

Adopted: _____

NEW MILLENNIUM ACADEMY POLICY No. 805
EQUAL ACCESS USE OF SCHOOL FACILITIES BY YOUTH AND
COMMUNITY GROUPS

I. PURPOSE

In order to ensure that the school's facilities are nonsectarian and to ensure equal access to those facilities as required by law, the Board of New Millennium Academy adopts the following policy regarding facility neutrality and equal access for youth groups and community groups.

II. POLICY STATEMENT

It shall be the policy of the Board of New Millennium Academy to maintain nonsectarian school operations in compliance with Minn. Stat. §124E.06 Subd. 3(b). It shall further be the policy of the Board of New Millennium Academy to ensure "equal access" to its facilities for use by community groups and youth groups as required by applicable law.

III. APPLICABILITY OF THIS POLICY

A. New Millennium Academy must ensure equal access to Title 36 youth groups when:

1. It is a public elementary or secondary school;
2. It receives funds from the U.S. Department of Education; and
3. It has created a "limited public forum" or "designated open forum."

B. New Millennium Academy seeks to ensure that all groups listed under Title 36 of the United States Code and all outside youth and community groups are given a fair opportunity to meet, equal benefits and services, and are not discriminated against.

IV. DEFINITION OF TERMS

A. Designated Open Forum. "Designated open forum" means that the school has designated a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which

attendance at the school is compulsory, for reasons other than to provide the school's educational program.

- B. Limited Public Forum. "Limited public forum" means that the school has given an offering to, or an opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which the attendance at the school is compulsory.
- C. Outside Youth or Community Group. "Outside youth or community group" means a youth or community group that is not affiliated with the school.
- D. Premises or Facilities. "Premises or facilities" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in that property.
- E. Title 36 Youth Group. "Title 36 youth group" means a group or organization listed in title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21 including the Boy Scouts of America.
- F. Youth Group. "Youth group" means any group or organization intended to serve young people under the age of 21.

V. FEES AND ACCESS TO FACILITIES / BOY SCOUTS AND TITLE 36 GROUPS

Fees may be charged in connection with the access to school premises, but any terms of access or fees charged to Title 36 youth groups must be on terms that are not less favorable than the most favorable terms provided to one or more outside youth or community groups.

VI. ACCESS FOR OTHER OUTSIDE YOUTH GROUPS AND COMMUNITY GROUPS

Any decision made regarding access to facilities for outside youth groups or community groups must be made on a non-discriminatory basis, using objective, non-discriminatory criteria, in a consistent, equal, and non-discriminatory manner. Any decisions regarding use of or access to a school's limited or designated public forums may not be made on the basis of the religious, political, or philosophical views of the groups seeking access and must be made consistent with the Minnesota Human Rights Act and federal law.

VII. PROCEDURES TO BE DEVELOPED

New Millennium Academy will prepare recommended procedures to handle requests under this policy and will present them 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. § 7905 (Boy Scouts of America Equal Access Act)
36 U.S.C. §§ 30901-30908 (Boy Scouts of America)
34 C.F.R. 108.1-108.9 (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)
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).