

## **STUDENT ORGANIZATIONS AND EQUAL ACCESS**

The Governing Board believes that student organizations may reinforce the instructional program, give students practice in democratic self-government, and provide social and recreational activities. Student organizations also may serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging.

The Board understands that students 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, with the permission of the principal, may be given equal access to meet on school premises during non-instructional time. 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 supervisory 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.

*(cf. 1330 - Use of School Facilities)*

*(cf. 3515.2 - Disruptions)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

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

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

No school shall deny equal access or a fair opportunity to meet, or otherwise discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

### *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>