San José Unified School District

Student Club Guidelines

I. Recognition of Student Clubs

To further its educational mission, the District permits students at its secondary schools to form curriculum and non-curriculum related student sponsored clubs.[i] Such organizations are permitted to meet on school premises during non-instructional time. Students may seek to have their clubs chartered or recognized by the Associated Student Body (ASB) organization at their school site.

These guidelines set forth the District's expectations and practices with respect to student clubs on campuses. These guidelines are a supplement to all official District policies and regulations that apply to student speech, student organizations, and ASB activities, and are not meant to replace or to contradict such policies or regulations. [See, District Board Policy (BP) and Administrative Regulations (AR), including, for example,
BP/AR 3452 (Student Activity Funds), BP 5131 (Conduct), AR 5131.4 (Student Disturbances), BP/AR 5144 (Discipline), BP/AR 5145.2 (Freedom of Speech / Expression), BP/AR 6141.2 (Recognition of Religious Beliefs and Customs)].

For purposes of these guidelines, neither the ASB itself, nor officially recognized athletics teams are considered "student clubs" or student organizations. These guidelines are not intended to apply to the ASB itself or officially recognized athletic teams and nothing herein shall be construed to limit the District's obligations or authority under Title IX of the Education Amendments Act of 1972 ("Title IX") or analogous state law. These guidelines also do not apply to co-curricular or extracurricular activities sponsored by the District. [See, BP/AR 6145 (Extracurricular and Co-curricular Activities)].[ii]

II. Meetings on Campus

Any student club may meet on campus during non-instructional time. Student clubs, and their meetings and activities, must be voluntary and student initiated. School employees or agents may not sponsor or run student club meetings or activities.

"Sponsorship" of a meeting, as used in the above paragraph, includes the act of promoting, leading, or participating in a meeting. However, a teacher, administrator, or other school employee may be assigned to supervise a club's meetings (e.g., to act as a faculty advisor). This supervision does not constitute sponsorship of the meeting.

Employees or agents of the District may attend religious meetings of a student club only in a non-participatory capacity.

To avoid the potential for unconstitutional establishment of religion, staff shall not endorse, encourage or solicit religious or anti-religious expression or activities among students. They shall not lead students in prayer, and they shall not participate in student-initiated prayer while supervising students. No student shall be required to pray or engage in any other religious observance. Staff shall not be directly and personally involved in the distribution of religious materials to students or in the solicitation of funds from students for outside religious organizations. Staff shall not be directly and personally involved in recruiting students for outside religious organizations. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his or her religious belief as long as this does not disrupt the educational environment. [BP/AR 6141.2 (Recognition of Religious Beliefs and Customs)]

Non-school persons may not direct, conduct, control, or regularly attend the meetings or activities of student clubs. "Non-school persons" includes students who attend other schools within or outside the District, parents, community members, or individuals from state or national affiliates of student

organizations. "Regularly attend" means to be present at or participate in the meetings or activities of the student club more than once a month, or more than 25% of the time, whichever is more. The District retains the right to exclude clubs, on a non-discriminatory basis, that are directed, conducted, controlled, or regularly attended by non-school persons.

Students meeting on campus must abide by all District and campus requirements for holding meetings and using District resources and facilities. This includes (but is not limited to) the requirement that the students not engage in any conduct that materially and substantially interferes with the orderly conduct of educational activities within the school. The District retains the authority to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary. Nothing in these guidelines is intended to broaden any forum that may exist for student clubs or organizations on District campuses.

III. Non-Endorsement of Student Viewpoints, Opinions, or Activities

By permitting student clubs to meet on campus, or permitting them to seek or hold ASB recognition as an official campus group, the District is not endorsing any statement, opinion, viewpoint, activity, or conduct of any student or student club. Student clubs must avoid any implication that the District or the school endorses its group, or that the group speaks or acts for the District, the school, or District employees or agents.

IV. Equal Access

The District shall not deny equal access or a fair opportunity to, or discriminate against, any students who wish to obtain or retain ASB recognition for their student club, and all the privileges or benefits that entails, on the basis of the religious, political, philosophical, or other content of the students' speech.

The District shall not deny any student-initiated club access to school facilities during non-instructional time on the basis of the religious, political, philosophical, or other content of the students' speech. [AR 6145.5 (Student Organizations and Equal Access)]

V. Nondiscrimination

The District is committed to equal opportunity for all individuals in District programs and activities, and prohibits legally impermissible discriminatory practices in its programs and activities as provided by law. All student groups meeting on campus are governed by this policy of nondiscrimination, whether the conduct occurs on or off campus. Neither the District, the ASB, nor any student group that meets on campus shall discriminate against any student or group of students or any other person on any unlawful basis, including on the basis of gender, gender identity and/or expression, race (inclusive of traits historically associated with race), color, religion, ancestry, national origin, immigration status, ethnic group, pregnancy, marital or parental status, physical or mental disability, sexual orientation, or the perception of one or more of such characteristics, or on the basis of association with a person who has or is perceived to have any of those characteristics. [BP 0410 (Nondiscrimination in District Programs and Activities), 5145.3 (Nondiscrimination / Harassment (Students)); see also, BP 5145.9 (Hate-Motivated Behavior)]. Discrimination on any of the grounds set forth in this paragraph is considered to be impermissible discrimination based on the person's "status" or "status-based" discrimination.

With respect to student clubs that meet on campus, this nondiscrimination policy requires that such organizations allow any currently enrolled student of the school to participate in, become a member of, and seek or hold leadership positions in the organization, regardless of his or her status. All student organizations seeking to become or remain an ASB recognized organization must agree to comply with this nondiscrimination policy.

The application of this nondiscrimination policy with respect to club membership and leadership positions is further clarified below.

VI. Membership and Leadership Positions

All students enrolled in the school may be members of or attend the meetings or activities of any ASB recognized student club regardless of the student's status or beliefs. Clubs may not adopt any membership requirements other than attendance at club meetings as set forth in the District's standardized club constitution.

All students enrolled in the school may also apply for and be eligible for leadership positions within all ASB recognized student clubs. Clubs may have the following leadership positions: president, vice president, secretary, treasurer, and an at-large officer which may have a title or function specific to the club. One or more of these officers shall represent the club in performing official duties of the club.

No recognized student club may adopt or enforce any membership, attendance, participation, or leadership criteria that excludes any student based on gender, gender identity and / or expression, race (inclusive of traits historically associated with race), color, religion, ancestry, national origin, immigration status, ethnic group, pregnancy, marital or parental status, physical or mental disability, sexual orientation, based on the perception of one or more of such characteristics, or based on association with a person who has or is perceived to have any of those characteristics.

For purposes of these guidelines, a non-discriminatory criteria for being a leader of a student club includes believing in or being committed to the objectives of the organization. A student organization may require that a candidate for leadership agree with the religious, political, or philosophical viewpoint of the organization, and that the candidate be committed to the organization's purpose, regardless of the content of those viewpoints or the club's purpose. For example, a Republican student club may require candidates for leadership to agree to a set of Republican beliefs, such as the Republican Party's platform. Or an environmental student club could require candidates for leadership to be committed to opposing climate change. A religious club may require leadership candidates to agree to the club's faith. However, all students shall be permitted to participate in, attend, or become members of any organization regardless of their beliefs.

Each student club seeking official ASB recognition must select its leaders by a democratic method. [AR 6145.5 (Student Organizations and Equal Access)]. Leaders are to be selected by a vote of the club's membership at the beginning of the school year.
All leadership positions in the club and their roles, and the criteria used to select leaders, must be disclosed in any application for ASB recognition. For purposes of these guidelines, leadership positions may include officers, representatives, and committee heads.

VII. Applying for Status as an ASB Recognized Club

To become an ASB recognized club, a student group must submit an annual application for approval by the ASB and the principal or his or her designee, and must agree to the District's form constitution.

A club's status as an ASB recognized organization must be renewed annually

Recognition of any student club does not imply that such organization is sponsored, endorsed, or favored by the District.

Clubs whose purpose is to provide participants with opportunities to engage in athletic competition may not be given ASB recognition through this process. All athletic teams or proposed athletic teams must be approved by the principal or his or her designee, in accordance with applicable law, and District policy and regulation. (See, e.g., Education Code sections 49020, et seq.).

VIII. Expectations for ASB Recognized Clubs

The principal, or his or her designee, may establish such neutral and generally applicable rules and expectations for ASB recognized clubs as he or she deems appropriate, as consistent with law, District policy and regulation, and these guidelines.

All ASB recognized clubs are expected to meet regularly, hold a majority of their meetings / events at school, keep minutes of their meetings, retain the minutes in a permanent record book, and provide the minutes to the responsible person designated by the school site. Minutes should include details of the proceedings of the group's meetings, including financial matters pertaining to the budget, approval of fundraising ventures, and expenditure authorizations. The minutes should also reflect official actions taken by the club, such as the election of officers, the amendment of the constitution or bylaws (if applicable), and the adoption of policy.

The minutes of the meetings should document at least the following information: the name of the club; the date, time and place of the meeting; the kind of meeting (e.g., regular or special); the names of the attendees; the name of the presiding officer; the approval of the minutes from the previous meeting (or any changes to such minutes); a summary of any reports or discussions at the meeting; reports from committees; actions taken at the meetings; the result of any votes taken, including who made the motion, who seconded the motion, and anyone who opposed the motion; the date and time of adjournment of the meeting; the date and time of the next scheduled meeting; and who prepared the minutes. Any written information provided to those attending the meeting should be attached to and kept with the minutes. The secretary, or whoever took the minutes, should sign the minutes when they are completed.

ASB recognized clubs may have financial accounts set up through the school / ASB bookkeeper. Outside bank accounts cannot be establish by any ASB recognized club. ASB recognized clubs must abide by all ASB, school, and District rules regarding budgeting, accounting, fundraising, and expenditure of funds.

All ASB recognized student clubs are required to comply with District and school site policies and regulations as well as all applicable laws, whether on or off campus. Failure to comply with applicable standards may result in the revocation or non-renewal of recognition, loss of privileges, student discipline, or other sanctions. The District reserves the right to non-renew or revoke recognition of any student club that fails to comply with District or school policy or requirements, or for any other reason allowed by law.

IX. Closure of the Student Club

An ASB recognized club will be deemed closed if it does not conduct regular meetings or participate in school activities. If a club is closed, its financial account will also be closed. Likewise, if the club has a financial account and does not maintain an active treasury (i.e., if the club's balance stays the same for the entire school year), its financial account will also be closed. All revenues in the closed account will be transferred to the ASB account. To re-open the club account, the group must follow the procedures for forming an ASB recognized student club. If the club reactivates within the next school year, the funds will be returned to the group. Otherwise, the funds will remain permanently with the ASB.

X. Complaints

Any person who disagrees with the decision to approve, reject, deny, revoke, or non-renew an application to be an ASB recognized student organization may file a complaint with the District pursuant to its Uniform Complaint Procedure. (See Board Policy and Administrative Regulation 1312.3.)

XI. Student Expressive Activity on Campus

Nothing in these Guidelines shall be construed to require any student or group of students to apply for or receive ASB recognition in order to organize and meet on campus or engage in expressive activity or religious practices.

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[i] A "'Club' means a group of students which meets on school property, and which is student initiated, student operated and not sponsored by the educational institution. (5 Cal. Code of Regs., § 4910(d)).

[ii] Pursuant to AR 6145 (Extracurricular And Cocurricular Activities):

> Extracurricular activities are those programs that have all of the following characteristics: (Education Code 35160.5)
>
> 1. The program is supervised or financed by the school district
>
> 2. Students participating in the program represent the school district
>
> 3. Students exercise some degree of freedom in either the selection, planning or control of the program
>
> 4. The program includes both preparation for performance and performance before an audience or spectators
>
> Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit and do not take place during classroom time. (Education Code 35160.5)
>
> Cocurricular activities are programs that may be associated with the curriculum in a regular classroom. (Education Code 35160.5)

Pursuant to Education Code section 35160.5, student participation in extracurricular and cocurricular activities are conditioned on satisfactory educational progress in the previous grading period. A teacher-graded or required program or activity for a course that satisfies the entrance requirements for admission to the California State University or the University of California is not an extracurricular or cocurricular activity. Also, a program that has, as its primary goal, the improvement of academic or educational achievements of pupils is not an extracurricular or cocurricular activity.

Sideline cheerleading, the debate team, and the robotics team are examples of extracurricular activities. Theater productions, yearbook, and student newspaper may be extracurricular or cocurricular activities, unless they are offered for credit and/or occur during classroom time in which case they are curricular.