPHS) (hereafter, the “Charter District”) shall address the legal requirements, as applicable, pertaining to the use of public property by a third-party.

**Sec. 2. APPLICABILITY.**

*Sec. 2.1.* This policy applies to property acquired with Foundation School Program funds received by the Charter District.<sup>1</sup>

*Sec. 2.2.* This policy applies to the use of public property by a third-party for an activity not directly related to the instruction provided by the Charter District to students as provided by the open-enrollment charter.<sup>2</sup>

*Sec. 2.3.* This policy is limited to an authorized use, as established under Section 6 of this policy, of a school facility, as defined under Section 4.2 of this policy.

*Sec. 2.4.* Except as set forth under Section 2.3 of this policy, the Charter District is not authorized to permit any use of any public property by a third party.

**Sec. 3. AUTHORITY OVER FISCAL MATTERS.**

*Sec. 3.1.* Unless otherwise indicated, the Board’s Policy PG-5.001, Authority Over Fiscal Matters, will govern and control over the policy statements set forth in this Policy PG-5.330.

*Sec. 3.2.* For the Board policy pertaining to the Delegate and designee, see Section 3.2 and Section 4 of PG-5.001.

**Sec. 4. PUBLIC PROPERTY DEFINED.**

*Sec. 4.1.* Public property is property purchased with public funds received by the Charter District<sup>3</sup> and includes:

- (a) real property, including a lease interest and improvements to buildings, fixtures, utilities, landscaping, construction in progress, or other improvements; and

<sup>1</sup> *Tex. Educ. Code §§ 12.106; 12.107(a); 12.128(a)*

<sup>2</sup> *Tex. Educ. Code § 12.102(1); 19 Tex. Admin. Code § 100.1001(21)*

<sup>3</sup> *Tex. Educ. Code § 12.128(a); 19 Tex. Admin. Code § 100.1001(23)*

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH  
SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

- (b) personal property, including:
- (1) furniture, equipment, supplies, and other goods;
  - (2) computer hardware and software;
  - (3) contract rights, intellectual property such as patents, and other intangible property;
  - (4) cash, currency, funds, bank accounts, securities, and other investment instruments;
  - (5) the right to repayment of a loan, advance, or prepayment or to the payment of other receivables; and
  - (6) any other form of personal property recognized by Texas law.<sup>4</sup>

**Sec. 4.2.** For purposes of this policy, school facility shall mean an auditorium, cafeteria, cafeterium, classroom, conference room, meeting room, training room, gymnasium, practice field, and stadium.

**Sec. 5. THIRD PARTY DEFINED.**

**Sec. 5.1.** In this policy, third party means any group formed independently of the Charter District as an unincorporated nonprofit association<sup>5</sup> or a nonprofit corporation<sup>6</sup> including:

- (a) Parent-teacher association or organization.
- (b) Booster clubs.
- (c) American Legion.
- (d) Boy Scouts.
- (e) Camp Fire.
- (f) Girl Scouts.
- (g) Lions Club International.
- (h) Rotary Club.
- (i) Any other group formed independently of the Charter District as an unincorporated nonprofit association or a nonprofit corporation approved by the Board in a resolution.

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<sup>4</sup> 19 Tex. Admin. Code § 100.1001(14); (22); (24)

<sup>5</sup> Tex. Bus. Org. Code, Chapter 252

<sup>6</sup> Tex. Bus. Org. Code, Chapter 22

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH  
SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

**Sec. 5.2.** Third party does not include any internal employee or student group.

**Sec. 5.3.** Third party does not include any for-profit entity or individual.

**Sec. 6. USE OF PUBLIC PROPERTY.**

**Sec. 6.1.** Public property may be used only for a purpose for which a school district may use school district property and only to implement a program that is described in the open-enrollment charter and is consistent with Texas Education Code § 12.107.<sup>7</sup>

**Sec. 6.2.** The limitation under Section 6.1 of this policy notwithstanding, the Board finds that:

- (a) The predominant purpose of allowing a use consistent with the Charter District's purposes set forth in its Certificate of Formation, as amended, is to accomplish a public purpose<sup>8</sup> and not to benefit private parties;<sup>9</sup>
- (b) The use shall provide a clear, public benefit in return;<sup>10</sup> and
- (c) Sufficient control shall be retained over the use to ensure that the public purpose is accomplished, and a return benefit is received.<sup>11</sup>

**Sec. 6.3.** Limited to the property identified in Section 4.2 and subject to the requirements of Section 6.4 of this policy, the Charter District may allow the use of a school facility by a third party for athletic, charitable, civic, educational, recreational, religious, scientific, or social activities.<sup>12</sup>

**Sec. 6.4.** The Charter District may only allow the use of a school facility by a third party if the use does not conflict with the Charter District's athletic events, educational and instructionally-related activities, cocurricular and extracurricular activities, maintenance work, meetings, professional development workshops and trainings, student performances and practices, and other Charter District activities, events, functions, and programs which must, at all times, take precedent over any third party use.

**Sec. 6.5.** The Charter District must not allow the use of a school facility for a purpose that is inconsistent with the purpose established in the Charter District's Certificate of Formation, as amended.

<sup>7</sup> *Tex. Educ. Code § 12.128(a)(3); 19 Tex. Admin. Code § 100.1091(c)*

<sup>8</sup> *Tex. Att'y Gen. Op. No. GA-0743 (2009)*

<sup>9</sup> *Tex. Att'y Gen. Op. No. GA-0076 (2003)*

<sup>10</sup> *Tex. Att'y Gen. Op. No. KP-0099 (2016)*

<sup>11</sup> *Tex. Att'y Gen. Op. No. GA-0076 (2003)*

<sup>12</sup> *Tex. Bus. Org. Code 2.002(1)*

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH  
SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

*Sec. 6.6.* The Charter District must not allow a use of a school facility by any organization or person that is not authorized by the Board under this policy.

*Sec. 6.7.* The Charter District must require a third party using a school facility under this policy to adequately supervise its use, including having an appropriate number of chaperones.

*Sec. 6.8.* The Charter District may allow the use of a school facility by a local, state or federal governmental agency during an officially declared disaster or other emergency.

**Sec. 7. FEES.**

*Sec. 7.1.* The Charter District must charge a fee to a third party for the use of a school facility. The Delegate or designee must establish and publish a fee(s) that adequately covers the cost of ensuring that the school facility is appropriately maintained and safeguarded during third party use and for cleaning the school facility after third party use.

*Sec. 7.2.* The Delegate or designee must collect the fee(s) in advance and deposit the fee(s) collected into the Charter District's general operating account and fund.

*Sec. 7.3.* A third party must forfeit its prepaid fee(s) pursuant to Section 9.1(j)(3)(B) of this policy.

*Sec. 7.4.* The Charter District must not collect a fee(s) from parent-teacher associations or organizations, booster clubs, or internal employee or student groups.

*Sec. 7.5.* In an administrative procedure adopted under Section 10 of Policy PG-5.001, the Delegate or designee may waive the collection of a fee(s) from a third party.

**Sec. 8. THIRD PARTY CONDUCT.**

*Sec. 8.1.* A third party must bear responsibility for the action(s) or failure(s) to act of its officers, employees, agents, attendees, participants, spectators, sponsors, and visitors directly or indirectly relating to its use of the school facility.

*Sec. 8.2.* A third party must agree to comply with all applicable statutes, regulations, regulatory agency directives and policies, this policy, and any administrative procedures adopted under Section 10 of Policy PG-5.001.

*Sec. 8.3.* A third party must agree to prohibit the possession or use of:

- (a) alcoholic beverages;
- (b) firearms, knives or any other weapon;

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH  
SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

- (c) food, including beverages, in the school facility, other than in the cafeteria or other designated area(s); and
- (d) tobacco products anywhere on or in the school facility.

**Sec. 8.4.** A third party must agree to leave the school facility in the same condition as it was received and to not alter the school facility in any respect, unless so approved in advance by the Delegate.

**Sec. 8.5.** The Delegate or designee may stipulate other required conduct in the agreement under Section 9 of this policy or the administrative procedures adopted under Section 10 of Policy PG-5.001.

**Sec. 9. APPLICATION AND AGREEMENT REQUIRED.**

**Sec. 9.1.** The Delegate or designee must require that a third party submit an application to request the use of a school facility at least ten (10) business days prior to the first day of the requested use. The application must provide:

- (a) the name of the legal entity, assumed name (if any), the official physical address of its central administrative office, and official telephone number;
- (b) the type of legal entity conforming with Section 5.1 of this policy;
- (c) the requested school facility;
- (d) the date(s) and time(s) of the requested use;
- (e) the purpose of the requested use, event name, and a statement disclosing the activity to be undertaken;
- (f) if the event will be closed or open to the general public;
- (g) the number of attendees;
- (h) if food will be served;
- (i) evidence of liability insurance coverage with the Charter District named as the certificate holder;
- (j) an acknowledgement that:

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH  
SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

- (1) the request will be approved on a first-come, first served basis;
- (2) Charter District activities, events, functions, and programs shall preempt the requested and approved use at all times; and
- (3) the Charter District reserves the right to cancel the requested use if:
  - (A) an unanticipated conflict arises under Section 9.1(j)(2) of this policy; and
  - (B) if the third party violates its agreement, this policy and related administrative procedures, and applicable law; and
- (k) the printed name, signature, and date of signature of a duly authorized representative certifying the information provided on the application.

**Sec. 9.2.** The Delegate or designee must require that a third party execute a written agreement, including the approved application as an attachment or exhibit. The Delegate or designee must seek legal counsel during the preparation and adoption of the agreement to ensure that the Charter District's interests are protected.

**Sec. 9.3.** The Delegate or designee may only bind the Charter District to a term concluding at the end of the fiscal year during which the agreement is fully executed. The Charter District must not allow any renewals. A third party desiring to use a school facility in a subsequent fiscal year must apply anew.

**Sec. 9.4.** The third party must agree to release the Charter District from any and all liability for any damage to personal property or personal injury.

**Sec. 9.5.** The third party must agree to bear the cost of any damage(s) to the school facility resulting from its use.

**Sec. 10. REQUIRED APPROVAL.**

**Sec. 10.1.** The Delegate or designee must approve a third-party request to use a school facility.

**Sec. 10.2.** If adopted as an administrative procedure under Section 10 of Policy PG-5.001, a campus principal may approve a third-party request to use a school facility on the principal's own campus.

**Sec. 10.3.** The Delegate or designee, or campus principal, may deny a third request to use a school facility if it does not conform to the requirements of this policy in any respect.

DATE ADOPTED: 05/16/2026

PAGE 6 OF 8

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH  
SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

*Sec. 10.4.* The Delegate or designee, or campus principal, may cancel any previously approved third party request to use a school facility under Section 9.1(j)(3) of this policy.

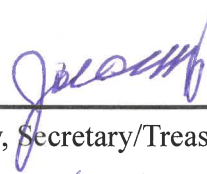
*Sec. 10.5.* The Board must approve the final agreement prior to final execution by the Board's designee.

**STUDENT ALTERNATIVES PROGRAM, INC. DBA TRIUMPH PUBLIC HIGH  
SCHOOLS (TPHS)  
BOARD POLICY MANUAL  
POLICY GROUP 5 – FISCAL MANAGEMENT  
THIRD-PARTY USE OF PUBLIC PROPERTY**

**PG-5.330**

**CERTIFICATION**

The Undersigned, being the Secretary of the Board, hereby certifies that the foregoing represents a true copy of the Board Policy PG-5.330, Third-Party Use of Public Property, as adopted by the Board on May 16, 2026, which Policy is in full force and effect and has not been amended or repealed.



\_\_\_\_\_  
Joe Curry, Secretary/Treasurer



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Date Certified