

**Instruction**

**STUDENT ORGANIZATIONS AND EQUAL ACCESS**

The Board of Trustees believes that student groups or clubs reinforce the instructional program, give students experience in civics government, and provide social and recreational activities. Student groups also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the principal or designee in accordance with Board policy and administrative regulation.

**Limited Open Forum**

The Board encourages students to pursue interests and clubs which may not directly relate to the district's curriculum and, to that end, has created a limited open forum.

All student-initiated groups shall be given equal access to meet on school premises during noninstructional times without regard to their religious, political, philosophical or other speech content. The Board shall ensure that: (20 USC 4071, 4072)

1. The meeting shall be voluntary and student-initiated.
2. There shall be no sponsorship of the meeting by the school or staff. The term sponsorship means that school staff are promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes shall not constitute sponsorship of the meeting.
3. Employees of the school shall be present at religious meetings only in a nonparticipatory capacity.
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

All student clubs or groups shall have equal access to the school media to announce meetings, including the public address system, the school newspaper, bulletin boards, and school web site. However, the principal or designee may issue a disclaimer that such activities are not school-sponsored.

All noncurriculum-related student groups shall be given equal access to meeting space, school equipment, and supplies.

- (cf. 1321 - Solicitation of Funds from and by Students)
- (cf. 3452 - Student Activity Funds)
- (cf. 6142.3 - Civic Education)
- (cf. 6142.4 - Service Learning/Community Service Classes)
- (cf. 1330 - Use of School Facilities)
- (cf. 3515.2 - Disruptions)
- (cf. 5145.2 - Freedom of Speech/Expression)

**STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)**

Legal Reference:

**EDUCATION CODE**

- 52 Designation of secondary schools
- 53 Designation of high schools
- 200-262.3 Prohibition of discrimination on the basis of sex
- 38130-38138 Civic Center Act
- 48900 Hazing
- 48907 Student exercise of free expression
- 48930-48938 Student organizations
- 48950 Freedom of speech
- 49020-49023 Athletic programs

**PENAL CODE**

- 627-627.10 Access to school premises

**CODE OF REGULATIONS, TITLE 5**

- 2 Definitions
- 5531 Supervision of extracurricular activities of students

**UNITED STATES CODE, TITLE 20**

- 4071-4074 Equal Access Act
- 7904 School prayer
- 7905 Boy Scouts equal access

**UNITED STATES CODE, TITLE 36**

- 20101-240112 Patriotic organizations

**COURT DECISIONS**

- Prince v. Jacoby, (2001) 303 F.3d 1074
- Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061
- Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093
- Ceniceros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878
- Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076
- Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64
- Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431
- Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

**WEB SITES**

U.S. Department of Education: <http://www.ed.gov>

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## **Instruction**

### **STUDENT ORGANIZATIONS AND EQUAL ACCESS**

#### **Limited Open Forum**

Because the district has established a limited open forum, the principal or designee shall not deny any student-initiated school group access to school facilities during noninstructional time on the basis of religious, political, philosophical, or any other content of speech to be addressed at such meetings. (20 USC 4071)

Such meetings shall not interfere with regular school activities. The Superintendent or designee shall identify the noninstructional time period(s) set aside for meetings of student groups either before or after actual classroom instruction times.

Meetings may also be held during the lunch period.

Meetings held within the limited open forum shall entail no expenditure of public funds beyond the incidental cost of providing the meeting space. (20 U.S.C. 4071 (d))

Students shall leave the meeting place in a clean, orderly, and secure condition after their meetings. The Superintendent or designee may deny the use of facilities to any groups that he/she believes will materially disrupt the school program or threaten the health and safety of students and staff. (20 U.S.C. 4071)

#### **Authorization for Student Groups**

Any student wishing to create either a curriculum- or noncurriculum-related student group shall first request authorization from the principal or designee. The group shall provide the principal or designee with the following information:

1. Name of the organization and names of student contacts.
2. A statement of the organization's purposes, objectives and activities
3. A copy of the proposed bylaws of the student group, including a description of how officers will be selected, as well as the bylaws of any off-campus organization with which the group may be affiliated.
4. The name of the proposed faculty advisor, if any and a description of the function of staff adviser in the promotion supervision and leadership of the group. The principal shall have final authority in determining the assignment and role of the staff adviser.
5. The proposed dates, times, and location of meetings
6. Any special equipment to be used
7. A description of the qualifications for membership, if any

**STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)**

8. If a curriculum-related group, a statement of the relation of the club to the curriculum and/or instructional program

The principal or designee shall establish school rules governing the meetings of curriculum-related groups, such as attendance or grade requirements. Such rules may vary depending on the group as whether or not academic credit is given for participation in the group.

**Role of Staff Adviser**

For any curriculum-related student group, the staff adviser shall provide guidance and teaching to students to ensure that the group's activities are aligned to the district's goals and objectives and shall provide supervision and leadership of the group. The principal shall have final authority in determining the assignment and role of the staff adviser.

For noncurriculum-related student groups, a staff adviser may be assigned voluntarily to observe meetings for purposes of maintaining order and protecting student safety. Staff advisers and other school employees shall not promote, lead, or participate in the meetings. (20 USC 4071, 4072)

A school employee may refuse to attend a meeting of a student group if the content of the speech at the meeting is contrary to the employee's beliefs. (20 USC 4071)

**Hazing**

Any student who engages in hazing may be subject to discipline including, but not limited to, suspension or expulsion. Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by the district, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. (Education Code 48900)

(cf. 5131 – Conduct)

(cf. 5144.1 – Suspension and Expulsion /Due Process)