



BOY SCOUTS
OF AMERICA®

School Access Challenges: A Tiered Response to Building Relationships

Terry Bramlett, Chairman, National Task Force on Educational Relationships

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What Is Access?

Access to schools takes many forms. It may be the ability to send home a message with boys who are prospective Cub Scouts. It may be the opportunity to present a “boy talk” to prospective Cub Scouts. It may be a matter of requesting the use of a school facility. In the following pages, you will learn about a tiered response, what you should know about schools to optimize access, what the law says about school access, three examples of responding to school access issues, and proven practices for building relationships with school personnel.

What Is a Tiered Response?

Tiered response is a term used frequently in the delivery of emergency medical services. It refers to handling an incident at the lowest level of jurisdiction to meet the emergency or services needed. If the responders closest to the incident are not able to meet the need appropriately, they request help from those with a higher jurisdictional level. Additional capabilities available at higher levels are sought only when needed. A tiered response helps ensure resources are used appropriately and efficiently: Not every 911 call, for example, requires every resource at the police and fire stations.

The process of using a tiered response is similar in education systems. Student needs are met through the classroom teacher first and then by staff members with additional levels of expertise if needed. It is not usually necessary to organize a “staffing” with the district’s special education director to address the needs of a child who is unable to see the chalkboard. The teacher can simply move a student to the front of the classroom.

In terms of Scouting’s access to schools, the tiered response is applied by handling various school access issues as closely to the incident as possible: first by unit leaders, then by district volunteers and professional staff, and finally through resources available at the council level.

A tiered response is a sequenced and measured approach to dealing with a challenge. This kind of response involves understanding the needs of all stakeholders and beginning the relationship not by immediately pulling out the “big guns,” but by building a relationship, grounded in mutual understanding and respect, among the stakeholders. The tiered response process offers a sequenced set of actions to take to address an access issue. The tiered response approach attempts to handle a problem at the level closest to the event—typically at the unit level.

What Should I Know About Schools?

This question may seem silly, but experiencing a school as a student for 13 years provides only one perspective on its operation. Schools are designed to educate children to prepare them for careers and to become members of society. The principal, as one of the key leaders in the school system, is concerned with several issues: first, providing for the safety of the children in the school; second, supporting his or her faculty; next, maintaining the school facility; and finally, serving as an agent of the community. The use of a school facility as a community resource is understood and recognized, but costs associated with operating those facilities are not often appreciated by the general public.

Consistently, principals surveyed like Scouting. They recognize the good Scouting does for the children in a community. They also see that Scouting’s youth development goals are similar to those of the educational system.

But principals are human, and their role as gatekeepers to their schools’ facilities is often shaped by previous experiences with Scouts and Scouters; those experiences may have been positive or negative: School administrators may recognize the value in Scouting, but their memories may be informed by less-than-positive experiences such as Cub Scout den members who left a classroom in a disorderly state after using it.

What Is the Law?

Text from current federal statutes governing schools may provide some context for this document. Applicable statutes include the following:

The Boy Scouts of America Equal Access Act (20 U.S.C. § 7905) provides that “no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code (as a patriotic society).”

The Secretary of Education enforces the statute through rules and orders. “If the public school or agency does not comply with the rules or orders, then . . . no funds made available through the Department shall be provided to a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders.”

The Boy Scouts of America Equal Access Act requires public schools to provide Boy Scouts equal access to benefits and services on pain of losing federal funding. The access must be “on terms that are no less favorable than the most favorable terms provided to one or more outside youth or community groups.” 34 C.F.R. § 108.6(b)(4). These benefits and services include “school-related means of communication, such as bulletin board notices and literature distribution, and recruitment.” 34 C.F.R. § 108.6(b)(2). No Child Left Behind Act

Subpart 2

Sec. 9525. Equal Access to Public School Facilities.

(a) Short title: This section may be cited as the Boy Scouts of America Equal Access Act.

(b) In general:

(1) Equal Access—Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code (as a patriotic society).

(2) Voluntary Sponsorship—Nothing in this section shall be construed to require any school, agency, or a school served by an agency to sponsor any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society).

(c) Termination of Assistance and Other Action

(1) Departmental Action—The Secretary is authorized and directed to effectuate subsection (b) by issuing and securing compliance with rules or orders with respect to a public elementary school, public secondary school, local educational agency, or State educational agency that receives funds made available through the Department and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (b).

(2) Procedure—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), through the Office for Civil Rights and in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964. If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available through the Department shall be provided to a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders.

(3) Judicial Review—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of the Civil Rights Act of 1964. Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of such Act.

(d) Definition and Rule

(1) Definition—In this section, the term youth group means any group or organization intended to serve young people under the age of 21.

(2) Rule—For the purpose of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or 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 attendance at the school is compulsory.

Summary: The main point of this legislation is that any school receiving federal support is required to provide Scouting the same access to school facilities as any other organization. This does not mean that Scouting gets the use of public facilities for free—simply that they are provided the same right of access as any other community organization. If sports organizations use schools at no cost, then Scouting should be afforded the same opportunity. If a community organization uses school facilities and pays a rental fee, then a Scouting unit should have the same expectation. The access law does not guarantee Scouting an absolute right to school access—unless other organizations enjoy that same right.

Responding to Access Issues

Many access issues are, at their core, essentially communications issues. Three common examples of access issues are presented and explored below. In addition, some tested approaches for building relationships at the unit level—where the challenges are real and ongoing—are presented for adoption and adaptation to local customs.

Written Communications

Larry F. is a new Cubmaster. He enters the office of the school principal at 1:15 p.m. on a Monday afternoon. School is dismissed at 3:30 p.m. He asks one of the secretaries in the office to distribute copies of pack recruiting fliers to all the boys in first through fourth grades. The fliers are part of the pack's fall recruitment drive. The "School Night for Scouting" meeting, scheduled to reach out to new prospective members, takes place three days later, on Thursday. The secretary declines to accept the documents. Larry, angry and frustrated, storms out of the office with the fliers still in hand.

Analysis of the incident

Larry, as a parent, was familiar with materials coming home from school with his children. What he was not aware of is that the district has a policy that requires any information sent home through students to be submitted to the local district office two weeks before intended delivery. The secretary's unwillingness to accept the documents was consistent with the responsibilities of her job and with the school district policy. Had Larry not stormed out angrily, the secretary would have explained the procedures and given Larry the contact information. Larry's anger and frustration upset the secretary, who asked her supervisor to handle any future interactions with Larry.

Unit-level response

Larry's good intentions—reaching out to prospective new members—ran into an obstacle: the school's secretary, and her correct enforcement of a school district policy on distribution of materials through “backpack mail.” Another way of thinking about the obstacle is that it was the result of a lack of information. Larry had not been informed nor had he sought to inquire about whether there was a process required for distributing fliers, nor did he realize that planning ahead was required. Unit leaders who had worked with the school in prior years would have been valuable assets in helping Larry work effectively with the school and the secretary.

District-level response

The membership committee in a local Scouting district needs to identify and communicate school district rules and protocols regarding distribution of materials. Providing this information in written form for new leaders as they begin work in Scouting can help avoid the misunderstanding and the frustrations that were evident in the vignette described above. Moreover, district personnel need to train Scouters regarding appropriate and inappropriate responses to school personnel. Scouters need to be informed that seeking understanding and information, while always remaining cordial and polite, is essential as they interact with school officials.

Council-level response

The council membership committee can ensure that each district supports unit leadership by ensuring that communications guidelines are understood and communicated to all leaders. In some cases, leadership at the council and board level may have the opportunity to work with school districts to familiarize them with a policy that positively serves both schools and Scouting well in their common mission of supporting young people in Scouting. The community-use policies in a number of school districts were formed in consultation with local council Scouting leadership to ensure that all parties understood rules and practices. Guidelines that are clearly communicated and clearly understood serve all parties well.

Meeting With Youth: Boy Talks

Roger B., a new Scoutmaster with Boy Scout Troop 11, is looking to recruit new members for the troop. Troop 11 was fortunate to have a successful recruiting event; four new Boy Scouts joined during a crossover ceremony held during a local pack's blue and gold banquet. The Scoutmaster would like to have a meeting with all fifth-grade boys in the school for the last 30 minutes of the school day to tell them about Troop 11. Roger attempts to schedule this meeting directly with the school principal, who informs him that a meeting during the academic part of the day cannot be accommodated. Frustrated, Roger doesn't know where to turn.

Analysis of the incident

Roger's frustration was the result of his expectations about school access and the reality of school access. Although laws and rules ensure access of Scout organizations to public schools and students, this access does not include disruption of the educational day. As described previously, the primary mission of schools is formal education guided by an approved curriculum. This is a mission BSA supports and complements.

Unit-level response

It would have been ideal for Roger to consult with adults in the unit who were familiar with recruiting in the school. Further, the person who performed this function in the troop prior to Roger could have coached Roger, providing him the tools, expectations, and information he needed to succeed. In this case, that consultation before the fact did not occur. So, when Roger reported back to the previous Scoutmaster and the current committee chair about his frustration with accessing fifth-grade boys, two things happened: First, the previous Scoutmaster apologized to Roger for not briefing him more thoroughly about ways to recruit in the elementary school and clarified what should have been communicated when Roger first took on this new responsibility. Second, the committee chair noted that this issue of training for school access should be on the agenda for the troop committee so the troop would have a system in place for educating new adult leaders about access to the local schools for recruiting.

District-level response

Upon hearing about Roger's frustrations, the district executive and the membership chair met and agreed to modify the district's required roundup training to include general information about school access issues and specific information about not requesting access to students during formal instruction periods of the school day. The district executive also briefed Troop 11's unit commissioner about the issue so he could support and assist Roger. The district executive also scheduled a meeting with the school principal to apologize for the request and for the lack of information provided to new Scoutmaster Roger. The district executive was clear that Roger was simply doing what he thought was appropriate and that the responsibility for the problem resided in inadequate training of the Scoutmaster about this issue.

Council-level response

The district executive reported this issue to his director of field services, who had heard of several similar incidents across the council. The council's vice president for membership tasked the training chair to address the limits of school access in subsequent training conducted throughout the council.

Use of School Facilities

Pack 108's annual pinewood derby was a growing success. Five years earlier, with a membership of 26 Cub Scouts, the derby could be easily set up and completed in a single evening. With a strong program in place, membership in the pack had grown to nearly 80—10 strong dens of active Cub Scouts. Running the pinewood derby on a school evening during a pack meeting was going to keep children up too late. The pack committee chair investigated options and found that the school was available on Saturdays—at a cost: \$200 for the building, and double overtime for the custodian who needed to open up the building, or a total of nearly \$500. The pack committee was furious: "How can they do that to us? Don't they realize that they are ruining things for the boys?" The pack committee secretary began composing a letter of objection to the school district superintendent, ready to share a piece of her mind over the way the school is treating the Cub Scouts.

Analysis of the incident

Unfortunately, there is a business element to operating schools, and there is a cost associated with opening a building on the weekend. Per the law cited above, it would be expected that any non-school entity using the building outside of normal operating times would be required to pay for the use of the facility. Even local council camps require a user fee, so a school is not dissimilar in that regard.

Unit-level response

The question that needs to be considered at the unit level is whether or not investing pack funds for using the school's community room makes sense. There is a sense from the vignette above that the decision to move to a Saturday had been made previously, and that the additional costs were an unexpected consequence of the move—after the change to a Saturday had been confirmed.

As program plans are made in the future, knowing the costs associated with the weekend use of the school facility will help units make the most informed decisions possible. The response of the pack committee secretary, while understandable, is made without recognizing that *any* non-school organization that uses the facility must pay the same user fees. There is no persecution of the Cub Scouts—it is a charge that all users need to pay to help the school recover the costs of using the facility. While this issue *does* relate to access to facilities, Scouting is not being treated differently from other organizations. If Scouting were held to a different standard, action by local council leadership addressing this disparity would be warranted.

District-level response

One of the sessions during training for Cub Scout leaders involves planning and considering alternatives. While Cubmasters focus on making plans for pack meetings and den leaders concentrate on planning den meetings, there are opportunities during basic training sessions for new Cubmasters to address planning concerns for other pack events. A district trainer recounted her meeting with a new Cubmaster during a training session. The new Cubmaster stated that her pack of 80 members needed seven hours to carry out a pinewood derby event. The district trainer was able to introduce her to a parent who coordinated the pinewood derby in a pack of a similar size and was able to lead a fun, organized event that completed the activity in 90 minutes. The district-level response, then, is largely one of being aware of local best practices and helping leaders to find alternative resources.

Similarly, some pack-level events can be held in parks, in picnic shelters, and even in malls. While tradition has often meant that we do the same thing the same way time after time, creative use of resources—and communicating those ideas through open forums at roundtable meetings—can help packs negotiate a perceived barrier to access or identify workable alternatives.

Council-level response

Council-level training events could be developed to help unit leaders find alternatives to using the local school for events such as the pinewood derby. Helping units run events with greater efficiency would be an excellent training course for a local council University of Scouting.

If the access issue is present and is documented to be an instance of Scouting being treated differently from other community organizations, a thoughtful review of practices is in order before action. The Boy Scouts of America Equal Access Act (20 U.S.C. § 7905), as noted previously, provides an opportunity for remedy. There is value, however, in seeking common ground before citing statutes. Suggestions below are grounded in developing relationships that focus on the shared desire to meet the needs of young people.

Building Relationships

Building a working relationship between school personnel and the local Scouting community is the first step in a tiered response. A positive relationship, grounded in shared values and respectful of the role the school staff serves in the organization, is the first thing Scouters need to appreciate and act on. As a counterpart to the appreciation for schools and school staff, helping school staff and leadership understand what Scouting does for young people is of value as well. Commitment to meeting the needs of youth is shared by both constituencies.

A paradigm shift in how we think about schools is desirable as we consider access issues specifically and our relationship with schools generally. Rather than thinking of schools as service providers (i.e., a source of children and a meeting place) it is helpful to consider schools as clients who would gain much from supporting the services we provide. As stated previously, schools and Scouting have much in common and have a shared mission to offer programming that benefits children. In Scouting, we have a specific instructional methodology that serves the needs of children in a different way than schools do. It is far better to think of ourselves in partnership with schools and how we can help them meet their youth development goals by partnering with us, rather than seeing us in competition with one another.

Proven Practices at the Unit Level

Adopt-a-School

The BSA's nationwide Adopt-a-School Program offers a comprehensive undertaking that connects Scout packs, troops, and crews with schools in their communities. Participating Scouts then work, within clearly defined guidelines, with school administrations and offer the volunteer services that most efficiently meet their schools' needs. Each unit offers its partner school a minimum commitment of one year, building a meaningful relationship and leading to significant changes in the school.

For information on the BSA's Adopt-a-School initiative, visit www.bsaadoptaschool.org/.

Parent Teacher Association support

Reaching out directly to PTA-type organizations to provide volunteers for school fairs and carnivals has been helpful in building relationships between Scouting and school support and advocacy groups such as this one. In numerous cases, generous, freely provided service was instrumental in PTAs serving as chartered organizations for Cub Scout packs.

Teacher and school staff relationships

Scouting is often a mystery to school staff and personnel. Reaching out to these individuals is not only a courtesy to show appreciation for services rendered, but also is part of building positive, long-term relationships. Following are a few successful examples of ways relationships have been started and sustained:

- School staff pinewood derby. Cub Scout packs that meet at schools provide teachers and other staff members with pinewood derby kits. Teachers are invited to race their cars in a special heat reserved for school staff members.
- Popcorn. Cub Scout packs that meet at the school budget for gifts of popcorn for teachers to show their support and build connections.
- Teacher expertise. Den leaders reach out to teachers for their expertise as it pertains to Cub Scout and Webelos advancement opportunities. Art teachers and science teachers have knowledge about and passion for their disciplines, and they are usually happy to share what they know with an interested audience.

Organization or club day

Many PTAs host a meeting before the start of the school year during which all school-related organizations are offered a forum to showcase their program to parents and children. Scout units are a natural fit for an event such as this. If such an event does not exist, pack leadership can take the lead in scheduling such an event and providing Scout service to support the endeavor.

Proven Practices at the District and Council Levels

Board and district relationships

To a great extent, council success is grounded in the quality of your executive board and district committee membership. An effective board influences the amount of money that is raised, the quality of the leadership that is hired, and the resources that can be harnessed. School district leadership already shares a variety of dispositions with Scouting leadership. Involving school district administrators and school board members helps to develop and sustain relationships. The use of the BSA's North Star Award provides tools to recognize those in the community who support Scouting's initiatives, and that recognition can be a helpful first step in recruiting for future board membership and leadership.

For information about the North Star Award, see www.scouting.org/filestore/pdf/North_Star_Award.pdf.

Board of review service

The signature youth award of the Boy Scouts of America, the Eagle Scout Award, requires a board of review at the conclusion of the recognition process. Inviting school district leadership to participate in these boards on a consistent basis provides an excellent opportunity to profile the good that Scouting provides for youth and the community.

In one community, Scouting's access to schools was denied for a period, but eventually the administration reversed that decision and resumed its support for Scouting. A principal involved as a board of review participant was highly impressed by an Eagle candidate who had formerly attended her school. She invited the new Eagle Scout to come to her school and talk to all boys in the school about what he had accomplished in Scouting and the adventures he had experienced.

Conclusion

Appropriate access to schools is among the most important elements of BSA's outreach to youth. If you are experiencing or have experienced frustration in attempting to access schools to help build and sustain the Scouting program in your community, do not despair. The law is on your side! Although legal protection is important, understanding, training, and forming enduring relationships with staff and school administrators are just as important. School access issues often can be resolved at the unit, district, and council levels by understanding schools from the perspective of those who administer and teach in them. Moreover, training Scouters in effective methods of communicating with school personnel nearly always bears rich fruit with regard to school access. Finally, building, maintaining, and sustaining relationships of mutual respect and appreciation with school administrators, staff, and educators, especially those in your local community, is perhaps the single most important key to school access.