



8.9 FACILITY NEUTRALITY & EQUAL ACCESS FOR YOUTH & COMMUNITY GROUPS

I. PURPOSE

The purpose of this policy is to ensure that Oak Hill Montessori Community School's (OHMCS) facilities are nonsectarian and to ensure equal access to those facilities as required by law for outside youth groups, community groups, the Boy & Girl Scouts of America and other Title 36 groups.

II. GENERAL STATEMENT OF POLICY

It is the policy of the Board of OHMCS to maintain nonsectarian school facilities in compliance with Minn. Stat. §124E.06. It shall further be the policy of the Board of OHMCS to ensure equal access to its facilities for use by community groups and designated youth groups including the Boy & Girl Scouts of America and other Title 36 groups in compliance with 20 U.S.C. 7905.

III. DEFINITIONS

- A. "Benefits and services" means privileges accorded to any nonstudent youth or community groups that are allowed to meet in the school's facilities. These benefits and services may include but are not necessarily limited to, school-related means of communication, such as bulletin board notices, literature distribution, and recruitment.
- B. "Boy and Girl Scouts of America" means the organizations named "Boy Scouts of America" and "Girl Scouts of America" which have Federal charters and which are listed as organizations in Title 36 of the United States Code, or any group officially affiliated with Boy or Girl Scouts of America.
- C. "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, in a consistent, equal and non-discriminatory manner. Any decisions regarding use of or access to a school's facilities 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" 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 Title 36 group.
- E. "Outside community group" means a community group that is not affiliated with the school and is not affiliated with a Title 36 group.
- F. "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 group" refers to a youth group or organization, including the Boy Scouts of America and Girl Scouts of America, 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 and to groups officially affiliated with such groups.

IV. FEES & ACCESS TO FACILITIES

- A. Any request for facility access by any Title 36 group will be considered on a case by case basis. 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 Title 36 youth group.
- B. Any request for facility access by outside youth and community groups will be considered on a case by case basis. 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 or access 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.
- C. Fees may be charged in connection with the access to school premises, but any fees or terms of access charged to a Title 36 group must not be less favorable than the most favorable terms provided to one or more outside youth or community groups.



V. PROCEDURES

The administration 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:

Minn. Stat. §124E.06 (Charter School Law)
Minn. Stat. §363A.13 (Minnesota Human Rights Act, Educational Institutions)
20 U.S.C. § 7905 (Boy Scouts of America Equal Access Act)