

**Instruction****STUDENT ORGANIZATIONS AND EQUAL ACCESS**

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

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 1325 - Advertising and Promotion)*

*(cf. 3452 - Student Activity Funds)*

The Superintendent or designee shall establish criteria and a process for school sponsorship of student clubs.

All student-initiated groups at secondary schools shall be given equal access to meet on school premises during noninstructional times without regard to their religious, political, philosophical or other speech content. (20 USC 4071)

*(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, including the public address system, the school newspaper, and the school bulletin board, to announce meetings. The Superintendent or designee may inform students that certain groups are not school-sponsored.

No school 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 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: (see next page)*

**Instruction****STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)***Legal Reference:*EDUCATION CODE52 *Designation of secondary schools*53 *Designation of high schools*200-262.3 *Prohibition of discrimination on the basis of sex*32050-32051 *Hazing*48930-48938 *Student organizations*48950 *Freedom of speech*49020 *Athletic programs: Legislative intent*49021 *Equal opportunity for male and female students*49022 *Apportionment of funds for male and female students*49023 *Expenditure of public funds; prohibited sex discrimination*CODE OF REGULATIONS, TITLE 52 Definitions5531 *Supervision of extracurricular activities of pupils*PENAL CODE627-627.10 *Access to school premises*UNITED STATES CODE, TITLE 204071-4074 *The Equal Access Act*9504 *School prayer*9505 *Boy Scouts equal access*UNITED STATES CODE, TITLE 3620101-240112 *Patriotic organizations*COURT DECISIONS*Culbertson et al. v. Oakridge School District, (2001) 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, (1995) 66 F. 3d 1535**Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076, affd. (1990) 496 U.S. 226**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:*U.S. DEPARTMENT OF EDUCATION*Religious Expression in Public Schools: Statement of Principles, Richard W. Riley, 1995, rev. 1999*WEB SITES*U.S. Department of Education: <http://www.ed.gov>*

Policy

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**VISALIA UNIFIED SCHOOL DISTRICT**

Visalia, California

**Instruction****STUDENT ORGANIZATIONS AND EQUAL ACCESS****School Sponsorship**

School-sponsored student organizations must be organized at the school, have a certificated advisor, be composed completely of current student body members and be approved by the Superintendent or designee in accordance with Governing Board policy. They shall hold the majority of their meetings at school and have a democratic plan for the selection of officers. Organization activities shall not conflict with the authority and responsibilities of school officials.

The principal or designee shall direct any group of students seeking recognition as a student organization to submit a district-approved application form which includes 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. Name of staff sponsor, 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.
4. The proposed dates, times, and location of meetings
5. Any special equipment to be used
6. A description of the qualifications for membership, if any
7. 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 rules may vary depending on the circumstances that apply, such as whether or not academic credit is given for participation in the group.

**Limited Open Forum**

The Superintendent or designee shall not deny any student-initiated group access to school facilities during noninstructional time on the basis of religious, political, philosophical or any other content to be addressed at such meetings. Such meetings shall not interfere with regular school activities.

The Superintendent or designee shall identify the noninstructional time period(s) set aside for noncurriculum-related student organization meetings before or after actual classroom instruction times. Meetings may also be held during the lunch hour.

## **Instruction**

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

The following criteria must be met for these meetings: (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 school or staff shall not promote, lead, or participate 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.

School staff may be assigned voluntarily to observe meetings for purposes of maintaining order and protecting student safety. Students shall leave the meeting place in a clean, orderly and secure condition after their meetings. (20 USC 4071)

The Superintendent may deny the use of facilities to any groups that he/she believes will disrupt the school program or threaten the health and safety of students and staff. (20 USC 4071)

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

## **Hazing**

No student shall conspire to engage in hazing, participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student. Persons violating this regulation shall be subject to district discipline and penalties specified in law. (Education Code 32051)

*(cf. 5144 - Discipline)*