TRIO Wolf Creek Distance Learning Charter School #4095

902.1 FACILITY NEUTRALITY AND EQUAL ACCESS FOR BOY SCOUTS OF AMERICA, TITLE 36 GROUPS AND OTHER OUTSIDE YOUTH AND COMMUNITY GROUPS

I. POLICY STATEMENT

It shall be the policy of the Charter School Board of Wolf Creek to maintain nonsectarian school facilities in compliance with Minn. Stat. §124E.06. It shall further be the policy of the Charter School Board of Wolf Creek to ensure "equal access" to its facilities for use by community groups, designated youth groups as required by 20 U.S.C. 7905 (Equal Access to Public School Facilities for the Boy Scouts of America and other Designated Youth Groups) and as required by other applicable statutes, rules, regulations and case law. In order to ensure that the school's facilities are nonsectarian and to ensure equal access to those facilities as required by law, the Charter School Board of Wolf Creek adopts the following policy regarding facility neutrality and equal access for outside youth groups, community groups, Boy Scouts of America groups and Title 36 groups.

II. POLICY TERMS

A. Equal Access to Facilities; Applicability

This policy is applicable to Wolf Creek Charter School because 1) it is an elementary or secondary school; 2) it receives funds from the U.S. Department of Education; 3) it has created a "limited open forum" and/or "designated open forum"; and 4) it allows non-student groups to meet on its leased premises during "non-instructional" time. The definitions of these terms are provided below.

Wolf Creek seeks to ensure that all groups officially associated with Boy Scouts of America, all groups or organizations listed under Title 36 of the United States Code and all outside youth and community groups are given a fair opportunity to meet, are given equal benefits and services and are not discriminated against.

B. Definition of Terms

1. "Benefits and services"

"Benefits and services" mean privileges accorded to any non-student youth or community groups that are allowed to meet in the school's designated public forum or the school's limited open forum. These benefits and services may include, but are not necessarily limited to, school-related means of communication, such as bulletin board notices and literature distribution, and recruitment.

2. "Boy Scouts of America"

   "Boy Scouts of America" means the organization named "Boy Scouts of America" which has a Federal charter and which is listed as an organization in Title 36 of the United States Code, or any group officially affiliated with Boy Scouts of America.

3. "Designated open forum"

   "Designated open forum" means that the school has designated a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.

4. "Limited public forum"

   "Limited public forum" means that the school has given an opportunity to, or an 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 the attendance at the school is compulsory.

5. "Non-discriminatory" or "non-discrimination"

   "Non-discriminatory" and/or "non-discrimination" means that any decision made regarding access to the school's facilities must be made on a non-discriminatory basis, using objective criteria, consistent with the Minnesota Human Rights Act (Minnesota Statutes section 363A et. seq.), in a consistent, equal and non-discriminatory manner. Any decisions regarding use of or access to a school's limited or designated public forums may not be made on the basis of the religious, political or philosophical views of the groups seeking access, and must be made regardless of the sexual orientation or gender identity of group members.

6. "Outside youth group"

   "Outside youth group" means any group or organization intended to serve young people under the age of 21 that is not affiliated with the school and that is not a Boy Scouts of America or Title 36 group.

7. "Outside community group"

   "Outside community group" means a community group that is not affiliated with the charter school and is not is not affiliated with a Boy Scouts of America or Title 36 group.

8. "Premises or facilities"

   "Premises or facilities" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in that property.

9. "Title 36 groups"

   "Title 36 groups" refers to a youth group or organization listed in Title 36 of the United States Code as a patriotic society that it intended to serve young people under the age of 21 and to groups officially affiliated with such groups.

C. Fees and Access to Facilities / Boy Scouts and Title 36 Groups

Upon request, any Boy Scout group or any Title 36 group shall be given equal access to conduct a meeting within the charter school's designated open forum or limited public forum and shall not be denied access, opportunity, benefits or services, or be discriminated against for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts or of the Title 36 youth group.

Fees may be charged in connection with the access to school premises, but any fees or terms of access charged to Boys Scouts of America or Title 36 groups must be on terms that are not less favorable than the most favorable terms provided to one or more outside youth or community groups.

D. Access for Other Outside Youth Groups and Community Groups

Any decision made regarding access to facilities for outside youth groups or community groups must be made on a non-discriminatory basis, using objective criteria consistent with the Minnesota Human Rights Act, in a consistent, equal and non-discriminatory manner. Any decisions regarding use of or access to a school's limited or designated public forums may not be made on the basis of the religious, political or philosophical views of the groups seeking access, and must be made regardless of the sexual orientation or gender identity of group members.

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Legal References: Policy 902 (Facility Use Policy)
20 U.S.C. 7905 (Equal Access to Public School Facilities for the Boy Scouts of America and other Designated Youth Groups)

Cross References: Minn. Stat. §124E.06
Minn. Stat. § 363A et. seq. (MN Human Rights Act)
Policy 801 (Equal Access to School Facilities)
MSBA Policy 901 (Community Education)
Policy 902.2 (Facility Neutrality and Equal Access for Student Non-Curricular Groups)