

Date: August 9, 2012

To: Secondary Administrators
From: Michelle Beus, *Legal Issues Specialist*
Rick Call, *Secondary School Director*
Rulon Homer, *Secondary School Director*

RE: Authorization of Non-Curricular School Clubs

Following the 2011 Legislative Session there appeared to be some misinterpretation of an amendment to the Utah Student Clubs Act. The Amendment, which was contained in House Bill 218 and is now codified in Utah Code Ann. 53A-11-1201 et.seq. did not change the process or requirements for establishing a student club. Rather, the bill replaced the word “building” with the word “facilities. Once a group is granted club status at the school level, school administration must work with the club in allowing use of “facilities” rather than “buildings”.

The confusion appeared to have been with several community athletic programs who interpreted this to mean that all groups which are made up of “students” who call themselves a “club” must be allowed access to all school facilities at no cost to the group.

In meeting with some of the adult leaders of these groups, along with school administrators, it came to our attention that some of our secondary schools are not following Utah State law and Davis District Policy in establishing student clubs.

A secondary concern was identified in these meetings. Because a faculty advisor must be identified and be in attendance at any club meeting or event, administrators raised concern with the additional burden this places on overworked faculty and administrative staff. The administrators present requested consideration of a change in the District Policy to prohibit the authorization of non-curricular clubs which participate in interscholastic competition.

This memo is intended to address two issues:

1. *Schools MUST follow State Law and District Policy in the establishment of all school clubs.*

The Utah Student Clubs Act has been incorporated into [Davis District Policy 5S-202 Authorization of Student Clubs and Organizations](#). The full text and the **required** Application and Parent Authorization can be found in the online Policy Manual. The following is the process for Non-Curricular Clubs in a very abbreviated format:

- [a] Applications to establish or renew club status must be submitted within the first 20 days of school.
 - (i) Must be [Board Approved Application](#)
 - (ii) Minimum of 3 members
 - (iii) Must identify faculty supervisor who agrees to attend all meetings/activities
 - (iv) Membership is limited to students currently attending the school
 - (v) Must include annual budget and schedule of meetings

- [b] Non-Curricular clubs must annually apply for club status
- [c] Administration must review applications individually for compliance with policy/law
- [d] Administration must inform student of acceptance or denial of club status
- [e] Written [Parent Consent](#) is required for all clubs – curricular and non-curricular
- [f] All funds and budgets must be managed through official school accounts
- [g] Persons who are not school faculty or club members shall not be allowed to direct, conduct, control, or regularly attend club meetings

2. **Schools are advised to clearly identify rules regarding the times and frequency of noncurricular club meetings.**

In addition to making sure that the law and policy are followed in the application and approval process, there are several items which have been left up to individual schools to determine. Although there will not be a proposed policy amendment to eliminate interscholastic competition between non-curricular clubs, each school can develop their clubs policy to strictly limit the number of times and location of meetings.

Prior to inviting students to submit applications for new clubs or to renew club status of previous clubs, it is important that each school clearly identify, in writing, the following parameters which will apply equally to all non-curricular clubs:

- [a] Identify the *number of times* or *number of hours* a club may meet per month;
- [b] Determine access to the school newspaper, yearbook, bulletin board, public address system, or any combination of the foregoing ; and
- [c] The places that non-curricular clubs may meet.

In our meeting with representatives of outside athletic organizations and clarifying the law and policy which has been in place for the past several years, two things were apparent: 1)many schools have not been following the requirements of law and policy; and 2)the outside athletic organizations, once informed of the parameters, preferred to remain independent of the school and simply rent space for games.