

**BLUFFVIEW MONTESSORI SCHOOL
POLICY 801
EQUAL ACCESS TO SCHOOL FACILITIES**

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. The policy of Bluffview Montessori School 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 school board 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.
- C. Student use of facilities under this policy does not imply Bluffview Montessori School sponsorship, approval, or advocacy of the content of the expression at such meetings.
- D. Bluffview Montessori School 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, Bluffview Montessori School 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 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 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, including such other periods that occur during the school day when no classroom instruction takes place.

IV. FAIR OPPORTUNITY CRITERIA

Bluffview Montessori School 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 the school; and

- E. Nonschool 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 Head of School of the building at least 48 hours 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 Head of School 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 Bluffview Montessori School 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 Head of School: time and date of meeting, estimated number of students in attendance, and special equipment needs.
- D. The Head of School 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 Bluffview Montessori School sponsorship of the meeting or activity.
 5. Assure that the meeting or activity does not interfere with the school's regular instructional activities.
- E. Bluffview Montessori School shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. Bluffview Montessori School 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.
- G. Bluffview Montessori School 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.

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)

The Purpose, General Statement of Policy, Definitions, and Fair Opportunity Criteria sections reflect the language and requirements of the Equal Access Act and so should be adopted as written. School Boards have discretion to adopt reasonable procedures to implement the Act, however. We have provided a section on Procedures as a model.



Bluffview Montessori School Application for Use of Facilities Form Equal Access Act Meeting

Statement of Policy

It is the policy of Bluffview Montessori School to grant equal access to school facilities for students who wish to conduct a meeting for religious, political, or philosophical discussion during non instructional time, pursuant to the Equal Access Act.

Provision of school facilities does not constitute Bluffview Montessori School sponsorship of such meeting, and the views expressed therein may or may not reflect those of the school administration, staff, or board of education and are neither approved nor disapproved by them.

Name of student initiating request: _____

School: _____

Grade: _____

Home Room: _____

Date of Meeting: _____

Time: _____

Estimated number to attend : _____

Special Equipment needs: _____

(Bluffview Montessori School Use Only)

Room assigned: _____

Condition of Facilities: _____

Staff (if any) assigned to supervise: _____

Notes: _____

