TRIO Wolf Creek Distance Learning Charter School #4095

902.2 FACILITY NEUTRALITY AND EQUAL ACCESS FOR STUDENT NON-CURRICULAR 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 as required by 20 U.S.C. §§4071-4073, to ensure non-discriminatory treatment under the Minnesota Human Rights Act (Minn. Stat. §363A et. seq.) and to provide rights as required by other applicable statutes, rules, regulations and case law. In order to ensure that the charter 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.

II. POLICY TERMS

A. Equal Access to Facilities; Applicability

The Equal Access Act ensures that non-curricular student groups are given a fair opportunity to conduct meetings and have "access" (defined below) to public secondary school facilities on the same terms as other, similarly situated groups. The Act applies to Wolf Creek charter school because 1) it is a public secondary school; 2) it receives federal funds; 3) it has created a "limited open forum" (defined below); and 4) it allows one or more "non-curricular student groups" (defined below) to meet on its leased premises during "non-instructional" time (defined below).

Wolf Creek Charter School seeks to ensure that all non-curricular student groups have a fair opportunity to meet, regardless of the religious, political or philosophical views of the group, and regardless of the sexual orientation or gender identity of group members.

B. Definition of Terms

1. "Equal Access"

Ensuring "equal access" means providing physical access to meeting spaces on school premises. It also includes providing the types of recognition and privileges afforded to other groups at the school. Such privileges include, for example, the right of student groups to use school media, including the public address system, the school newsletter and the school bulletin board to announce their meetings on the same terms as

other non-curriculum related student groups. Any policy concerning the use of school media must be applied to all non-curriculum related student groups in a non-discriminatory manner.

2. **"Limited open forum"**
Wolf Creek Charter School has created a "limited open forum" because it provides an opportunity for at least one "non-curriculum related student group" to hold meetings on premises leased by the charter school during "non-instructional time".

3. "**Meeting**"
A meeting may include a prayer service, Bible reading, or other worship exercise.

4. **"Non-curricular student groups"**
A student group is "non-curricular" if it does not directly relate to the body of courses offered at the charter school. A student group does not directly relate to the school's curriculum if:

   a. The group's subject matter is not being taught or will not soon be taught in a regularly offered course at the school;
   b. The group's subject matter does not concern the body of school courses as a whole;
   c. Participation in the group is not required for a particular course;
   d. No academic credit is awarded as a result of participation in the group; and
   e. "Non-instructional time" is time set aside by the school before actual classroom instruction begins or after actual instruction ends. It includes student meetings that take place before or after school as well as those occurring during lunch, "activity periods" and other non-instructional times during the day.

C. Limitations on Non-Curricular Student Group Meetings

The following limitations apply to non-curricular student groups that seek equal access to school facilities:

1. Meetings must be voluntary and student-initiated;

2. Meetings may not be sponsored by the school, school officials, the government, or any of the agents or employees of those groups. ("Sponsored" includes leading, promoting or participating in the meeting.

It does not include the assignment of a teacher or other school official to the meeting for supervisory purposes.);

3. School officials, employees or agents are present at religious meetings only in a non-participatory role;

4. Meetings do not materially and substantially interfere with the orderly conduct of educational activities within the school (see section 4 below); and

5. Non-school persons do not direct, control or regularly attend activities of the non-curricular student groups.

D. Authority of the School to Maintain Discipline and Wellbeing of Students and Faculty

When implementing this policy, the charter school retains the right to ban unlawful groups, to maintain order and discipline on school premises, and to protect the wellbeing of students and faculty. Meetings that materially and substantially interfere with the orderly conduct of educational activities will not be permitted. School officials, however, may not ban groups or suppress student speech based on the unpopularity of the groups' message or on unfounded fears that the group may incite violence or disruption. A student group will not be subject to regulation if the fear of a "material and substantial interference" with the work of the school is not caused by the student group itself, but instead is caused by those who oppose the group's formation or message.

E. Limitations on Implementation of the Policy

In adopting and implementing this policy, Wolf Creek 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 costs of providing the space for non-curricular student group meetings;

4. Require an employee to attend meetings that would conflict with their religious beliefs;

5. Sanction meetings that are otherwise unlawful; and

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6. Otherwise discriminate against an individual in violation of their rights.

F. Student Distribution of Literature

Wolf Creek Charter School students have a right to distribute literature, whether religious, political or philosophical, in the same time, manner, and place terms as are applied to other literature that is unrelated to school curriculum or activities.

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)
20 U.S.C. §§4071-4073

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 902.1 (Facility Neutrality and Equal Access for Boy Scouts of America, Title 36 Groups and Other Outside Youth and Community Groups)