Adopted: 3-16-2010

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MSBA/MASA Model Policy 801 Charter
Orig. 1995 (as ISD Policy)
Orig. 2022 (as Charter Policy)

801 EQUAL ACCESS TO CHARTER SCHOOL FACILITIES

I. PURPOSE

The purpose of this policy is to implement the Equal Access Act by granting equal access to secondary school facilities for students who wish to conduct a meeting for religious, political, or philosophical purposes during noninstructional time.

II. GENERAL STATEMENT OF POLICY

A. The policy of the charter school is not to deny equal access or a fair opportunity to, or to discriminate against, any students who wish to conduct a meeting, on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

B. The charter school board has created a limited open forum for students enrolled in secondary schools during which noncurriculum-related student groups shall have equal access and a fair opportunity to conduct meetings during noninstructional time.

C. Student use of facilities under this policy does not imply charter school sponsorship, approval, or advocacy of the content of the expression at such meetings.

D. The charter school retains its authority to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

E. The charter school accords equal treatment of and access to all religions.

F. In adopting and implementing this equal access policy, the charter school will NOT:

1. influence the form or content of any prayer or other religious activity;

2. require any person to participate in prayer or other religious activity;

3. expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

4. compel any charter school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

5. sanction meetings that are otherwise unlawful;

6. limit the rights of groups of students based on the size of the group;

7. abridge the constitutional rights of any person.

III. DEFINITIONS

A. "Limited open forum" means that the charter school grants an offering to or opportunity

for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

B. "Meeting" includes activities of student groups which are permitted under a limited open forum and are not directly related to the school curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.

C. "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends, including such other periods that occur during the school day when no classroom instruction takes place.

D. "Secondary school" means any school with enrollment of pupils ordinarily in grades 7 through 12 or any portion thereof.

E. "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a school employee for custodial, observation, or maintenance of order and discipline purposes does not constitute sponsorship of the meeting.

IV. FAIR OPPORTUNITY CRITERIA

The charter school shall uniformly provide that:

A. The charter school must be nonsectarian in its operations. If the charter school allows religious or other activities on school property during non-instructional time, the school will allow equal access to all groups.

A meeting held pursuant to this policy is voluntary and student-initiated;

B. There is no sponsorship of the meeting by the school or its agents or employees;

C. Employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;

D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

E. Nonschool persons may not direct, control, or regularly attend activities of student groups.

V. PROCEDURES

A. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building at least 48 hours in advance of the time of the activity or meeting. The student must agree to the following:

1. All activities or meetings must comply with existing policies, regulations, and procedures that govern operation of school-sponsored activities.

2. The activities or meetings are voluntary and student-initiated. The principal may require assurances of this fact.

B. Student groups meeting under this policy must comply with the following rules:

1. Those attending must not engage in any activity that is illegal, dangerous, or which materially and substantially interferes with the orderly conduct of the

educational activities of the school. Such activities shall be grounds for discipline of an individual student and grounds for a particular group to be denied access.

2. The groups may not use the charter school name, school mascot name, school emblems, or any name that might imply charter school sponsorship or affiliation in any activity, including fundraising and community involvement.

3. The groups must comply with charter school policies, regulations, and procedures governing school-sponsored activities.

C. Students applying for use of charter school facilities under this policy must provide the following information to the principal: time and date of meeting, estimated number of students in attendance, and special equipment needs.

D. The building principal has responsibility to:

1. Keep a log of application information.

2. Find and assign a suitable room for the meeting or activity. The number of students in attendance will be limited to the safe capacity of the meeting space.

3. Note the condition of the facilities and equipment before and after use.

4. Assure proper supervision. Assignment of staff to be present in a supervisory capacity does not constitute charter school sponsorship of the meeting or activity.

5. Assure that the meeting or activity does not interfere with the school's regular instructional activities.

E. The charter school shall not expend school funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The charter school will provide no additional or special transportation.

F. Nonschool persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.

G. Charter school employees or agents may not promote, lead, participate in, or otherwise sponsor meetings or activities held pursuant to this policy.

H. A copy of this policy and procedures shall be made available to each student who initiates a request to use school facilities.

Legal References: Minn. Stat. § 124E.06, Subd. 3(c) (Forming a School)
20 U.S.C. §§ 4071-74 (Equal Access Act)
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)
Board of Educ. of Westside Community Schools v. Mergens, 496 U.S. 226 (1990)
Good News Club v. Milford Central School, 533 U.S. 98 (2001)
Child Evangelism Fellowship of Minnesota v. Special Sch. Dist. 1, 690 F.3d 996 (8th Cir. 2012)
Child Evangelism Fellowship of Minnesota v. Elk River Area School Dist. 728, 599 F.Supp. 2d 1136 (D. Minn. 2009)

Cross References: MSBA/MASA Model Policy 902 (Use of Charter School Facilities and Equipment)

The Purpose, General Statement of Policy, Definitions, and Fair Opportunity Criteria sections reflect the language and requirements of the Equal Access Act and so should be adopted as written. Charter school boards have discretion to adopt reasonable procedures to implement the Act.