



May 20, 2024

Donald McIntyre, Superintendent  
Princeton Independent School District (“Princeton ISD”)

*Sent Via E-mail*

**Re: Level Two Grievance Regarding Retaliation and Discrimination Against PTX Diverse, John Kusterbeck, and Charlise Lee**

Dear Superintendent McIntyre:

We file this Level Two Grievance on behalf of Princeton TX Diverse (“PTX Diverse”), John Kusterbeck, and Charlise Lee to ask Princeton ISD to stop retaliating and discriminating against them in violation of the U.S. and Texas Constitutions, and to reverse the District’s decisions prohibiting them from being a vendor or renting campus facilities. The District’s decisions barring PTX Diverse, Mr. Kusterbeck, and Ms. Lee from equal access to campus facilities based on their constitutionally protected speech likely violate the U.S. and Texas Constitutions. Because these violations undermine the free speech rights of everyone in the Princeton ISD community, we urge you to reverse your prior decisions and allow PTX Diverse, Mr. Kusterbeck, and Ms. Lee to continue accessing Princeton ISD facilities under the same policies and practices as everyone else.

***Recent Attempts to Restrict Free Speech***

PTX Diverse is a 501(c)(3) nonprofit organization that encourages the Princeton community to embrace each other’s differences and support every member of the community despite those differences. Mr. Kusterbeck and Ms. Lee are the co-founders and the president and vice president of PTX Diverse. For the past few years, they have organized an event called Princeton Pride, most recently held on Princeton ISD property. This event is a celebration of joy, love, and diversity for the entire Princeton community and includes the sharing of information and resources for Princeton’s LGBTQIA+<sup>1</sup> community and their allies.

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<sup>1</sup> LGBTQIA+ refers to people who are lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, or another sexual orientation or gender identity beyond the heterosexual and cisgender majority. See LGBTQIA+ 101, GENDER+ SEXUALITY RESOURCE CENTER, <https://www.gsrc.princeton.edu/lgbtqia-101> (last visited May 15, 2024).

On April 20, 2024, PTX Diverse also participated in the 20th annual Princeton Onion Festival hosted on Princeton ISD property. The Onion Festival is a celebration of community history that benefits the Princeton Lions Club, and it contains numerous activities and events across multiple Princeton ISD campuses. At one event, held at Princeton High School, PTX Diverse hosted a coloring competition to provide an activity for Onion Festival attendees and advance the event’s charitable purpose. Like many community organizations, PTX Diverse sought to give back to the Princeton community by donating certain prizes to this event. As part of the coloring competition, PTX Diverse donated gift baskets with books to be awarded to the winners.

PTX Diverse called the books in the baskets “banned books” to reflect the fact that many government entities across the world try to ban or censor some of these books. According to PEN America, Texas leads the nation in books that are banned or censored, with 438 unique titles being challenged.<sup>2</sup> That same study found that 30% of the titles banned by school districts are books about race, racism, or feature characters of color, and 26% have LGBTQIA+ characters or themes.<sup>3</sup>

To reflect this trend—and criticize it—PTX Diverse’s gift baskets prominently featured books about race, racism, and characters of color, as well as LGBTQIA+ characters and themes. PTX Diverse felt inspired to distribute these book baskets because some politicians and outside groups have recently called on Princeton ISD to ban or restrict access to books and viewpoints in the District libraries. At the January school board meeting, Texas State Representative Candy Noble urged the district to restrict certain books. And, at the February meeting, a group called Citizens Defending Freedom gave a presentation about restricting or limiting certain book titles.

Critically, however, **no books in Princeton ISD are currently banned by the District.** The term “banned books” is a phrase common across the globe to highlight books that have been challenged or targeted by government entities currently or in the past. There are no books actually banned in Princeton ISD, as the District recently affirmed in response to a public records request.<sup>4</sup> Moreover, PTX Diverse only gave books as prizes to students whose parents or guardians were present and consented to their young people receiving these books. The books that PTX Diverse distributed are educationally suitable and widely acclaimed, and many of them are available on the shelves of Princeton ISD’s libraries. Even those that might not be on the shelves are still fully allowed in the District and may be brought or distributed at school by any student, teacher, parent/guardian, or guest on campus.

Despite the fact that **all** of these books are permitted in the District and **none** are banned, PTX Diverse chose to divide its book baskets based on reading and interest level, to make things easier and more accessible for students, parents and guardians. These are the books they chose:

### **0-10 year old basket**

- *The Family Book* by Todd Parr<sup>5</sup> - Reading age pre-K to first grade

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<sup>2</sup> *Banned in the USA: State Laws Supercharge Book Suppression in Schools*, PEN America (April 20, 2023), <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>.

<sup>3</sup> *Id.*

<sup>4</sup> **Exhibit 2** (Response to Public Information Request).

<sup>5</sup> The Scholastic website describes this book as follows: “Every family is special in its own way - families

- *And Tango Makes Three* by Justin Richardson & Peter Parnell<sup>6</sup> - Reading age pre-K to third grade
- *A Day in the Life of Marlon Bundo* by Jill Twiss<sup>7</sup> - Reading age pre-K

### 11-17 year old basket

- *It's Perfectly Normal* by Robie Harris<sup>8</sup> - Reading age 10-13
- *Stamped (For Kids): Racism, Antiracism, and You* by Jason Reynolds and Ibram X. Kendi<sup>9</sup> - Reading age 7-11
- *Looking for Alaska* by John Green<sup>10</sup> - Reading age 14-17

### 18+ year old basket

- *1984* by George Orwell<sup>11</sup> - Reading age 16+
- *Stamped: Racism, Antiracism, and You* by Jason Reynolds and Ibram X. Kendi<sup>12</sup> - Reading age 12+

Students, parents, and guardians who attended the Onion Festival were grateful for PTX Diverse's participation and donations. The books were all wrapped in the baskets and only given to winners if a minor was accompanied by their parent or guardian, or given to an adult for the 18+ category. The only people who received a book were those who volunteered to participate in the competition; and they gladly accepted those prizes, just as they received many other prizes from other community vendors. Indeed, other vendors and exhibitors distributed arts and crafts materials and pamphlets and, as will be discussed below, one vendor distributed Bibles to attendees:

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with two moms or two dads, big families, small families, clean families, and messy families. Perfect for young children just beginning to read, this playful book is designed to encourage early literacy, enhance emotional development, celebrate multiculturalism, promote character growth, and strengthen family relationships.”

<https://shop.scholastic.com/teachers-ecommerce/teacher/books/the-family-book-9781338118728.html>

<sup>6</sup> Book Source describes this book as follows: “At New York City's Central Park Zoo, two male penguins fall in love and start a family by taking turns sitting on an abandoned egg until it hatches.”

[https://www.booksource.com/products/and-tango-makes-three\\_0689878451.aspx](https://www.booksource.com/products/and-tango-makes-three_0689878451.aspx)

<sup>7</sup> Common Sense Media calls this a “Cute story of two boy bunnies who get married.”

<https://www.common Sense Media.org/book-reviews/last-week-tonight-with-john-oliver-presents-a-day-in-the-life-of-marlon-bundo>

<sup>8</sup> The Unitarian Universalist Bookstore describes this book as follows: “With more than 1.5 million copies in print, *It's Perfectly Normal* has been a trusted resource on sexuality for more than twenty-five years.”

<https://www.uuabookstore.org/Its-Perfectly-Normal-P19024.aspx>

<sup>9</sup> Booksource describes this book as “This chapter book edition of the bestselling book by luminaries Ibram X. Kendi and Jason Reynolds is an essential introduction to the history of racism and antiracism in America.”

[https://www.booksource.com/products/stamped-\(for-kids\)--racism--antiracism--and-you\\_9780316167581.aspx](https://www.booksource.com/products/stamped-(for-kids)--racism--antiracism--and-you_9780316167581.aspx)

<sup>10</sup> Booksource describes this book as “Sixteen-year-old Miles’ first year at Culver Creek Preparatory School in Alabama includes good friends and great pranks, but is defined by the search for answers about life and death after a fatal car crash.”

[https://www.booksource.com/products/looking-for-alaska\\_0142402516](https://www.booksource.com/products/looking-for-alaska_0142402516)

<sup>11</sup> Scholastic describes this famous work as “George Orwell’s chilling prophecy about the future.” It presents a world in which the government restricts ideas and books like this one.

<https://shop.scholastic.com/teachers-ecommerce/teacher/books/1984-9780451524935.html>

<sup>12</sup> Booksource describes this book as “This chapter book edition of the bestselling book by luminaries Ibram X. Kendi and Jason Reynolds is an essential introduction to the history of racism and antiracism in America.”

[https://www.booksource.com/products/stamped-\(for-kids\)--racism--antiracism--and-you\\_9780316167581.aspx](https://www.booksource.com/products/stamped-(for-kids)--racism--antiracism--and-you_9780316167581.aspx)



On April 30, 2024, PTX Diverse, Mr. Kusterbeck, and Ms. Lee received a letter from Superintendent McIntyre claiming that they “failed to comply with District Board Policies” because they “had a basket of ‘banned books’ with inappropriate reading materials for children under the Princeton ISD Board Policies and intended to award this basket to winners of the coloring contest.”<sup>13</sup> This letter does **not** state which Board Policies, if any, were violated, and claims that PTX Diverse, Mr. Kusterbeck, and Ms. Lee are now “prohibited from renting facilities or participating as a vendor” and could even be threatened with criminal trespass if they return to District property. The other groups that passed out religious materials at the Onion Festival do not seem to have been similarly punished or banned from campus.

### *History of Retaliation Against PTX Diverse*

As further discussed below, there is no rational or legal basis for the District’s decision to bar PTX Diverse, Mr. Kusterbeck, and Ms. Lee from renting facilities or serving as vendors on Princeton ISD property. Censoring their free speech for distributing “banned books” does not make sense when **there are no books banned by the District**. This arbitrary governmental action appears to be part of a concerning pattern of retaliation against PTX Diverse, Mr. Kusterbeck, and Ms. Lee that discriminates against them based on the content of their speech—namely, for their support for LGBTQIA+ students in the District and their criticism of some members of the school board.

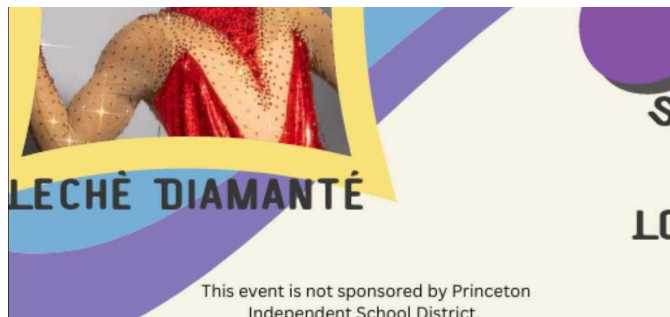
Ever since PTX Diverse has hosted LGBTQIA+ Pride events on Princeton ISD property, there have been certain members of the community who do not agree with their message and want to see them banned from campus. After PTX Diverse reserved space at Princeton ISD for last year’s Pride festival in June of 2023, several members of the community asked the school board to ban all members of the public from using school property.<sup>14</sup> The District decided to keep its

<sup>13</sup> **Exhibit 1** (Vendor Letter from Princeton ISD).

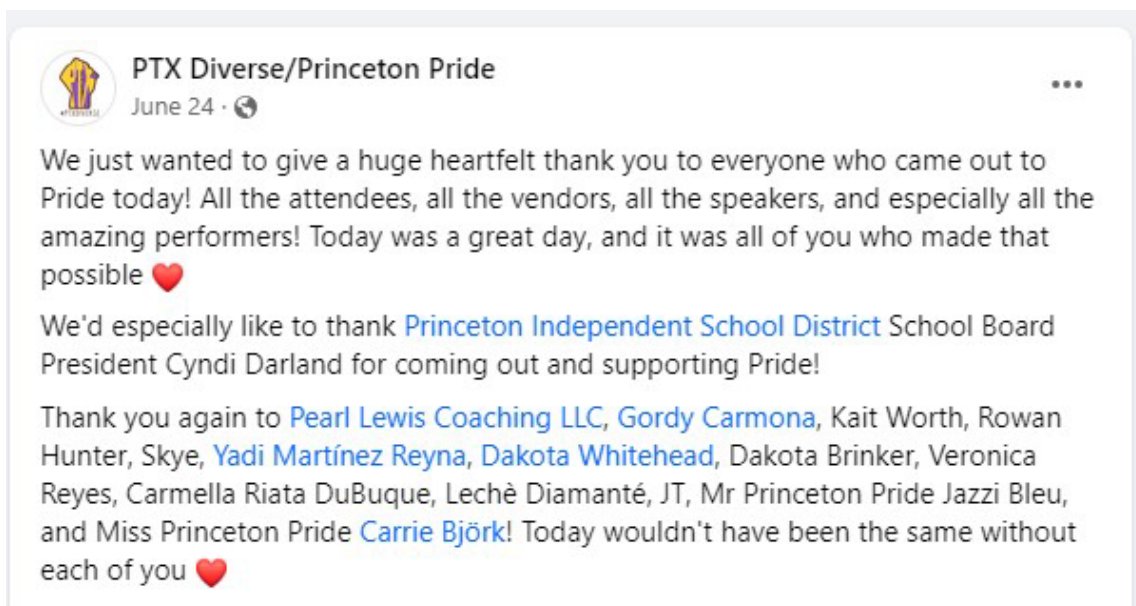
<sup>14</sup> Erin Jones, *Princeton ISD school board considers not letting public rent facilities*, CBS NEWS (Jan. 19, 2023), <https://www.cbsnews.com/texas/news/princeton-isd-board-meeting/>.

rental policies in place, but it removed a discount that allowed groups with a majority of Princeton ISD students participating to rent facilities for free. This resulted in PTX Diverse having to limit its programming on campus and has impacted a large number of community groups, that now have to pay (or pay more) to reserve District property.

Despite this hostility from certain community members and changes to Princeton ISD policies, PTX Diverse complied with these policies and held its Pride event on June 24, 2023. In accordance with District policies, PTX Diverse included a prominent disclaimer on its posters for the event, stating: “This event is not sponsored by Princeton Independent School District.”



After the event was over, PTX Diverse posted on Facebook and gave a “huge heartfelt thank you to everyone who came out to Pride today,” including “all the vendors, all the speakers, and especially all the amazing performers.” The group “especially” thanked “Princeton Independent School District School Board President Cyndi Darland for coming out and supporting Pride!”



PTX Diverse’s Facebook post did not mention that the event was held on District property, and the post was both satirical and a political statement. Board President Cyndi Darland has previously made public comments that are highly critical or negative towards Princeton Pride, as



she told a news outlet last year that she had forced PTX Diverse to “ton[e] down their behavior” and “clean[] up their act” by amending District policies.<sup>15</sup> Thus, PTX Diverse’s post thanking her for attending was meant to be facetious and is the kind of political satire that is squarely shielded by the First Amendment.<sup>16</sup> Mr. Kusterbeck has also given public comments at other Princeton ISD board meetings, where he accused certain board members of accepting campaign funds from donors who support vouchers and reducing funds for public education.

After Mr. Kusterbeck made these remarks, and three months **after** PTX Diverse posted its “thank you” message on Facebook, Superintendent McIntyre sent a letter to PTX Diverse, Mr. Kusterbeck, and Ms. Lee on September 28, 2023, accusing them of violating the District’s facility use agreement pursuant to GKD (Regulation). Specifically, this letter claimed that they broke the Board Policy requirement of including a specific disclaimer that the District was not sponsoring this event when they published this specific post on Facebook.<sup>17</sup>

This letter fails to mention that PTX Diverse included the disclaimer required by District policies in **all** of its advertising materials before the event. It was only **after** Pride was over, in a single after-the-fact thank-you post (with the disclaimer included elsewhere on the page) that PTX Diverse satirically thanked the school board president for attending the event. As further discussed below, satire and criticism of political candidates and government officials is core political speech shielded by the First Amendment. And the District’s decision to punish PTX Diverse and its founders for this facetious Facebook post seems like retaliation in violation of the First Amendment, especially when compared with how other groups renting Princeton ISD facilities frequently fail to include the required disclaimer—even in their pre-event advertising materials.

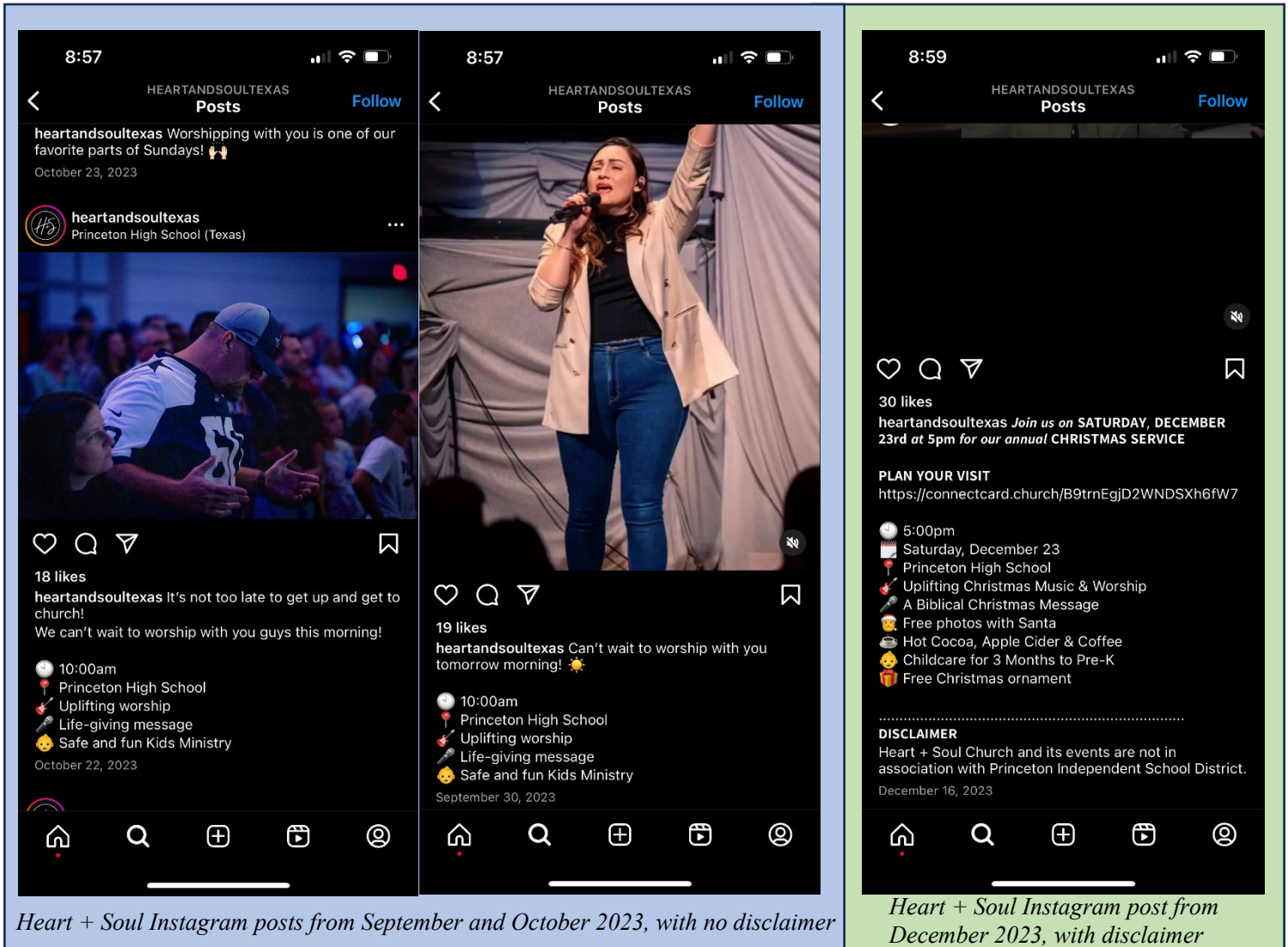
For example, the Heart + Soul Church hosts worship services at Princeton High School and has often failed to include the required disclaimer in its social media post about these events, even when prominently advertising that its services take place on District property:

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<sup>15</sup> Erin Anderson, *New Policies Force ‘Princeton Pride’ to Tone Down LGBT Event on School Property*, TEXAS SCORECARD (June 26, 2023), <https://texasscorecard.com/local/new-policies-force-princeton-pride-to-tone-down-lgbt-event-on-school-property/>. Princeton ISD also chose to incorporate parts of Senate Bill 12 from the 2023 Texas Legislative Session into its campus use policies to restrict “sexually oriented performances” on campus. **Exhibit 4** (GKD (Regulation)). But this law (and the legal language within it) has been permanently enjoined by a federal court and declared unconstitutionally vague and overbroad. *See Woodlands Pride, Inc. v. Paxton*, No. CV H-23-2847, 2023 WL 6226113, at \*20 (S.D. Tex. Sept. 26, 2023). Thus, parts of Princeton ISD’s facilities use policy now conflict with this decision, are out of step with Texas law, and should be amended. Even though PTX Diverse does not believe that the performances it hosts are sexual in any way, the federal court that considered this case noted that the law’s broad and vague language could implicate ordinary, innocuous “activities such as cheerleading, dancing, live theater, and other common public occurrences.” *Id.* at 49.

<sup>16</sup> “[H]umor and satire are time-tested methods of commenting on a matter of political or social concern.” *Hiers v. Bd. of Regents of the Univ. of N. Texas Sys.*, No. 4:20-CV-321-SDJ, 2022 WL 748502, at \*7 (E.D. Tex. Mar. 11, 2022) (collecting cases).

<sup>17</sup> **Exhibit 3** (Original Letter from Princeton ISD).



*Heart + Soul Instagram posts from September and October 2023, with no disclaimer*

*Heart + Soul Instagram post from December 2023, with disclaimer*

The website of the Heart + Soul Church lists the address of Princeton High School throughout its website as the location where the Church holds worship services, yet there is not a disclaimer anywhere on the site at the time of the submission of this letter:



The Holy Ghost Ministry also hosts services at Southard Middle School and advertises these services to the public with a physical sign that also fails to include the required disclaimer.



Moreover, just weeks ago, Faith Baptist Church held a National Day of Prayer Celebration at Princeton ISD’s Lovelady High School. It did not include the required disclaimer in its Facebook advertisements for the event, nor in its online event registration page. Additionally, the church charged between \$25 and \$800 to reserve seats and tables at the event, which is a clear violation of the District’s GKD Regulation’s prohibition on lessees charging admission to their events<sup>18</sup>:

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<sup>18</sup> **Exhibit 4** (GKD (Regulation)) (“Lessees may not charge for admission to their event”); GKD (Local), Princeton ISD (March 6, 2015), <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=313&code=GKD#localTabContent> (“The District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the District shall permit private academic instruction, as well as public performances, recitals, or presentations **so long as no admission fee is charged**, when these activities do not conflict with school use or with this policy.”).



Faith Baptist Church, Princeton, Tx  
4h · 🌐

# NATIONAL DAY OF PRAYER CELEBRATION

Thursday, May 2, 2024  
7 - 9 PM  
Lovelady High School  
Cost: \$25 per person

Sign up at the back to sit at a Faith Princeton table or follow the QR code to reserve your own seat or table.

👍 1

👍 Like      💬 Comment      ➦ Share

1 Who's Coming > 2 Enter Details > 3 Register

## 2024 National Day of Prayer Celebration

Thursday, May 2, 2024 7:00 pm - 9:00 pm

Lovelady High School  
501 Boorman Lane  
Princeton, TX 75407

He is trustworthy. He never fails. God is faithful. No matter how big or small your need, just like he fed the Israelites manna (Exodus 16), He will provide for our daily needs.

INDIVIDUAL TICKET	\$25.00
TABLE (8 SEATS)	\$25.00 deposit \$200.00
2 TABLES (16 SEATS)	\$200.00 deposit \$400.00
3 TABLES(24 SEATS)	\$400.00 deposit \$600.00
4 TABLES (32 SEATS)	\$600.00 deposit \$800.00

Refunds:  
No refunds after Apr 30, 2024

OTHER DETAILS  
Registrants can bring named guests

Who is attending this event?  
Name

Like this: James Aaron (Jim) | Prefix and suffix will be removed

+ Add another registrant

Next

Unlike these other entities, Mr. Kusterbeck, Ms. Lee, and PTX Diverse did not fail to include a disclaimer in any of their advertising materials for Princeton Pride, and they did not violate the District's prohibition on charging for admission to events on Princeton ISD property. Instead, the District has accused them of only failing to include one disclaimer **after** their event

was over in a **single** Facebook post thanking people for attending, which did not even mention the event’s location or state that it was held on District property—unlike the advertisements shown above. The District’s decision to ban PTX Diverse, Mr. Kusterbeck, and Ms. Lee from renting campus facilities—affirmed in the District’s letter on April 30, 2024—treats them more unfavorably than other groups, which strongly suggests that they are being discriminated and retaliated against in violation of both the U.S. and Texas Constitutions.

### *Constitutional Violations*

As a government entity, Princeton ISD is bound by the U.S. and Texas Constitutions to respect the free speech and expression of **everyone** in the Princeton community. Even when people express messages that some people in the District do not like—such as criticizing a school board member or distributing “banned books” that discuss racism or LGBTQIA+ identities—a governmental entity like Princeton ISD cannot suppress or retaliate against constitutionally protected speech.

The Supreme Court has long explained that “[i]f there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”<sup>19</sup> Similarly, the Texas Constitution protects the right of every person “to speak, write or publish his opinions on any subject,”<sup>20</sup> and has been interpreted to provide even broader free speech protections in some areas than the federal Constitution.<sup>21</sup>

By opening up its campus facilities to public use, Princeton ISD has created forums for free speech.<sup>22</sup> When analyzing school facilities-use policies, courts typically find that school districts establish a limited public forum or a designated public forum.<sup>23</sup> And even under the most restrictive type of government-created forum (a non-public forum), any rules imposed by the District must still be “reasonable and not an effort to suppress expression merely because public officials oppose the speaker’s views.”<sup>24</sup>

Thus, under any type of forum analysis that the U.S. and Texas Constitutions require, Princeton ISD’s decisions seem to resoundingly violate the First Amendment rights of PTX Diverse, Mr. Kusterbeck, and Ms. Lee because the District’s decisions are both (1) unreasonable and (2) aimed at suppressing certain speakers’ points of view.

First, the District’s decisions seem grossly unreasonable. Punishing a group for distributing “banned books” when **no books are banned by the District** lacks any rational basis.<sup>25</sup> The right

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<sup>19</sup> *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

<sup>20</sup> TEX. CONST. art. I, § 8.

<sup>21</sup> *Bentley v. Bunton*, 94 S.W.3d 561, 578 (Tex. 2002).

<sup>22</sup> *See, e.g., Concerned Women for America, Inc. v. Lafayette County*, 883 F.2d 32, 34 (5th Cir.1989) (explaining that a government “create[s] a public forum by allowing diverse groups to use its auditorium.”).

<sup>23</sup> *See, e.g., Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 389 (1993).

<sup>24</sup> *Perry Educ. Ass’n v. Perry Loc. Educators’ Ass’n*, 460 U.S. 37, 46 (1983). This same test also applies to limited public forums and designated public forums, which have even greater free speech protections.

<sup>25</sup> Arbitrary governmental action in this situation also likely violates the Equal Protection Clause because the Fourteenth Amendment “requires at least a rational reason” for any governmental targeting of a group or individual

to distribute books and literature has long been shielded by the First Amendment.<sup>26</sup> The Supreme Court has explained that any restrictions on “the right to distribute literature” must be closely related to a legitimate or compelling governmental interest because the “[f]reedom to distribute information to every citizen wherever he desires to receive it is so clearly vital to the preservation of a free society.”<sup>27</sup>

Here, the District’s letter fails to explain what Board policies were violated, if any, by the distribution of so-called “banned books” when no books are actually banned by the District. Although the letter claims that these materials are “inappropriate,” that is a constitutionally inadequate justification for restricting PTX Diverse’s freedom of speech. Under the District’s approach, it could have also expelled the Onion Festival vendor that distributed the Bible, since that book has currently and historically been “banned” or removed from libraries in certain parts of the world, including in Texas schools.<sup>28</sup> While some people may view the Bible as “inappropriate” to pass out at school, it is not banned under Princeton ISD’s current policies and would be an abuse of governmental power to punish a student or vendor for passing it out. Similarly, the District’s decision to bar PTX Diverse, Mr. Kusterbeck, and Ms. Lee from accessing campus facilities because they distributed “banned books” seems to plainly violate their First Amendment rights.

Second, the District’s decisions seem aimed at suppressing certain speakers’ points of view. While many different vendors participated in the Onion Festival and distributed various prizes and materials, including the Bible, none seems to have been permanently banned from renting or being a vendor on District property, or threatened with criminal trespass. Such disparate treatment strongly suggests that PTX Diverse and its founders have been targeted for the content of their speech. The District’s sweeping assertion that all of their books are “inappropriate” is the very essence of viewpoint discrimination, since it is the government arbitrarily deciding what viewpoints it does not like.

The District’s recent affirmation of its decision to prohibit PTX Diverse, Mr. Kusterbeck, and Ms. Lee from renting campus facilities also seems to be plainly unreasonable and aimed at restricting their viewpoint of holding an LGBTQIA+ Pride on Princeton ISD property.

The U.S. Supreme Court has explained that “[t]he touchstone for evaluating [] distinctions [involving campus facilities] is whether they are reasonable in light of the purpose which the forum at issue serves.”<sup>29</sup> Here, Princeton ISD has authorized its campus facilities to be used for all “educational, recreational, civic, or social activities” as long as those activities “do not conflict

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“to ensure that all persons subject to legislation or regulation are indeed being ‘treated alike, under like circumstances and conditions.’” *Engquist v. Oregon Dep’t of Agr.*, 553 U.S. 591, 602 (2008).

<sup>26</sup> See, e.g., *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 337 (1995) (distributing political leaflets is constitutionally protected speech); *Murdock v. Com. of Pennsylvania*, 319 U.S. 105, 108 (1943) (sharing the Bible and other religious literature is constitutionally protected speech).

<sup>27</sup> *Martin v. City of Struthers, Ohio*, 319 U.S. 141, 143, 146-47 (1943).

<sup>28</sup> Wynne Davis, *The Bible is among dozens of books removed from this Texas school district*, NPR (Aug. 18, 2022),

<https://www.npr.org/2022/08/18/1117708153/bible-anne-frank-books-banned-texas-school-district>. See also <https://apnews.com/article/utah-bible-ban-school-38a39017ee0ff96a96f24007a836302f>

<sup>29</sup> *Perry*, 460 U.S. at 49.

with school use or with this policy.”<sup>30</sup> In planning and executing Princeton Pride, PTX Diverse complied with every aspect of Princeton ISD’s facilities use policy, and the District’s asserted explanation for how they allegedly violated this policy is so far-fetched that it seems unreasonable and a likely a pretext for retaliation and discrimination.

According to the termination notice, PTX Diverse and Mr. Kusterbeck “made a Facebook post . . . thanking the Board President for her support in her official capacity as the Board President for Princeton ISD” without complying with the rule that “[a]ny and all communications with the public by the Lessee, as defined in GKD (LOCAL), shall clearly state the event is not sponsored by the District as well as identify the nature of the activity and the sponsoring organization.”<sup>31</sup>

In making this decision, the District ignored the numerous places on PTX Diverse’s Facebook page that explicitly stated that Princeton Pride **was not sponsored by the District**. Instead of evaluating the full context of this particular Facebook post (which occurred **after** the event was already over and after all of PTX Diverse’s advertising materials already prominently noted that Pride was not sponsored by the District), Princeton ISD seems to only view this single post in isolation. It is an unreasonable interpretation of District policy to require every single social media post to contain its own individual disclaimer, especially when not advertising an event.

Under this overly restrictive interpretation of Princeton ISD’s policies, no event could ever occur on campus because every single utterance about an event (including non-advertisements) must include a specific disclaimer, and that disclaimer must be clearly expressed in every comment or reply on Facebook. For example, the churches that host events on District property could never talk about or mention their services, except when including an explicit disclaimer immediately thereafter. Even the Lions Club could never hold an event on campus unless it includes the disclaimer in every single comment it makes about every single event.

Instead of interpreting the District’s policies in this absurd way, Princeton ISD should instead view each post in its broader context and ensure that lessees of District property make a reasonable effort to inform the public that their events are not sponsored by the District—especially in their advertising materials. Here, PTX Diverse’s Facebook post was not advertising its event but merely thanking people for attending. Its post did not mention or even imply that this event occurred on District property, which avoids any misperception or confusion that the disclaimer rule intends to prevent.

And even if this stringent requirement **were** reasonable, the fact that Princeton ISD enforces this rule disparately to allow other groups to keep renting District property—even when entire advertisements for events fail to include disclaimers—suggests that the District’s decisions regarding PTX Diverse are pretextual and a basis for discrimination and retaliation. Because PTX Diverse is held to a disclaimer requirement far and beyond what any other group is required to do, Princeton ISD seems to be violating its duty of neutrality in allowing equal access to campus facilities regardless of speakers’ viewpoint or message.

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<sup>30</sup> GKD (Local), Princeton ISD (March 6, 2015), <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=313&code=GKD#localTabContent>.

<sup>31</sup> **Exhibit 3**; see also GKD (Regulation), Princeton ISD.



This principle that government property cannot be unreasonably or discriminatorily restricted has repeatedly been upheld by the U.S. Supreme Court, including in *Lamb’s Chapel v. Center Moriches Union Free School District*, where a school district tried to prohibit a church from using school property to show a religious video at an after-school event.<sup>32</sup> The district there defended its actions by explaining that members of the public might think that the district was officially endorsing the church’s religious activities. But despite the risk of public confusion, the Supreme Court found that there was “no realistic danger that the community would think that the District was endorsing religion or any particular creed,” and that the District violated the First Amendment by prohibiting the church from using campus facilities.<sup>33</sup> Here, too, there is no realistic danger that members of the public would look at PTX Diverse’s particular Facebook post and think that it was sponsored by the District. Instead, any person curious about the event would see the disclaimer on PTX Diverse’s numerous other posts that this event was emphatically **not** sponsored by Princeton ISD.

Indeed, most observers of PTX Diverse’s Facebook page know the history of Pride in Princeton and the hostility that the group has faced, even from certain board members. And just as those board members have a right to free speech and to express their views, so too does PTX Diverse have a right to express its views free from governmental retaliation and discrimination.

The same constitutional requirements that protect PTX Diverse, Mr. Kusterbeck, and Ms. Lee from being subject to arbitrary or unreasonable government censorship also allow faith-based organizations to hold events at Princeton ISD. As the Supreme Court has explained, “the freedoms of speech, press, petition and assembly guaranteed by the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish.”<sup>34</sup> Thus, even if some members of the Princeton community do not agree with the message of PTX Diverse, the same constitutional protections apply equally to every group and must be enforced fairly and neutrally by Princeton ISD.

Every person who uses Princeton ISD facilities has a right to free speech, which includes the right to be free from government retaliation. To establish a First Amendment retaliation claim, PTX Diverse must show that it (1) suffered an adverse decision from the government; (2) engaged in speech on a matter of public concern; (3) its interest in speaking outweighed the government’s interest in promoting efficiency; and (4) the protected speech motivated the governmental decision.<sup>35</sup> Here, every element of this test is likely met. Being banned from serving as a vendor or renting campus facilities constitutes an adverse decision; PTX Diverse’s speech regarding “banned books,” support for LGBTQIA+ students, and criticizing a government official are matters of public concern as evidenced by the vocal discussion of these issues not just in the District but in the U.S.; their interest in speaking outweighs any purported interests of Princeton ISD in banning their speech since PTX Diverse’s speech comports with all District policies; and the District’s letters explicitly tie the adverse actions to PTX’s speech (distributing books and

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<sup>32</sup> *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 395 (1993).

<sup>33</sup> *Id.*; see also *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 119 (2001) (rejecting this same justification by a school district).

<sup>34</sup> *Communist Party of U.S. v. Subversive Activities Control Bd.*, 367 U.S. 1, 137 (1961) (Black, J., dissenting).

<sup>35</sup> *Kinney v. Weaver*, 367 F.3d 337, 356 (5th Cir. 2004).

posting on Facebook).

The fact that the District specifically banned PTX Diverse, Mr. Kusterbeck, and Ms. Lee from accessing campus facilities while not doing the same for other similarly situated groups amplifies the likelihood that Princeton ISD is unconstitutionally retaliating against them because of their speech. It is impossible for the District to claim that it is enforcing its policies neutrally or fairly when so many groups that continue to rent campus facilities openly flout the rules that PTX Diverse has carefully followed.

If Princeton ISD ignores its constitutional obligations to treat all non-school events equally, without viewpoint discrimination or retaliation, the District will be exposing itself to significant legal liability for violations of Texas and federal law that could result in costly and lengthy litigation. For example, a school district in Illinois that was found to have retaliated against someone in violation of the First Amendment was required to pay \$400,000 in damages and \$190,000 in attorney's fees in 2020.<sup>36</sup>

While that may seem steep, the reason that retaliation and viewpoint discrimination are so clearly prohibited by the First Amendment is that free speech is a bedrock principle of our democracy. As Supreme Court Justice William O. Douglas wrote in *The One Un-American Act*: "Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us." If Princeton ISD is able to retaliate against us and ban us from public property for challenging governmental action by posting on Facebook or distributing books, then we would not live in a democracy. We could each be harmed by the government with no recourse – but our Constitutions don't allow that.

### ***Conclusion***

We urge you to immediately reverse your decisions to terminate PTX Diverse, Mr. Kusterbeck, and Ms. Lee's equal access to Princeton ISD facilities, including their ability to serve as vendors and to rent District property, in accordance with each of the neutral rules established by the District. We also ask that you apologize to PTX Diverse for taking these actions against them and that you provide training to all District personnel on the First Amendment and on LGBTQIA+ cultural sensitivity. Finally, we ask that you revise the District's facilities use policy. The amended policy should include the previous discount offered to organizations comprised primarily of District students and should remove the language from Senate Bill 12, which has since been ruled unconstitutional. Sincerely,



Brian Klosterboer, Attorney  
Chloe Kempf, Attorney  
American Civil Liberties Union of Texas  
P.O. Box 8306, Houston, Texas 77288

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<sup>36</sup> See *Adams v. Bd. of Educ. Harvey Sch. Dist. 152*, No. 15-CV-8144, 2019 WL 3302221, at \*1 (N.D. Ill. July 23, 2019), *aff'd sub nom. Adams v. Bd. of Educ. of Harvey Sch. Dist. 152*, 968 F.3d 713 (7th Cir. 2020).

*with offices in Austin, Brownsville, Dallas, and El Paso*

# **Exhibit 1**





Donald McIntyre, Superintendent  
Dr. Jackie Hendricks, Deputy Superintendent  
Casey Gunnels, Assistant Superintendent

321 Panther Parkway  
Princeton, TX 75407  
469-952-5400 Fax 469-952-5430

Jona Boitmann, Assistant Superintendent  
James Lovelady, Assistant Superintendent  
Rachel Nicks, Executive Director

April 30, 2024

Princeton TX Diverse  
c/o John Kusterbeck & Charlise Lee,  
individually and on behalf of Texas Princeton Diverse

**Re: Notice of Prohibition & Warning of Future Action**

Dear John Kusterbeck and Charlise Lee,

It has come to my attention that you attempted to distribute inappropriate materials at a Lion's Club event. Specifically, it has come to my attention that you had a basket of "banned books" with inappropriate reading materials for children under the Princeton ISD Board Policies and intended to award this basket to winners of the coloring contest.

This is the second incident in which you failed to comply with District Board Policies and continue to subvert the District's rules and procedures. The prior instance led to your organization's inability to rent District facilities. Due to your continued pattern of deliberately disregarding District policies and procedures, you are now prohibited from engaging as a vendor for any event held on Princeton ISD property, both on behalf of your organization, Texas Princeton Diverse as well as rentals in your individual capacity.

Additionally, under section 37.105 of the Texas Education Code, a school administrator may refuse to allow a person to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and the person behaves in a manner that is inappropriate for the school setting. Your conduct in creating a basket of "banned books" is inappropriate for the school setting. As such, this letter serves as formal notice that should you continue to refuse to comply with the District's policies and procedures, not only will you be prohibited from renting facilities or participating as a vendor, but you will also be verbally warned that the behavior or action is inappropriate and may result in your ejection from a school building should you persist in the behavior.

This letter is a courtesy notification and is not required by law.

Please note, nothing in this letter waives the District's ability to issue a criminal trespass warning, should it be deemed appropriate as well. We appreciate your cooperation in respecting the District's policies and procedures. The District remains hopeful that no further actions will be necessary.

We expect all visitors on school grounds to comply with District policies and the District's educational mission. If you have any questions regarding the contents of this letter, please contact me at [Dmcintyre@princetonisd.net](mailto:Dmcintyre@princetonisd.net).

Donald McIntyre  
Superintendent Princeton ISD

# **Exhibit 2**



## Request for Information Form

In accordance with GBAA(LEGAL) and the Texas Public Information Act, I request that the following District information be made available to me as copies or for my inspection. I agree to pay the duplication costs if the cost does not exceed \$40. I understand that if the cost will exceed \$40, I will receive an estimate of charges and will have the opportunity to modify or withdraw my request before any copies are made. I understand that the information I provide on this form is subject to public disclosure in accordance with law.

Public information requested (include description adequate to clarify request)	Inspection only (Circle one)	Copies requested (Circle one)	Number of copies requested	Copy format (circle appropriate choice for paper or electronic)
I would like a list of all books that have officially been banned from Princeton ISD libraries.	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input checked="" type="radio"/> No <input type="radio"/>	1	Paper – mailed Paper – will pick up Electronic <input checked="" type="radio"/>
	Yes  No	Yes  No		Paper – mailed Paper – will pick up Electronic
	Yes  No	Yes  No		Paper – mailed Paper – will pick up Electronic

Name of person requesting information: John Kusterbeck

Date of Request: 4/30/2024 Phone: \_\_\_\_\_

Mailing

Address: \_\_\_\_\_

City / State / Zip: McKinney, TX 75070

Email address (if requesting electronic copy): \_\_\_\_\_

*This completed form should be presented to the officer for public information.*



### Response to Request for Information

From: Jean Ann Collins, Officer for Public Information

To: John Kusterbeck

Date: May 3, 2024

Your request for public information was received by the District on 4-30-24 (date).

- The information will be available for inspection at \_\_\_\_\_ (location) on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).
- Copies of the information you requested are ready and may be picked up at \_\_\_\_\_ (location) between 8:00 a.m. and 5:00 p.m. The charge for copies you requested will be \$ \_\_\_\_\_. Please bring exact change if paying with cash.
- Copies of the information you requested are hereby being provided on \_\_\_\_\_ (date) by \_\_\_\_\_ (method of disclosure, e.g., mail, email, hand delivery, facsimile, overnight or express mail, etc.). Enclosed is an invoice for charges of copies. Please make payment as indicated immediately upon receipt.
- The information is not readily available because \_\_\_\_\_. The information will be available at \_\_\_\_\_ (time) on \_\_\_\_\_ (date).
- All or some of the information you requested is confidential or otherwise protected from disclosure under the Texas Public Information Act. This information includes:

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In accordance with the Act, the District has asked for a decision from the attorney general about whether the information you requested is within an exception to public disclosure. Attached to this form, you will find a copy of our written communication to the attorney general asking for the decision. If our written communication to the attorney general discloses the requested information, that information will have been redacted from the copy you receive. **(If checking this item, attach to this form a copy of the District's communication to the attorney general.)**

- The information you requested does not exist.
- Some of the information you requested does not exist. This information includes:

Officer for Public Information

Jean Ann Collins



# **Exhibit 3**

## **GKD (REGULATION)**

Lessees of District facilities shall follow specified regulations<sup>11</sup>:

1. Lessees may use the facility only for the purposes consistent with law, as provided in District policies and procedures including but not limited to Board Policies GKD (LEGAL), GKD (LOCAL) and GKD (EXHIBIT), and outlined in the Facilities Rental Agreement with the District.
2. Other than use by individuals / groups eligible to use District facilities under Board Policies FNAB (LEGAL), FNAB (LOCAL), GE (LEGAL) and GE (LOCAL), Lessees may not charge for admission to their event. Lessees may not use facilities for purposes which are solely or primarily commercial in nature or purpose. A commercial purpose is one in which the user conducts business – the exchange of goods or services for monetary value – on the premises. With written authorization from the District, Lessees may allow vendors to attend their event for the purpose of fundraising for the Lessee’s organization. Vendors must comply with all of the guidelines outlined for Lessees.
3. The District reserves the right to cancel this Agreement for any reason determined to be in the best interest of the District. The District shall have first priority on facility use and may cancel any agreement on any facility by giving notice 24 hours prior to the event if the District determines that it must use the facility for a function directly related to the operation of the District.
4. The District may also cancel an event with less than 24 hours’ notice under such emergency circumstances that would preclude the safe occupancy and use of the leased facility and/or if an unexpected conflict arises with a District activity.
5. Lessees must guarantee school officials that the activity is lawful, that behavior will be orderly. Lessee will abide by all laws and District policies, including but not limited to, those prohibiting the use, sale, distribution, or possession of alcohol, illegal drugs, firearms, tobacco products, e-cigarettes, and/or items deemed to be in violation of Chapters 42 and 43 of the Texas Penal Code, on District property.
6. A damage deposit fee of one hundred dollars (\$100.00) is required at the time the application is submitted. The deposit will be refunded after the facility is inspected and deemed to be returned in its original condition. The District may revoke its permission to use the facility at any time it is determined that a group’s use damages or threatens to damage school property or violates Board policy and/or administrative regulations. Lessee accepts full responsibility for protecting school property and equipment and assumes any and all liability for repairs or replacement

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<sup>1</sup> The term “Lessee” as used throughout applies to the individual / group renting a facility and any attendees and/or participants that access District property during the Lessee’s rental period.

or for any damage done to buildings, equipment, or other school property used by the Lessee.

7. All reservations must be made through the Auxiliary Services department at (469) 952-5400 Ext. 2072.
8. Reservations for facilities will not be confirmed more than 90 days in advance.
9. Reservations for buildings or facilities must be requested at least 30 days in advance of use. Lessee will furnish evidence of liability insurance coverage for the event and will name the District as an additional insured on the policy as specified by the District. Lessee understands and accepts that the District's insurance provides no coverage for the Lessee or any other user other than the District. The certificate of insurance must be presented to the District at least one week prior to use. Failure to provide insurance on time will result in immediate cancellation.
10. Inaccurate or untruthful statements made in rental applications or contracts or violation(s) of rules and regulations for use of District facilities may result in permanent cancellation of the Lessee's use of District facilities.
11. After the effective date of this regulation, if an entity has rented a facility 12 times at the regular rate in a calendar year, without any late payments, and demonstrated adequate care of the facilities; they shall receive a 10% discount to the applicable rate. Entities receiving a 25% discount as of the effective date of this regulation may continue eligibility for the discount at the 25% rate if they continue to meet eligibility requirements. Eligible entities must continue meeting eligibility requirements to receive the discount.
12. Facility use must be under the direct supervision of the person making the reservation.
13. Lessees must agree to assume all liability and hold harmless and indemnify the District, its Board members, employees, and agents from any and all liability arising out of the Lessee's use of District facilities.
14. Rental of elementary classrooms will be permitted only with approval of the principal and the affected classroom teacher. Any requests for secondary classroom use will be evaluated based on availability and appropriateness.
15. Lessees may reserve and use PISD facilities from 6:00 pm – 10:00 pm on school days or from 7:00 am – 10:00 pm on non-school days providing a school group has not reserved the facility. Facilities are not available for use during school holidays, testing weeks, or the month of August (exception if long term leases). School facilities may not be rented for use past 10:00 pm. Reservation times must be inclusive of set-up and clean-up. Facilities are available at the time reserved, there is no early entry, and the room must be vacated by the end of the scheduled time.

16. The District and/or Lessee will not alter facilities for the purpose of rental. Nails, tape, thumbtacks, or other fasteners may not be used to attach anything to the structure or to the furnishings. Candles are not permitted.
17. Lessees are responsible for providing all consumable products. The district will not store, nor will be held responsible for, any property and/or equipment of the Lessee, attendees, or other third parties in the facilities.
18. The District employee assigned to open and close the building will be in charge of the building and will remain on duty for the entire period of activity to ensure compliance with District policy. Additional charges for this person will be billed to the Lessee.
19. Any and all communications with the public by the Lessee, as defined in GKD (LOCAL), shall clearly state the event is not sponsored by the District as well as identify the nature of the activity and the sponsoring organization.
20. Lessee will provide the required number of TCOLE licensed / certified security according to the schedule outlined in the Facilities Use Agreement. Additional charges for this person will be billed to the Lessee.
21. Extra charges will be assessed for equipment use other than tables and chairs (for example, piano and public address system). The District does not assist in technical support, room set up or take down, or other materials needed including, but not limited to projectors, screens, sound equipment, extension cords, easels or sign holders.
22. Any equipment malfunction at the school will not result in a refund to the Lessee.
23. An employee of the food and nutritional services department of the District must be present if the kitchen is used at any facility. City of Princeton sanitation guidelines require the presence of a certified sanitation person when food is prepared/served in District facilities. Additional charges for this person will be billed to the Lessee.
24. A rental agreement must be signed by the primary user and total payment for all charges/deposits must be received at least seven (7) days prior to the date of facility use. Rental agreements are nontransferable.
25. It shall be unlawful for any person to operate or drive a motor vehicle in and upon all property within the District, except on paved roadways and parking areas specifically designed for motor vehicle traffic.
26. Lessees are responsible for restoring all facilities to the condition observable prior to this use in accordance with applicable procedures for each facility.



27. Lessees must sign an affidavit prior to rental verifying the Lessees' compliance with District policies regarding criminal background checks for Lessee and/or Lessees' employees and volunteers, as required under Board Policies Board Policies CJA (LEGAL), CJA (LOCAL), GKC (LEGAL) and GKC (LOCAL). Specifically, as a contracting or subcontracting entity, Lessees may not permit a person, as described in policy, to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under Education Code 22.085(a).
28. Lessees will not be permitted to post signs on District property.
29. Lessees will not use the facility for political advertising, campaign communications, or electioneering, as those terms are used in state law.
30. Gymnasium use shall be subject to the following guidelines:
  - a. Use must be scheduled by an authorized representative of the organization. Coaches for individual teams are not allowed to reserve District facilities.
  - b. School events have priority at all times and may cause rescheduling of practices and games. Every effort will be made to provide advance notice of any conflicts.
  - c. The scheduling organization is the responsible party. Scheduled times for usage should be respected and maintained. Concerns, complaints, and the like, regarding times and sites of practices/games should be handled by that organization, not the school District or the school principal.
  - d. All individuals participating in the Lessee's event should have adult supervision at all times while on District property.
  - e. No food or drinks are allowed in the gymnasium building.
  - f. School custodians and other school staff shall be treated with respect and courtesy at all times.
  - g. School telephones are to be used for emergencies only and may be out of use for repair. Calling for parental pickups is not an emergency.
  - h. All bulletin boards, wall posters, permanent fixtures, furniture, or equipment shall be left undisturbed.
  - i. Failure to comply with gymnasium use rules may result in suspension of gymnasium use privileges.
31. To support the District's legitimate governmental interest in maintaining order, legal compliance, and limiting substantial disruption to District facilities, Lessees are expected to comply with all District policies and procedures regarding conduct while on school property, as outlined in applicable policies, laws and regulations. Further, Lessees are expected to enforce all District policies and procedures regarding conduct while on school property for all event attendees and participants. Reservations may be canceled, revoked and/or denied in the future if the District determines Lessees and/or their attendees are not in compliance. All limitations outlined herein will be applied in a viewpoint neutral, non-discriminatory manner. Conduct expectations include, but are not limited to:

- a. Lessees may not cause a substantial disturbance to the facility and/or District operations.
- b. Lessees may not utilize or distribute alcoholic beverages on District property as part of any event.
- c. Engaging in conduct prohibited under applicable laws and policy, including but not limited to, conduct prohibited under Texas Penal Code Chapters 42 and 43.
- d. Animals and pets, other than service animals or part of a District-approved event, are prohibited.
- e. Lessees, their invitees, and/or vendors (as specified herein), may not engage in the following activities and/or distribute materials in violation of the following restrictions, while in / on District facilities:
  - i. **Disruption:** There is reasonable cause to believe that the activities and/or distribution of the nonschool materials would result in material and substantial interference with school activities or the rights of others.
  - ii. **Harm to rights of others:** The activities and/or distribution of the materials would violate the intellectual property rights, privacy rights, or other rights of another person.
  - iii. **Hate speech:** The activities and/or materials are hate literature, speech or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence, and the activities and/or materials would materially and substantially interfere with school activities or the rights of others.
  - iv. **Inciting lawless action:** The activities and/or materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
  - v. **Obscenity:** The activities and/or materials are “obscene” as defined in Texas Penal Code Chapter 43.
  - vi. **Promotion of illegal drugs:** The activities and/or materials promote illegal use of drugs, alcohol, or other controlled substances.
  - vii. **Threats to health or safety:** The activities and/or materials endorse actions directly endangering the health or safety of students.
  - viii. **Vulgarity:** The activities and/or materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
  - ix. **Sexually oriented performance or sexual conduct, as defined in Section 43.28 of the Texas Penal Code, in the presence of a minor or in a time, place and manner that would be reasonable expected to be viewed by a child:**
    - a) Sexual Conduct includes:
      1. the exhibition or representation, actual or simulated, of sexual acts, including vagina sex, anal sex, and masturbation;
      2. The exhibition or representation, actual or simulated, of male or female genitals in a lewd state, including a state of sexual stimulation or arousal;
      3. The exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals;
      4. Actual contact or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person; or

5. The exhibition of sexual gesticulations using accessories or prosthetics that exaggerate male or female sexual characteristics.
- b) Sexually Oriented Performance means a visual performance that:
  1. Features a performer who is nude; or any other performer who engages in sexual conduct; and
  2. Any appeals to the prurient interest in sex.

Failure to comply with any of the provisions or if the District has a reasonable belief that the activity or event may violate the provisions outlined herein may result in the cancelation of a rental, revocation of a rental, or denial of future rentals.

**Princeton ISD - Facility Rental Fee Schedule\***

**All rentals require payment of \$25 / hour for a District appointed representative to be present during the entire term of facility rental.**

**Min Hours    Rate/Hour    Deposit    Additional Requirements**

**High School / District Facilities**

Auditorium	3	\$200	\$200	Lighting Crew
High School Cafeteria	2	\$150	\$100	Cafeteria worker for kitchen use
High School Gym (Auxiliary)	2	\$150	\$100	

**Jr. High Facilities**

Cafeteria	2	\$100	\$75	Cafeteria worker for kitchen use
Gym (Main)	2	\$150	\$100	
Gym (Auxiliary)	2	\$100	\$100	

**Elementary Facilities**

Cafeterias	2	\$100	\$75	Cafeteria worker for kitchen use
Gyms	2	\$75	\$50	
Gyms (Godwin, Huddleston)	2	\$100	\$100	

**Athletic Fields and Outdoor Facilities (Athletic Department will determine availability)**

Softball or Baseball without lights	2	\$75	\$50	
Softball or Baseball with lights	2	\$150	\$50	
Sub-Varsity Stadium without lights	2	\$75	\$50	
Sub-Varsity Stadium with lights	2	\$150	\$50	
PISD Stadium without lights	2	\$400	\$250	
PISD Stadium with lights	2	\$600	\$250	-

**Additional Charges when required:**

Custodians	\$25 per hour per person
Cafeteria Worker	\$25 per hour per person
Lighting Crew	\$25 per hour per person
Sound Crew	\$25 per hour per person

**All prices double for out of district use.**

\*All Lessees must pay any additional fees for personnel costs including security, food and nutritional services, custodial and/or other costs outlined by District policies and regulations. Rental fees and/or other requirements under the regulation may be waived in the best interests of the District for school-sponsored events, campus- or District-designated school-support events, events sponsored by non-curriculum-related student groups as approved under Board Policy FNAB, or events sponsored by governmental entities duly formed under the laws of the state of Texas or the United States.

Does not apply to Lighted Fields and Auditorium

**Playoff Games**

Football	N/A	\$3,000	Includes Game Administrator, Security, Gate, Clock, Announcer, and Video Board
Basketball / Volleyball	N/A	\$1,500	Includes Game Administrator, Security, Gate, Clock, Announcer, and Video Board
Soccer	N/A	\$1,500	Includes Game Administrator, Security, Gate, Clock, Announcer, and Video Board
Baseball / Softball	N/A	\$1,000	Includes Game Administrator, Security, Gate, Clock, and Announcer

**Required Security**

Groups of 1-100	1 TCOLE licensed / certified security
Groups of 101-500	2 TCOLE licensed / certified security
Groups of 501 and above	2 TCOLE licensed / certified security for every 500 attendees

# **Exhibit 4**





321 Panther Pkwy

Princeton Tx 75407

Re: Violation of Facility Use Agreement

Dear John Kusterbeck:

This letter serves as a follow up regarding our telephone conversation on September 28, 2023. On or around June 20, 2023, you, acting on behalf of the organization Princeton TX Diverse, received and acknowledged the District's Facility Use Agreement.

Board Policy GKD (REGULATION) clearly states that any and all communications with the public by the Lessee shall clearly state the event is **not sponsored by the District** as well as identify the nature of the activity and sponsoring organization. You were made aware of this requirement again when we met in my office, where I reminded you of the requirement after receiving a complaint that your promotional materials were not in compliance with the policy.

Subsequently, the District received notification that you made a Facebook post following the event thanking the Board President for her support in her official capacity as the Board President for Princeton ISD. Your Facebook post and communication did not comply with the requirements outlined in Board Policy GKD (REGULATION). Therefore, based on this information and the terms of the Agreement that specifically provided that "violation(s) of rules and regulations for use of District facilities may result in permanent cancellation of the non-school user's use of District facilities," you and Princeton TX Diverse are no longer able to rent and utilize District facilities.

I appreciate your understanding and respectful communications regarding this matter.

Sincerely,

Donald McIntyre

Superintendent

Princeton ISD