

Great Oaks Academy

Equal Access to School Facilities Policy No. 801

I. Purpose

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

II. General Statement of Policy

- A. The policy of Great Oaks Academy is 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 Board of Directors has created a limited open forum for students enrolled in secondary schools during which non-curriculum-related student groups shall have equal access and a fair opportunity to conduct meetings during non-instructional time. This forum is expressly limited to students currently attending Great Oaks Academy.
- C. Student use of facilities under this policy does not imply Great Oaks Academy's sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. Great Oaks Academy 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, Great Oaks Academy 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 Great Oaks Academy grants an offering to or opportunity for one or more non-curriculum related student groups to meet on school premises during non-instructional time.
- B. "Secondary school" means any school with enrollment of pupils ordinarily in grades 7 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 Great Oaks Academy curriculum. Distribution of literature does not constitute a meeting protected by the Equal Access Act.

- E. “Non-instructional time” means time set aside by Great Oaks Academy 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

Great Oaks Academy 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;
- D. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within Great Oaks Academy; and
- E. Non-school persons may not direct, control, or regularly attend activities of student groups.

V. Procedures

- A. Any student who wishes to initiate a meeting under this policy shall apply to the Operations leader at least four school days in advance of the time of the activity or meeting. The student must agree to the following:
 - 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 Operations leader 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 Great Oaks Academy. 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, Great Oaks Academy name, or any name that might imply Great Oaks Academy sponsorship or affiliation in any activity, including fundraising and community involvement.
 - 3. The groups must comply with Great Oaks Academy policies, regulations and procedures governing school-sponsored activities.
 - 4. Improper behavior during meetings or damage to property may result in denial of future access and charges for repair or replacement.
 - 5. The student group must seek out and obtain a staff member to serve as a supervisor.
- C. Students applying for use of school facilities under this policy must provide the following information to the Operations leader: time and date of meeting, estimated number of students in attendance, and special equipment needs.
- D. The Operations Leader 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 space.

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 Great Oaks Academy sponsorship of the meeting or activity.
 5. Assure that the meeting or activity does not interfere with Great Oaks Academy's regular instructional activities.
- E. Great Oaks Academy shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. Great Oaks Academy will provide no additional or special transportation.
- F. Non-school persons may not direct, conduct, control, or regularly attend meetings and activities held pursuant to this policy.
- G. Great Oaks Academy 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 Great Oaks Academy facilities.

Legal References:

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

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

Board of Educ. of Westside Community Schools v. Mergens, 496 U.S. 226, 1105 S.Ct. 2356 (1990)

Good News Club v. Milford Central School, 533 U.S. 98, 1215 S.Ct. 2093 (2001)

Child Evangelism Fellowship of Minnesota v. Special Sch. Dist. 1, 690 F.3d 996 (8th Cir. 2012)

Child Evangelism Fellowship of Minnesota v. Elk River Area School Dist. 728, 599 F.Supp. 2d 1136 (D. Minn. 2009)

Cross References:

MSBA/MASA Model Policy 902 (Use of School District Facilities and Equipment)

MSBA Service Manual, Chapter 13, School Law Bulletin "O" (Equal Access Act)

Application for Use of Facilities Form

MSBA/MASA Model Policy 801 Orig. 1995 Revised: 2006