

Student Organizations and Equal Access

~~The Governing Board believes that curriculum and non-curriculum related student organizations have an important place in students' lives. Besides extending and reinforcing the instructional programs, such groups can give students practice in democratic self-government and provide wholesome social and recreational activities. Student organizations also serve to honor outstanding student achievement and to enhance school spirit and students' sense of belonging.~~

~~Since the District allows schools to sponsor student groups not directly tied to the curriculum, student initiated groups not sponsored by the school or District have the right to meet on school premises during times established for a limited open forum in accordance with provisions of the Federal Equal Access Act.~~

~~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 or other person. Persons violating this policy shall be subject to District discipline and penalties specified in law. (EC32502, 32502)~~

~~In accordance with law, the Superintendent or designee shall provide notice of this policy and related provisions of law.~~

The Governing Board believes that student groups or clubs reinforce the instructional program, give students experience in civics and 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.

(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)

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 time 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.

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

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 References

~~40 Equal opportunity without regard to sex~~

~~41 School sponsored athletic programs; prohibited discrimination~~

~~52 Designation of secondary schools~~

~~52 Designation of high schools~~

~~200-262.3 Prohibition of discrimination on the basis of sex~~

~~32050-32052 Hazing~~

~~33352 Supervision of physical education by the CDE~~

~~33353 California Interscholastic Foundation; Governing board has power to select athletic lead-representatives~~

~~33353.5 California Interscholastic Foundation; direct participation in student athletic insurance-program; limitation of receipt of funds~~

96 ~~33354 Powers of CDE over interscholastic athletics~~
 97 ~~35179 Powers and responsibilities of the board of Inter-scholastic athletic programs, policies, and~~
 98 ~~activities in its district; associations; nondiscrimination~~
 99 ~~48930-48938 Student Organizations~~
 100 ~~49020 Athletic programs; legislative intent~~
 101 ~~49021 equal opportunity for male and female students~~
 102 ~~49022 apportionment of funds for male and female students~~
 103 ~~49023 Expenditure of public funds; prohibited sex discrimination~~
 104
 105 *Code of Regulations, Title 4*
 106 ~~2 Definitions~~
 107 ~~5331 Supervision of extracurricular~~
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 109 *Penal Code*
 110 ~~627-627.10 Access to school facilities~~
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 112 *Title VII "The Equal Access Act," 20 USCA Section 4071 et seq.*
 113
 114 *Cases*
 115 ~~Hartzell v. Connell (1984) 35 Cal. 3rd 899~~
 116 ~~Perumal v. Saddleback Valley Unified School district, 88 daily Journal D.A.R. 1426~~
 117 ~~Westside Community Schools v. Mergens, 58 U.S. Law Week 4720 (June 4, 1990)~~
 118 ~~Student Coalition for Peace v. Lower Merion School (1985 775 F. 2nd~~
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 121 Legal Reference:
 122 EDUCATION CODE
 123 52 Designation of secondary schools
 124 53 Designation of high schools
 125 200-262.3 Prohibition of discrimination on the basis of sex
 126 38130-38138 Civic Center Act
 127 48900 Hazing
 128 48907 Student exercise of free expression
 129 48930-48938 Student organizations
 130 48950 Freedom of speech
 131 49020-49023 Athletic programs
 132 PENAL CODE
 133 627-627.10 Access to school premises
 134 CODE OF REGULATIONS, TITLE 5
 135 2 Definitions
 136 5531 Supervision of extracurricular activities of students
 137 UNITED STATES CODE, TITLE 20
 138 4071-4074 Equal Access Act
 139 7904 School prayer
 140 7905 Boy Scouts equal access
 141 UNITED STATES CODE, TITLE 36
 142 20101-240112 Patriotic organizations
 143 COURT DECISIONS
 144 Prince v. Jacoby, (2001) 303 F.3d 1074
 145 Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061
 146 Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093
 147 Cenicerros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878
 148 Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989,
 149 8th Cir.) 867 F.2d 1076
 150 Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64
 151 Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431

152 Hartzell v. Connell, (1984) 35 Cal. 3d 899
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154 Management Resources:
155 WEB SITES
156 U.S. Department of Education: <http://www.ed.gov>
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159 CSBA: (6/96 7/02) 3/08
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162 Adopted: 7/28/92
163 Revised: (726/05)