

INDEPENDENT SCHOOL DISTRICT 271
Bloomington, Minnesota

REQUEST FOR SCHOOL BOARD ACTION

DATE OF BOARD MEETING: October 23, 2017

SUBJECT: Revised Policy 801, Student Equal Access to School Facilities


ORIGINATING DEPARTMENT: Academic Services

APPROVAL OF ADMINISTRATIVE CABINET MEMBER: Eric Melby
Assistant Superintendent

RESOLUTION FOR BOARD TO ADOPT:

RESOLVED, that the School Board of Independent School District 271 approves revised Policy 801, Student Equal Access to School Facilities.

RECOMMENDATION OF SUPERINTENDENT:

Approve. 

BACKGROUND:

The purpose of Policy 801 is to implement the Equal Access Act by granting equal access to elementary and secondary school facilities for students who wish to conduct a meeting for religious, political or philosophical purposes during non-instructional time.

On October 16, 2017, the School Board Policy Committee reviewed revised Policy 801, prepared using the model MSBA policy and presented by Administration. The committee discussed the draft revisions.

One additional edit was made by the committee and is reflected in the revised policy being recommended for approval.

This policy is mandatory according to the Minnesota School Boards Association (MSBA).

Adopted: March 26, 1985
Revised: May 23, 2005
June 12, 2006
Board Revised: October 23, 2017 [Routine Review/MSBA Mandatory Policy]
Contact Person: Assistant Superintendent

POLICY 801 STUDENT EQUAL ACCESS TO SCHOOL FACILITIES

I. PURPOSE

To implement the Equal Access Act by granting equal access to elementary and 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. It is the policy of the District 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 School Board has created a limited open forum for students enrolled in elementary and 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 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 school premises, to protect the well being of students and faculty, 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 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 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 school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.
- B. "Elementary school" means any school with enrollment of pupils in kindergarten through grade 5 or any portion thereof.
- C. "Secondary school" means any school with enrollment of pupils ordinarily in grades 6 through 12 or any portion thereof.
- D. "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.
- E. "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.
- F. "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.

Board Review: May 23, 2005
Board Review: June 12, 2006
Board Review: October 23, 2017 [Routine Review/MSBA Mandatory Policy]
Contact Person: Assistant Superintendent

REGULATION 801 STUDENT EQUAL ACCESS TO SCHOOL FACILITIES

I. FAIR OPPORTUNITY CRITERIA

Schools in this district shall 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 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.

II. PROCEDURES

- A. Any student who wishes to initiate a meeting under this policy shall apply to the principal of the building for permission in writing at least 48 hours in advance of the time of the activity or meeting. The request shall estimate the number of students expected to be in attendance at the meeting and the date on which the group desires to meet. Upon receipt of such request, the principal shall endeavor to find a suitable room for the group to use.
 - 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 school name, school mascot name, school emblems, the school district name, or any name that might imply school or district sponsorship or affiliation in any activity, including fundraising and community involvement.
 3. The groups must comply with school policies, regulations and procedures governing school sponsored activities.
- C. Students applying for use of school facilities under this policy must provide the following information to the principal; name of group, purpose of group, name(s) of student leader(s), name of potential supervisor, time and date of meeting, and estimated number of students in attendance.
- 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 place.
 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 school district 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 District shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. The School District 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. Nonschool person are not allowed to meet with noncurriculum related student groups during the limited open forum unless permission is obtained in advance from the building principal.
- 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 and procedures shall be made available to each student who initiates a request to use school facilities.