

*First Reading:* **November 12, 2015**

*Second Reading:* December 10, 2015

*Adopted:* December 10, 1998; June 14, 2012

## **801 - EQUAL ACCESS TO FACILITIES FOR SECONDARY SCHOOL STUDENTS**

### **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 non-instructional time.

### **II. GENERAL STATEMENT OF POLICY**

- A. It is the policy of this school 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. This policy applies to student events, groups and activities initiated, organized, created and/or operated by Mahtomedi Public School students.
- C. The school board has created a limited open forum for students enrolled in secondary schools during which non-school sponsored student groups shall have equal access and a fair opportunity to conduct meetings during non-instructional time.
- D. Student use of facilities under this policy does not imply school district sponsorship, approval, or advocacy of the content of the expression at such meetings.
- E. The school 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.
- F. In adopting and implementing this equal access policy, the school 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 non-school sponsored student groups to meet on school premises during non-instructional time.
- B. "Secondary school" means any school with enrollment of pupils 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 school 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 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.
- E. "Non-instructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.
- F. "Activity Review Committee" The Activity Review Committee is comprised of building principals, activities director, a community education representative, and a teacher representative from the building leadership team. Their charge is to review the student request and determine whether the group is student-initiated and not school-sponsored and whether the resources and mission of the school would be served by the approval of the student group or activity.

### **IV. FAIR OPPORTUNITY CRITERIA**

Secondary schools in this school 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 non-participatory capacity; and
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

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

*Purpose, General Statement of Policy, Definition and Fair Opportunity Criteria reflect the language and requirements of the Equal Access Act and so should be adopted as written.*

*ADOPTED – December 10, 1998*

*REVISED – June 14, 2012*