

**RICHFIELD PUBLIC SCHOOLS**

**STUDENT USE OF SECONDARY SCHOOL FACILITIES**

I. PURPOSE

The purpose of this policy is to grant equal access to secondary school facilities for students who wish to conduct a meeting during non-instructional time, pursuant to the Equal Access Act.

II. GENERAL STATEMENT OF POLICY

A. It is the policy of Richfield Public Schools 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 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 approving 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;

- 1                   6.     limit the rights of groups of students based on the size of the
- 2                             group;
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- 4                   7.     abridge the constitutional rights of any person.
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7     III.    DEFINITIONS

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- 9           A.     "Limited open forum" means that the school grants an offering to or
- 10                   opportunity for one or more non-curriculum related student groups
- 11                   to meet on school premises during non-instructional time.
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- 13           B.     "Meeting" includes activities of student groups which are permitted
- 14                   under a limited open forum and are not directly related to the
- 15                   school curriculum. Distribution of literature does not constitute a
- 16                   meeting protected by the Equal Access Act.
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- 18           C.     "Non-instructional time" means time set aside by the school before
- 19                   actual classroom instruction begins or after actual classroom
- 20                   instruction ends.
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- 22           D.     "Secondary school" means any school with enrollment of students
- 23                   ordinarily in grades 7 through 12 or any portion thereof.
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- 25           E.     "Sponsorship" includes the act of promoting, leading, or
- 26                   participating in a meeting. The assignment of a school employee
- 27                   for custodial, observation, or maintenance of order and discipline
- 28                   purposes does not constitute sponsorship of the meeting.
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31    IV.    FAIR OPPORTUNITY CRITERIA

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- 33           Secondary schools in Richfield Public Schools shall uniformly provide
- 34           that:
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  - 37                   initiated;
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  - 39           B.     There is no sponsorship of the meeting by the school or its agents
  - 40                   or employees;
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  - 42           C.     Employees or agents of the school are present at religious
  - 43                   meetings only in a non-participatory capacity:
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  - 45           D.     The meeting does not materially and substantially interfere with the
  - 46                   orderly conduct of educational activities within the school; and
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  - 48           E.     Nonschool persons may not direct, control, or regularly attend
  - 49                   activities of student groups.
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V. ADMINISTRATIVE GUIDELINES

The superintendent is authorized to develop administrative guidelines to facilitate implementation of this policy.

*Legal References:*

- 20 USC §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 (1990)
- Good News Club v. Milford Central School, 533 U.S. 98 (2001)
- Child Evangelism Fellowship of Minnesota v. Special Sch. Dist. 1, 690 F.3d 996 (8<sup>th</sup> Cir. 2012)
- Child Evangelism Fellowship of Minnesota v. Elk River Area School Dist. 728, 599 F.Supp. 2d 1136 (D. Minn. 2009)

*Cross References:*

- Board Policy 613: Religion in the Schools
- Board Policy 979: Community Use of School Facilities & Grounds

RATIFIED BY THE BOARD OF EDUCATION: October 5, 1998

REVIEWED AND REAFFIRMED BY THE BOARD OF EDUCATION: January 7, 2002; February 20, 2018

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