

Incorporate Child Protection Provisions Into Your School's Facility Use Policy

In 2001, the Supreme Court held that the Good News Club, a fundamentalist Bible lesson program aimed at children ages 5-12, was entitled to have an after-school club at Milford Central School.¹ Milford Central School could not exclude the Good News Club merely because of its religious nature.

Today, there are reportedly nearly 4,000 after-school Good News Clubs in America's public elementary schools. The clubs tell children that they are desperately wicked and “**deserve to die.**”

These appalling facts were not presented to the Court when it decided *Milford*. *Milford's* decision is limited. It does **not** bar a school district from incorporating child protection provisions into their facility use policies.

Schools have long had the right to sanction students who direct obscene, vulgar and indecent speech toward fellow students. Adults have no superior right to direct abusive, on-campus speech toward students. A thoughtful Facility Use Policy can protect students from the intrusion of harmful outside organizations.

(...continued from inside)

f) In the case of a denial or revocation of a facilities use application, the applicant or existing permit holder may, within 2 weeks, request a review by the School Board. The Applicant may also request a hearing before, and present evidence to, the Board. The Board will render a decision with written findings.

g) If the DFC or the Board does not issue a decision on a timely and complete Application at least 1 week before the requested use, then the Application will be treated as approved until and if the Board revokes the approval.

h) A parent of a District student may request review by the School Board to revoke a facility use permit for noncompliance with this Policy. Such a request must be accompanied by a notarized statement that explains the facts pertaining to the alleged noncompliance.

Endnotes

1. *Good News Club v. Milford Central Sch.*, 533 U.S. 98 (2001).
2. *Muller v. Jefferson Lighthouse School*, 98 F.3d 1530 (7th Cir. 1996).
3. IntrinsicDignity.com provides suggested criteria for establishing emotional or psychological treatment.

For more information, go to

www.IntrinsicDignity.com

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Facility Use Policies

Protecting Children from Harmful Organizations in Public Schools

Due to misunderstood legal precedents, the Good News Club claims the right to use public elementary schools as a forum for evangelizing children. Using a dark, divisive and heavy-handed curriculum, Good News Club teaches children to reject science, fear critical thinking, and stigmatize non-believers.

Schools can combat this trend by adopting clear facility use policies to protect their educational mission and the dignity of their students.

Model Facility Use Policy

The District may make school facilities available for student and community-related activities and programs which are educational, cultural, social, recreational or civic in nature subject to the following requirements:

1. Good Behavior Requirement.² No person, group or organization shall be permitted to use a district facility if a reasonably prudent person, applying prevailing community or professional standards, would find that the group's activities, curriculum or practices:

- a) engage in physical, emotional, or psychological maltreatment of children;³
- b) bully, ridicule, abuse, debase, or degrade students or cause them to question their self-worth;
- c) are calculated to traumatize students or make them feel excluded, ashamed or unacceptable because of their lack of a shared core identifying characteristic, such as race, religion or sexual orientation;
- d) discourage children from critical and open thinking by employing shame, conditional affirmation, or fear;
- e) are directed to students and are obscene, vulgar or otherwise age-inappropriate;
- f) substantially disrupt or interfere with the work, order, or discipline of the school; or
- g) collide with the rights of other students, including interfering with their educational development.

2. Inclusiveness Requirement. All meetings must be non-exclusive and open to the public. No

group that restricts its membership, attendance, or leadership by reason of racial, ethnic, or national origin; sexual orientation; or religious identity or commitment may use District facilities, with the following exceptions:

- a) a youth group that primarily serves young people under age 21, including but not limited to youth groups defined in the Boy Scouts of America Equal Access Act, 42 U.S.C. § 7905, may restrict its membership and leadership and/or include an oath of allegiance to God and country.
- b) a non-curriculum related student group, as described in the Equal Access Act, 20 U.S.C. § 4071 may restrict its leadership and membership on the basis of shared religious, political, and philosophical views if the group is led, directed, and controlled by students.

3. Promissory Requirement. Each group that applies for a facility use permit will affirm in writing that they will: refrain from behavior that abuses, degrades, demeans, humiliates, or bullies students;

- a) refrain from provoking disrespect for, or imputing improper motives to, the District's teachers and employees;
- b) respect the inherent dignity and rights of each child, and of people generally, regardless of race, color, religion, creed, ancestry, age, sex, sexual orientation, physical handicap or national origin; and
- c) fully indemnify the District from any claims that may arise out of any violation of a child's rights.

4. Transparency Requirement. Any group that applies for a facility use permit must submit the following documents, in searchable electronic form if available:

- a) the organizing documents (e.g., articles of incorporation, by-laws, and charter, if any) of the organization;
- b) any governing document setting forth requirements or prerequisites for leadership or membership;
- c) any curricular materials for any program directed primarily toward students; and

d) any and all changes to previously submitted documents listed above.

5. Administration. The use of all facilities in the district during non-school hours must be approved by the District facilities coordinator, who will schedule the use of school facilities, ensure that economical and efficient use is made of the time and space available, and issue permits.

6. No Viewpoint Discrimination. The District facilities coordinator shall administer this Policy in a manner that does not discriminate based on viewpoint.

7. Application Review Process

a) A qualifying request for a new facilities use must be filed at least 12 weeks in advance and be accompanied by a complete Application.

b) Applications to renew an existing facility use must be filed every year at least 4 weeks in advance of the requested use, and must include, if not provided previously, the information set forth in § 4.

c) An Application for a new facilities use or to renew an existing use is not a qualifying application if the Applicant has had an Application denied or revoked in the previous 2 years.

d) The District facilities coordinator (DFC) will review and approve or provisionally deny the Application. The DFC may delegate some or all of the review to a school psychologist. The DFC may ask the Applicant to provide information to facilitate the review. Failure to provide the requested information shall be treated as a withdrawal of the Application.

e) If the DFC finds that an Applicant is disqualified because of noncompliance with this Policy, then the DFC will provide the Applicant with notice of a denial of the Application along with a written explanation identifying the Policy provisions breached and the materials or incidents breaching those provisions. **(see back)**