

Adopted: \_\_\_\_\_

**New Millennium Academy POLICY No. 804**  
**EQUAL ACCESS TO SECONDARY SCHOOL FACILITIES BY STUDENTS**

**I. PURPOSE**

The purpose of this policy is to implement the Equal Access Act.

**II. GENERAL STATEMENT OF POLICY**

- A. It is the policy of New Millennium Academy 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. To the extent New Millennium Academy's Board has created a limited open forum, students enrolled in secondary school participating in any 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 New Millennium Academy.
- C. New Millennium Academy has 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.

**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 to a meeting for custodial 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**

New Millennium 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 the school; and
- E. Non-school persons may not direct, control, or regularly attend activities of student groups.

#### **V. EQUAL ACCESS RESPONSIBILITIES OF THE SCHOOL DISTRICT**

In adopting and implementing this equal access policy, New Millennium 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.

## VI. PROCEDURES

New Millennium Academy will prepare recommended procedures to handle requests and set rules under this policy. New Millennium Academy will present the recommended procedures to the Board for its consideration. Upon approval by the Board, such procedures shall be an addendum to this policy

***Legal References:*** 20 U.S.C. § 4071 (Equal Access to Public School Facilities)  
Minn. Stat. §§ 124E.01-124E.26 (Charter School Law)  
Minn. Stat. §§ 363A.13, 363A.23 (Minnesota Human Rights Act)  
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)  
*Bd. of Edu. of Westside Cmty. Sch. Mergens*, 496 U.S. 226, 1105 S. Ct. 2356 (1990)  
*Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 1215 S. Ct. 2093 (2001)  
*Child Evangelism Fellowship of Minn. v. Special Sch. Dist. 1*, 690 F.3d 996 (8th Cir. 2012)  
*Child Evangelism Fellowship of Minn. v. Elk River Area Sch. Dist. #728*, 599 F. Supp.2d 1136 (D. Minn. 2009)