

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