

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY****CODE C 23****1st READING: 5/9/2019
2nd READING: 6/13/2019
ADOPTED: 6/13/2019**

STUDENT CLUBS & ACTIVITIES**Policy**

The school will maintain a student activity program appropriate to the maturity of students and as varied as staff and facilities permit. The program will be designed to offer for the greatest number of students worthwhile leisure time interests, wholesome recreational and social activity, and opportunities to develop skills in democratic and cooperative management for these activities.

Clubs and activities may be (1) school-sponsored and related to the curriculum, (2) student-run and not related to the curriculum, or (3) community-sponsored and not related to the curriculum. This policy addresses the first two categories. The third is addressed in the school district policy on Community Use of School Facilities¹

I. School-Sponsored Curriculum-Related Groups

- A. Curriculum-related groups are the only type entitled to school sponsorship. The controlling factor in deciding whether an activity will be sponsored by the school will be whether that activity is directly related to the school's curriculum. No activity that is not directly related to the curriculum or educational mission of the school will receive sponsorship, regardless of whether it meets the other criteria for sponsorship.
- B. Activities or clubs which meet at least one of the following criteria will be considered curriculum-related.
 - 1. The subject matter of the student group or club is actually taught or will be taught in a regularly scheduled course.
 - 2. The subject matter of the group or club is such that it concerns the body of courses as a whole.
 - 3. Participation in the group is required for a particular course.
 - 4. Participation in the group results in academic credit.
- C. The Principal will approve new requests for activity sponsorship based on the following considerations.
 - 1. The potential of the activity to help participating students meet the goals of the school's curriculum.
 - 2. The level of student interest in the activity;
 - 3. The fiscal ramifications of sponsorship;
 - 4. The availability of qualified personnel to supervise the activity; and
 - 5. The impact of adding or eliminating the activity on the balance of types of activities available in the total activity program.

- D. All school-sponsored activities will be under the ultimate control of the Barre Unified Union School District (BUUSD) and will comply with all policies and procedures of the school. The Principal may set standards for academic eligibility for participation in these activities.

II. Student-Run Non-curriculum-Related Groups²

- A. A student-run non-curriculum-related group, or “student group” is one that is created by students, run by students, and provides activities for students. If a group or club is organized or run by adults, even if students attend its meetings, then it is a community-sponsored group and must comply with Policy E20.
- B. Student groups, clubs or activities may use school facilities and have access to such things as the public address system, bulletin boards, and publications³ provided that an equal opportunity is given to all student groups. If the BUUSD opens its facilities to any student group, then it must provide the same opportunities to all other student groups.⁴ A fair opportunity will be provided to non-sponsored student groups wishing to conduct meetings on school premises during non-instructional time provided that:
1. any such meeting is voluntary and student initiated;
 2. there is no sponsorship of the meeting by the school, the government, or its agents or employees;
 3. employees or agents of the school or any governmental entity are present at religious meetings only in non-participatory capacities;
 4. the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
 5. non-school persons do not direct, conduct, control or regularly attend activities of student groups.⁵
- C. Listings and notices referring to non-sponsored clubs or activities will include a disclaimer of school sponsorship or endorsement. BUUSD faculty and staff may only be present at activities of student groups as monitors for keeping order.
- D. The Principal may do the following with respect to student groups, as long as the same rules are applied to all student groups:
1. adopt rules to prohibit lewd and obscene speech
 2. prohibit student groups from using school facilities if they are likely to cause material or substantial disruption of school operations
 3. impose time, place, and manner restrictions, and
 4. require parental permission for student participation.

Legal Reference(s): 20 U.S.C. §§4071 et seq. (Federal Equal Access Act)
Prince v. Jacoby, 303 F.3d 1074 (9th Cir.), cert. denied 540 U.S. 813 (2002)
Rosenberger v. University of Virginia, 515 U.S. 810 (1995),
Board of Education of Westside Community Sch. v. Mergens, 496 U.S. 226 (1990).
Sease v. School District of Philadelphia, 81 F. Supp. 183 (E.D. Pa. 1993)

Cross Reference: *Community Use of School Facilities (E 20)*

Admission of Resident Students (C 31)

Admission of Non-Resident Tuition Students (c 23)

Participation of Home Study Students in School Programs and Activities (C 6)

¹ See Policy H3 Community Use of School Facilities

² This section is governed by the Equal Access Act, 20 U.S.C. 4071 et seq. It states, in part, that:

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

³ *Prince v. Jacoby*, 303 F.3d 1074 (9th Cir.), cert. denied 540 U.S. 813 (2002), held that since yearbook was paid for by student body funds and not by public funds, the school could not charge a religious student group for inclusion in the yearbook when other groups were included without charge. *Rosenberger v. University of Virginia*, 515 U.S. 810 (1995), held that university could not limit funds to student group due to its religious viewpoint where group ran newspaper with Christian view on news while other newspapers were funded. Funds were from mandatory student activity fee and not from public funds.

⁴ Even allowing only one noncurriculum student group to meet in school facilities is enough to create a limited open forum and trigger the application of the Equal Access Act. *Board of Education of Westside Community Sch. v. Mergens*, 496 U.S. 226 (1990).

⁵ Equal Access Act, 20 U.S.C. 4071; *Sease v. School District of Philadelphia*, 81 F. Supp. 183 (E.D. Pa. 1993) (school secretary who led gospel choir violated provisions of law even though choir was outside her regular duties in district).