

Buildings and Sites

Equal Access by Students to School Facilities

I. Purpose

This policy acknowledges and affirms compliance with the school district's obligations under the Equal Access Act, which requires the granting of 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 school district will not deny equal access or a fair opportunity to, or discriminate against, 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 school board has created a limited open forum for students enrolled in secondary schools during which noncurriculum-related student groups have equal access and a fair opportunity to conduct meetings during noninstructional time.
- C. Student use of facilities under this policy does not imply district sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. The district retains its authority to maintain order and discipline on its premises, to protect the well-being of students and employees, and to assure that attendance of students at meetings is voluntary.
- E. In adopting and implementing this equal access policy, the district will not:
 - 1. Influence the form or content of prayer or other religious activity.
 - 2. Require a 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 a district agent or employee to attend a district 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 the school district grants an offering to or opportunity for one or more noncurriculum-related student groups to meet on district premises during noninstructional time.
- B. "Secondary school" means district facilities with enrollment of students ordinarily in grades 6 through 12, or any portion thereof.
- C. "Sponsorship" includes the act of promoting, leading or participating in a meeting. The assignment of a district employee for custodial, observation, or maintenance of order and discipline purposes does not constitute sponsorship of the meeting.
- D. "Meeting" includes activities of student groups that are permitted under a limited open forum and are not directly related to district curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.
- E. "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.

IV. Fair Opportunity Criteria

The school district will uniformly provide that:

- A. A meeting held pursuant to this policy is voluntary and student-initiated.
- B. There is no sponsorship of the meeting by the district, its agents or employees.
- C. District employees or agents 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 district.
- E. Nondistrict persons may not direct, control or regularly attend activities of student groups.

Legal References:

20 U.S.C. §§ 4071-74 (Equal Access Act)

20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)

Cross References:

Policy 626 (Independent Provider Activity Programs)

Policy 628 (Student Activities Program)

Policy 902 (Use of School District Facilities and Equipment)

Policy
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INDEPENDENT SCHOOL DISTRICT 273
Edina, Minnesota

Appendix I to Policy 801
PROCEDURES FOR USE OF FACILITIES

Procedures

- A. A student who wishes to initiate a meeting under this policy will apply to the building principal at least 48 hours in advance of the time of the activity or meeting, and complete the necessary facility use documentation (Appendix II). The student must agree to the following:
 - 1. All activities or meetings must comply with existing policies, regulations, and procedures that govern the operation of district-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 that materially or substantially interferes with the orderly conduct of the educational activities of the district. Such activities are grounds for discipline of an individual student and grounds for a particular group to be denied access.
 - 2. The groups may not use the school name, school mascot name, school emblems, the school district name, or any name or image that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.
 - 3. The groups must comply with district and school policies, regulations and procedures governing district-sponsored activities.
- C. Students applying for use of district 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 administrator has the responsibility to:
 - 1. Keep a log of application information.
 - 2. Work with district facilities scheduling to 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.
 5. Assure that the meeting or activity does not interfere with the district's regular instructional activities.
- E. The district will not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The district will provide no additional or special transportation.
 - F. Nondistrict persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.
 - G. District 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 is made available to each student who initiates a request to use school facilities under this policy.

Appendix II to Policy 801
APPLICATION FOR USE OF FACILITIES

The school district grants equal access to school facilities for students who wish to conduct a meeting for religious, political or philosophical discussion during noninstructional time, pursuant to the Equal Access Act.

Provision of district facilities does not constitute sponsorship of such meeting, and the views expressed therein may or may not reflect those of the district administration, its employees or its school board and are neither approved nor disapproved by them.

Please complete this form and submit to the building principal or designee at least 48 hours in advance of the time of the activity or meeting.

Name of student initiating request: _____

Email address: _____

School: _____

Grade: _____

Date of meeting: _____

Time: _____

Estimated number attending: _____

Special equipment needs: _____

(School District Use Only)

Room assigned: _____

Condition of facilities: _____

Staff (if any) assigned to supervise: _____

Notes: _____
