

Davis School District Policy and Procedures

Subject: 5S-202 Authorization of Student Clubs and Organizations

Index: Instructional Programs

Revised: DRAFT: August 2, 2022

1. PURPOSE AND PHILOSOPHY

The purpose of this policy is to provide guidance to schools regarding authorization of student curricular and noncurricular clubs as outlined in state law, while maintaining a fair opportunity to any students who wish to conduct a meeting within a limited open forum without discrimination on the basis of the religious, political, philosophical, or other content of the speech at such meeting.

2. AUTHORIZATION OF CLUBS

- 2.1. Only elementary school curricular clubs may be authorized in elementary schools in any of grades K-6.
- 2.2. Both secondary school curricular clubs and noncurricular clubs may be authorized in secondary schools in any of grades 7-12.
- 2.3. A club whose membership is determined by student body election or a club that is governed by an association that regulates interscholastic activities are exempt from the authorization requirements of this policy.
- 2.4. The school administration shall review applications for authorization of curricular and noncurricular clubs on a case-by-case basis.
- 2.5. Before granting an authorization, the school administration shall find that:
 - 2.5.1. the proposed club meets the Utah Student Clubs Act and this policy's respective requirements of a curricular club or a noncurricular club; and
 - 2.5.2. the proposed club's purpose and activities comply with the Utah Student Clubs Act and this policy.
- 2.6. Before granting an authorization, a school administration may request additional information from the faculty sponsor, from students proposing the club, or from the Board, if desired.
- 2.7. The school administration shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of the Utah Student Clubs Act, state rules, and District policy.
- 2.8. The school administration shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of the Utah Student Clubs Act, state rules, and District policy.
- 2.9. The school administration shall not deny authorization of a proposed club on the basis race, national origin, color, sex (including sexual orientation and gender identity), disability or religion.

3. DEFINITIONS OF TYPES OF CLUBS

- 3.1. **"Club"** means any student organization that meets during noninstructional time.
- 3.2. **"Curricular club"** means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time.

- 3.3. **“Elementary school curricular club”** in addition to the definition of curricular club, means a club that is organized and directed by school sponsors at the elementary school.
- 3.4. **“Noncurricular club”** means a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and governing board in accordance with the provisions of state law. A noncurricular club’s meetings, ideas, and activities are not sponsored or endorsed in any way by a school governing board, the school, or by school or school district employees.
- 3.5. **“Religious club”** means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
- 3.6. **“Secondary school curricular club”** in additional to the definition of curricular club, means a club whose subject matter is taught or will soon be taught in a regular course; whose subject matter concerns the body of courses as a whole; in which participation is required for a particular course; or in which participation results in academic credit.

4. **FORMATION AND RENEWAL OF STUDENT CLUBS**

Within twenty (20) school days after the beginning of the school year, each student group seeking to establish or renew a club under this policy must submit an application to form a club.

5. **CURRICULAR CLUBS**

5.1. **Curricular Clubs Application**

- 5.1.1. Faculty members or students proposing an elementary school or secondary school curricular club shall submit a Board approved *Student Club Application for Authorization* to the school administration.
- 5.1.2. Each completed application or complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.
- 5.1.3. The school administration shall approve the name of a curricular club consistent with the club’s purposes and its school sponsorship.
- 5.1.4. The school administration shall determine curriculum relatedness by strictly applying the definition of curricular club and the definition of elementary school curricular club or secondary school curricular club, as applicable.
- 5.1.5. If the school administration finds that the proposed club is a noncurricular club, the school may:
 - [a] return the application to the faculty member or students proposing the club for amendment; or
 - [b] review the application as an application for authorization of a noncurricular club if in a secondary school.

5.2. **Faculty Oversight of Curricular Clubs**

- 5.2.1. School administration shall annually approve faculty members as sponsors of curricular clubs. Faculty sponsors shall organize and direct the purpose and activities of a curricular club
- 5.2.2. The approved faculty sponsor shall provide oversight consistent with the Utah Student Clubs Act and the needs of the school to ensure that the methods of expression or other conduct of the students or sponsor involved do not:
 - [a] unreasonably interfere with the ability of school officials to maintain order and discipline;
 - [b] unreasonably endanger or threaten the well-being of persons or property
 - [c] violate concepts of civility or propriety appropriate to a school setting; or

[d] violate applicable laws, rules, regulations, and District policies.

5.3. **Use of School Facilities by Curricular Clubs**

- 5.3.1. The school administration shall determine and assign school facilities use for curricular clubs consistent with the needs of the school.
- 5.3.2. In assigning school facilities use, the school administration may give priority to curricular clubs over noncurricular clubs.
- 5.3.3. A school may provide financial or other support to curricular clubs.
- 5.3.4. Each club that is denied school facilities use shall be informed at the time of the denial of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial could be corrected.

5.4. **Curricular Club Membership and Try-outs**

- 5.4.1. Membership in curricular clubs is governed by the following rules:
 - [a] membership shall be limited to students who are currently attending a school in the District, at the same level as the sponsoring school;
 - [b] a school may limit membership to students currently attending the sponsoring school; and
 - [c] other rules as determined by the State Board of Education, school district, or school.
- 5.4.2. Curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials. Try-outs may not require activities that violate the provisions of the Utah Student Clubs Act and other applicable laws, rules, and District policies.
- 5.4.3. A school shall require written parental or guardian consent for student participation in all curricular clubs as outlined in section 8 of this policy.

6. **NONCURRICULAR CLUBS**

6.1. **Noncurricular Clubs Application**

- 6.1.1. A noncurricular club shall have a minimum of three members.
- 6.1.2. Students proposing a noncurricular club shall submit a Board approved ["Student Club Application for Authorization"](#) to the school administration.
- 6.1.3. Each completed application or complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.
- 6.1.4. The school administration shall require that a noncurricular club name shall reasonably reflect the club's purpose, goals, and activities; and that the noncurricular club name shall be a name that would not result in or imply a violation of the Utah Student Clubs Act.
- 6.1.5. The school administration may provide for approval of a noncurricular club name in an action separate from that relating to authorization of the club itself.

6.2. **Faculty Oversight of Noncurricular Clubs**

- 6.2.1. A school principal shall approve faculty members to serve as supervisors for authorized noncurricular clubs. Faculty supervisors shall provide oversight to ensure compliance with the approved club purposes, goals, and activities.
- 6.2.2. A school principal shall approve faculty members to serve as monitors for authorized religious club. Faculty monitors may not participate in the activities of the religious club except to provide support as necessary and to monitor activities to ensure compliance with the approved club purposes, goal, and activities.

- 6.2.3. The appointed supervisor or monitor shall provide oversight consistent with the Utah Student Clubs Act and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students, supervisor, or monitor involved do not:
 - [a] unreasonably interfere with the ability of school officials to maintain order and discipline;
 - [b] Unreasonably endanger or threaten the well-being of persons or property;
 - [c] Violate concepts of civility or propriety appropriate to a school setting; or
 - [d] Violate applicable laws, rules, regulations, and District policies.
- 6.2.4. Persons who are not school faculty or club members shall not be allowed access to clubs to direct, conduct, control, or regularly attend club meetings.
- 6.2.5. Without the prior approval of the school administration persons who are not faculty or club members shall not be allowed to make a presentation to a noncurricular club.
- 6.2.6. Noncurricular clubs are not provided, sponsored, or supported by a school. Fees associated with a noncurricular club, that meet the criteria of this policy, may not be collected through the school and are not subject to the District school fee or fee waiver policy.

6.3. Use of School Facilities by Noncurricular Clubs

- 6.3.1. A preference or priority in assigning school facilities use may not be given among noncurricular clubs
- 6.3.2. A school shall only provide the space for noncurricular club meetings. A school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this policy, including providing space and faculty oversight for noncurricular clubs.
- 6.3.3. Provided that all noncurricular clubs are given equal access, schools have the authority to decide the following:
 - [a] set the number of hours noncurricular clubs may meet per month;
 - [b] noncurricular club access to the school newspaper, yearbook, bulletin board, public address system, or any combination of the foregoing;
 - [c] the noninstructional times during which noncurricular clubs may meet; and
 - [d] the places that noncurricular clubs may meet.

6.4. Noncurricular Club Membership and Try-outs

- 6.4.1. Membership in noncurricular clubs is governed by the following rules:
 - [a] student membership in a noncurricular club is voluntary;
 - [b] membership shall be limited to students who are currently attending the school; and
 - [c] other rules as determined by the State Board of Education, school district, or school.
- 6.4.2. Noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials. Try-outs may not require activities that violate the provisions of the Utah Student Clubs Act and other applicable laws, rules, and policies.
- 6.4.3. A school shall require written parental or guardian consent for student participation in all noncurricular clubs as outlined in section 8 of this policy.

7. CLUB LIMITATIONS AND DENIALS

- 7.1. A school administration shall limit or deny authorization or school facilities use to a club or require changes prior to granting authorization or school facilities use if he/she determines it to be necessary to:
 - 7.1.1. protect the physical, emotional, psychological, or moral well-being of students and faculty;
 - 7.1.2. maintain order and discipline on school premises;
 - 7.1.3. prevent a material and substantial interference with the orderly conduct of a school's educational activities;
 - 7.1.4. protect the rights of parents/guardians and students;
 - 7.1.5. maintain the boundaries of socially appropriate behavior; or
 - 7.1.6. ensure compliance with all applicable laws, rules, regulations, and District policies.
- 7.2. A school administration shall limit or deny authorization or school facilities use to a club or require changes prior to granting authorization or school facilities use whose proposed charter and proposed activities indicate students or advisors in club related activities would have a substantial, material, or significant part of their conduct or means of expression:
 - 7.2.1. encourage criminal or delinquent conduct;
 - 7.2.2. promote bigotry;
 - 7.2.3. involve human sexuality; or
 - 7.2.4. involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.
- 7.3. If a school administration limits or denies authorization to a club, he/she shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial and an explanation of the appeals process within a reasonable amount of time.
- 7.4. Administrators who deny or modify a student request to form a student group will forward the original request and any supporting documentation to the Director of OEO. The Director of OEO, or a designee, will review each to ensure that the reason was appropriate and consistent with federal law. If the Director of OEO determines that a denial or alteration was inappropriate or unsupported, the District will grant the request and provide the administrator with additional training on this Policy.

8. PARENTAL CONSENT

- 8.1. A school shall require written parental or guardian consent for student participation in all curricular and noncurricular clubs at the school which shall include an activity disclosure statement containing, at a minimum, all the information outlined in the District activity disclosure example.
- 8.2. All completed parental consent forms shall be filed by the club's sponsor, supervisor, or monitor with the school's principal until the end of the school year.

9. INVESTIGATION OF ALLEGED VIOLATIONS

- 9.1. The school administration shall investigate any report or allegation that an authorized curricular or noncurricular club is participating in activities beyond the scope of its purpose, or is in violation of a provision of the Utah Student Clubs Act or another applicable law, rule, regulation, or District policy within a reasonable amount of time after receiving the complaint.

- 9.2. After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the report or allegation, if a violation is substantiated, the school administration may do any of the following:
 - 9.2.1. allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of the Utah Student Clubs Act and other applicable laws, rules, regulations, or District policies;
 - 9.2.2. instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;
 - 9.2.3. limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school administration; or
 - 9.2.4. terminate the club's authorization and dissolve the club.
- 9.3. A club that has been terminated in accordance with this section may not reapply for authorization until the following school year.
- 9.4. A student who makes a false allegation or report under this section shall be subject to school discipline.
- 9.5. Any limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in the Utah Student Clubs Act.
- 9.6. If a school administration suspends or terminates authorization to a club, he/she shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial and an explanation of the appeals process within a reasonable amount of time.

10. APPEALS PROCEDURES

If denied, suspended, or terminated, a club, a student desirous of participating or speaking, or a complaining parent/guardian, has ten (10) school days from the date of the denial, suspension, or termination to file a written appeal to the School Director assigned to that school. The School Director shall issue an opinion in writing either upholding or overturning the denial, suspension, or termination, which articulates the reason for upholding or overturning the denial, suspension, or termination of the appeal. This opinion must be issued within thirty (30) days of receiving the appeal. The School Director's decision shall be the final administrative decision.

DEFINITIONS

“Bigotry” means action or advocacy of imminent action involving: the harassment or denigration of a person or entity; or any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity or any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in the Utah Student Clubs Act, UCA § 53A-13-101.3, 20 U.S.C. § 4071(f)

“Conscience” means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, and absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.

“Encourage criminal or delinquent conduct” means action or advocacy of imminent action that violates any law or administrative rule, does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.

“Involve human sexuality” means (a) presenting information in violation of laws governing sex education, including UCA §§ 53A-13-101 and 53A-13-302; (b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or (c) presenting or discussion information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.

“Noninstructional time” means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time. Discretionary time includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.

“School facilities use” means (a) access to a school facility premises or playing field; (b) includes access to a limited open forum.

Definitions of types of clubs can be found in section 3 of this policy

REFERENCES

20 U.S.C. § 4071(f) - Denial of equal access prohibited

[Utah Code Ann. Title 53G, Chapter 7, Part 7](#) - Utah Student Clubs Act

[Utah Code §53E-9-203](#)– Activities prohibited without prior written consent – Validity of consent – Qualifications – Training on implementation

[Utah Code §53G-10-203](#) - Expressions of belief - Discretionary time

[Utah Code Ann. §53G-10-402](#) - Instruction in health - Parental consent requirements - Conduct and speech of school employees and volunteers - Political and religious doctrine prohibited

[11IR-100 Nondiscrimination Policy and Complaint Procedures](#)

FORMS AND OTHER LINKS

[Student Club Application for Authorization](#)

[Activity Disclosure Statement and Parental Consent Form](#)

DOCUMENT HISTORY:

Adopted: August 1, 2000

Revised: September 4, 2007 – Repealed original policy, replaced policy in its entirety to comply with enactment of the Utah Student Clubs Act.

Revised: September 1, 2009 – No content change, renumbered from 4I-421 to 4S-202 with reorganization of Policy Table of Contents.

Revised: May 17, 2011 (by consent) – Policy amended to reflect changes as a result of legislation. Modifies the Student Clubs Act regarding a club's access to school facilities.

March 8, 2018 – Education code references updated in accordance with 2018 recodification.

5S-202 Authorization of Student Clubs and Organizations

Revised: October 1, 2019 – Amended to make clear fees associated with a noncurricular club, that meet the criteria of this policy, may not be collected through the school and are not subject to the District school fee or fee waiver policy

Revised: August 2, 2022 – Updated to include nondiscrimination language.