

Policy 801

Equal Access to School Facilities



HEARTLAND LAKES COMMUNITY SCHOOL EXISTS TO EMPOWER SCHOLARS TO:
BRAVELY LIVE THEIR TRUTH,
TO BECOME WISE STEWARDS OF THE LAND AND RESOURCES
AND TO IGNITE LASTING CURIOSITY THAT LEADS TO POSITIVE CHANGE IN THEIR SCHOOL, THEIR COMMUNITIES, AND THEMSELVES.

Adoption:	October 28, 2024
Revision History	
Last Board Review:	October 28, 2024
Next Board Review:	October 2027
Review Frequency:	Every 3 Years (per Policy 208)

I. PURPOSE

It shall be the policy of the Board of Heartland Lakes Community School (HLCS) to maintain nonsectarian school facilities in compliance with Minn. Stat. §124D.10 subd. 8(d). It shall further be the policy of the Board of HLCS to ensure “equal access” to its facilities as required by 20 U.S.C. §§4701-4073 (2010), to ensure non-discriminatory treatment under the Minnesota Human Rights Act (Minn. Stat. §363A et. seq.) and to provide rights as required by other applicable statutes, rules, regulations and case law. 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 HLCS adopts the following policy regarding facility neutrality and equal access.

II. GENERAL STATEMENT OF POLICY

- A. The Equal Access Act ensures that non-curricular student groups are given a fair opportunity to conduct meetings and have “access” (defined below) to public secondary school facilities on the same terms as other, similarly situated groups.
- B. The Act applies to Heartland Lakes Community School because
 - 1. It is a public secondary school
 - 2. It receives federal funds
 - 3. It has created a “limited open forum” (defined below)
 - 4. It allows one or more “non-curricular student groups” (defined below) to meet on its leased premises during “non-instructional” time (defined below).

- C. Heartland Lakes Community School seeks to ensure that all non-curricular student groups have a fair opportunity to meet, regardless of the religious, political or philosophical views of the group, and regardless of the sexual orientation or gender identity of group members.

III. DEFINITIONS

- A. "Access" Ensuring equal "access" means providing physical access to meeting spaces on school premises. It also includes providing the types of recognition and privileges afforded to other groups at the school. Such privileges include, for example, the right of student groups to use school media, including the public address system, the school newspaper and the school bulletin board to announce their meetings on the same terms as other non curriculum related student groups. Any policy concerning the use of school media must be applied to all non-curriculum related student groups in a non-discriminatory manner.
- B. "Limited open forum" Heartland Lakes Community School has created a "limited open forum" because it provides an opportunity for at least one "non-curriculum related student group" to hold meetings on premises leased by the charter school during "non-instructional time".
- C. "Meeting" A meeting may include a prayer service, Bible reading, or other worship exercise.
- D. "Non-curricular student groups" A student group is "non-curricular" if it does not directly relate to the body of courses offered at the charter school. A student group does not directly relate to the school's curriculum if:
 - 1. the group's subject matter is not being taught or will not soon be taught in a regularly offered course at the school;
 - 2. the group's subject matter does not concern the body of school courses as a whole;
 - 3. participation in the group is not required for a particular course;
 - 4. no academic credit is awarded as a result of participation in the group.
- E. "Non-instructional time" is time set aside by the school before actual classroom instruction begins or after actual instruction ends. It includes student meetings that take place before or after school as well as those occurring during lunch, "activity periods" and other non-instructional times during the day.

IV. LIMITATIONS ON NON-CURRICULAR STUDENT GROUP MEETINGS

The following limitations apply to non-curricular student groups that seek equal access to school facilities:

- A. Meetings must be voluntary and student-initiated;
- B. Meetings may not be sponsored by the school, school officials, the government, or any of the agents or employees of those groups. ("Sponsored" includes leading, promoting or participating in the meeting. It does not include the assignment of a teacher or other school official to the meeting for supervisory purposes.);
- C. School officials, employees or agents are present at religious meetings only in a non participatory role;
- D. Meetings do not materially and substantially interfere with the orderly conduct of educational activities within the school (see section 4 below); and
- E. Non-school persons do not direct, control or regularly attend activities of the non-curricular student groups.

V. AUTHORITY OF THE SCHOOL TO MAINTAIN DISCIPLINE AND WELL-BEING OF STUDENTS AND STAFF

When implementing this policy, Heartland Lakes Community School retains the right to ban unlawful groups, to maintain order and discipline on school premises, and to protect the well-being of students and staff. Meetings that materially and substantially interfere with the orderly conduct of educational activities will not be permitted. School officials, however, may not ban groups or suppress student speech based on the unpopularity of the groups' message or on unfounded fears that the group may incite violence or disruption. A student group will not be subject to regulation if the fear of a "material and substantial interference" with the work of the school is not caused by the student group itself, but instead is caused by those who oppose the group's formation or message.

VI. LIMITATIONS ON IMPLEMENTATION OF THE POLICY

In adopting and implementing this policy, Heartland Lakes Community School will not:

- A. Influence the form or content of any prayer or other religious activity;
- B. Require any person to participate in prayer or other religious activity;
- C. Expend public funds beyond the incidental costs of providing the space for non-curricular student group meetings;

- D. Require an employee to attend meetings that would conflict with their religious beliefs;
- E. Sanction meetings that are otherwise unlawful; and
- F. Otherwise discriminate against an individual in violations of their rights.

VII. STUDENT DISTRIBUTION OF LITERATURE

Heartland Lakes Community School students have a right to distribute literature, whether religious, political or philosophical, in the same time, manner, and place terms as are applied to other literature that is unrelated to school curriculum or activities.

VIII. PROCEDURES

- A. Any student who wishes to initiate a meeting under this policy shall apply to the Director 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 Director may require assurances of this fact.
 - 3. The Director will make determination in regards to these types of requests.
- 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 school or district 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 Director: time and date of meeting, estimated number of students in attendance, and special equipment needs.

- D.** The Director 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 HLCS's sponsorship of the meeting or activity.

 - 5.** Assure that the meeting or activity does not interfere with the HLCS's regular instructional activities.

- E.** HLCS shall not expend public funds for the benefit of students meeting pursuant to this policy beyond the incidental cost of providing space. HLCS 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.** HLCS 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.