

Adopted: January 8, 2015
Revised: August 8, 2016

**COMMUNITY OF PEACE ACADEMY POLICY No. 6.3.2
FACILITY NEUTRALITY AND EQUAL ACCESS
FOR BOY SCOUTS OF AMERICA, TITLE 36 GROUPS AND OTHER
OUTSIDE 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 Community of Peace Academy adopts the following policy regarding facility neutrality and equal access for outside youth groups, community groups, the Boy Scouts of America and other Title 36 groups.

II. POLICY STATEMENT

It shall be the policy of the Board of Community of Peace Academy to maintain nonsectarian school facilities in compliance with Minn. Stat. §124D.06 subd. 3(b). It shall further be the policy of the Board of Community of Peace Academy to limit access to its facilities for use by community groups and designated youth groups who directly advance the curricular and college/career readiness goals of Community of Peace Academy for its students.

APPLICABILITY OF POLICY

Equal Access to Facilities; Applicability. This policy is applicable to Community of Peace Academy because:

1. It is an elementary or secondary school;
2. It receives funds from the U.S. Department of Education.

III. DEFINITION OF TERMS

A. Benefits and Services. "Benefits and services" means privileges accorded to any non-student youth or community groups that are allowed to meet in the school's designated public forum or the school's limited open forum. These benefits and services may include but are not necessarily limited to, school-related means of

communication, such as bulletin board notices and literature distribution, and recruitment.

- B. Boy Scouts of America. “Boy Scouts of America” means the organization named “Boy Scouts of America” which has a Federal charter and which is listed as an organization in Title 36 of the United States Code, or any group officially affiliated with Boy Scouts of America.
- C. Non-Discriminatory or Non-Discrimination. “Non-discriminatory” and/or “non-discrimination” means that any decision made regarding access to the school’s facilities must be made on a non-discriminatory basis, using objective criteria, consistent with the Minnesota Human Rights Act (Minnesota Statutes section 363A et. seq.), 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 regardless of the sexual orientation or gender identity of group members.
- D. Outside Youth Group. “Outside youth group” means any group or organization intended to serve young people under the age of 21 that is not affiliated with the school and that is not a Boy Scouts of America or Title 36 group.
- E. Outside Community Group. “Outside community group” means a community group that is not affiliated with the school and is not is not affiliated with a Boy Scouts of America or Title 36 group.
- F. 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.
- G. Title 36 Groups. “Title 36 groups” refers to a youth group or organization listed in Title 36 of the United States Code as a patriotic society that it intended to serve young people under the age of 21 and to groups officially affiliated with such groups.

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

- A. Any request for facility access by a Boy Scout group or any Title 36 group will be considered on a case by case basis in accordance with school policy to limit access to its facilities for use by community groups and designated youth groups who directly advance the curricular and college/career readiness goals of Community of Peace Academy for its students. A Boy Scout group or any Title 36 group shall not be denied access, opportunity, benefits or services, or be discriminated against for

reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts or of the Title 36 youth group.

- B. Fees may be charged in connection with the access to school premises, but any fees or terms of access charged to Boys Scouts of America or Title 36 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.

V. ACCESS FOR OTHER OUTSIDE YOUTH GROUPS AND COMMUNITY GROUPS

Any request for facility access by outside youth groups and community groups will be considered on a case by case basis in accordance with school policy to limit access to its facilities for use by community groups and designated youth groups who directly advance the curricular and college/career readiness goals of Community of Peace Academy for its students. Any decision made regarding access to facilities for outside youth groups or community groups must be made on a non-discriminatory basis, using objective criteria consistent with the Minnesota Human Rights Act, 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 regardless of the sexual orientation or gender identity of group members.

VI. PROCEDURES TO BE DEVELOPED

Community of Peace Academy will prepare recommended procedures to handle requests under this policy.

Legal References: Minn. Stat. §124E (Charter School Law)
Minn. Stat. §363A.13-.23 (Minnesota Human Rights Act)
36 U.S.C. 309 (Boy Scouts of America Equal Access Act)
20 U.S.C. 7905 (Equal Access to Public School Facilities)