

I-16: Administrative Procedures

School and Student Clubs-Equal Access Act



REFERENCES

[Board Policy I-16](#)

DEFINITIONS

Club: Any student organization that meets during non-instructional time.

Instructional Time: Time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity. Instructional time includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside of the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.

Limited open Forum: A forum created by a school district for student expression within the constraints of Utah Code Ann. §53G-10-203(2)(b).

Supervisor: A faculty member assigned by the principal to work with a student club for the purpose of ensuring compliance with these procedures and state law. The designation of a supervisor does not constitute sponsorship of the club.

Non-instructional Time: Time set aside by the school before instructional time begins, after instructional time ends, and during the lunch period.

School (Curricular) Club: A club whose subject matter is taught or will soon be taught in a regular course or concerns the body of courses as a whole. A school club may not have as its purpose, or part of its purpose, the advocacy of any political, theological, ideological, or partisan view on curriculum-related subject matter. Participation in a school club may be required for a particular course or result in academic credit.

Sponsor: School faculty member assigned by the principal to work with a school club.

Sponsorship: The act of promoting, leading, or participating in a school club or its meetings. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

Student (Noncurricular) Club: A club that is a student-initiated group that may be authorized and allowed school facilities use during non-instructional time in secondary schools by a school and the board. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by the board, a school, a school or school district employee.

School Facilities Use: For purposes of these administrative procedures only, school facilities use means access to a school facility, premises or playing field, and includes access to any limited open forum created by the school.

PROCEDURES FOR IMPLEMENTATION

I. Application for Authorization of School and Student Clubs

- A. A school may establish and maintain a limited open forum for student (noncurricular) and school (curricular) clubs pursuant to state law, Utah State Board of Education rules, board policies, and district administrative procedures.
 1. Notwithstanding the above, a school retains the right to create a closed forum at any time by allowing school (curricular) clubs only.
- B. Authorization for school clubs
 1. Faculty members or students proposing a school club must submit a completed School Club Application form to the principal. Applications need to be submitted by September 20 for clubs that wish to start in the first semester of the school year, or by January 20 for clubs that wish to start in the second semester of the school year. Student government and clubs that are governed by the Utah High School Activities Association (UHSAA) and Career and Technical Education are exempt from these authorization requirements.
 2. By October 1 of each year, principals will submit to their area director a list of authorized school clubs that will continue to meet during the current school year.
 3. After initial application and authorization, school clubs need to re-submit applications only when there is an intent to change the club's purpose, goals, charter, or sponsor, or upon request by the principal or the applicable area director.
- C. Authorization for student clubs
 1. Students proposing a student club must annually submit a completed Student Club Application form to the principal. Applications need to be submitted by September 20 for clubs that wish to start in the first semester of the school year, or by January 20 for clubs that wish to start in the second semester of the school year.

2. Principals will submit applications to their area director within 10 school days of the applicable submission deadline (e.g., approximately October 1 or February 1). Late applications will not be considered or authorized.
3. The applicable area director will review and respond to all timely applications no later than one month after receiving the list from the principal. Student clubs that were authorized in the preceding year may continue to meet until October 1 of the current year, and if a timely renewal application has been submitted, until November 1. A newly proposed club may not meet until its application has been authorized.

D. Application for formation of all clubs

1. Written application for authorization of any school or student club must be submitted on the correct district application, approved by the principal and the applicable area director, and must include:
 - a. proposed club name;
 - b. statement of proposed purpose, goals, and activities;
 - c. statement of the club's categorization;
 - d. indication of whether the club application seeks authorization as a school club, and if so, documentation of curriculum relatedness (e.g., related course descriptions and disclosure statements);
 - e. requested meeting times, dates, places, and estimated number of student members; and
 - f. the proposed club charter, constitution, or bylaws which will include at least:
 - i. the rules of the organization;
 - ii. the election of officers;
 - iii. objective membership criteria;
 - iv. meeting rules of order;
 - v. procedures for amending the rules;
 - vi. a statement that the club will comply with all applicable Utah laws, rules, and policies, including Utah Code Ann. §53G-7-705;
 - vii. suggested names of faculty, staff, or community volunteers who would be willing to serve as the sponsor for a school club or a supervisor for a student club; and
 - viii. a budget showing the amount and source of any funding provided or to be provided to the club, and its proposed use.
2. Only school (curricular) clubs may be authorized for elementary schools.
3. Sports teams that are sponsored by non-district organizations or are not governed by the UHSAA are not eligible to be school or student clubs.

II. Administrative Review of School and Student Club Applications

A. Procedures for reviewing applications

1. The principal will review all applications on a case-by-case basis.
2. Before granting authorization for any club, the principal must find that the proposed club complies with all applicable board policies and district administrative procedures. The principal may request additional information from the faculty sponsor proposing a school club or the students proposing a student club.

B. Determining curriculum relatedness

1. The principal determines curriculum relatedness by strictly applying the definition of a school club as outlined in these procedures.
2. If the principal finds that the proposed club is a school club, the principal will continue to review the application as an application for a school club. If the principal finds that the proposed club is not a school club, the principal may return the application to the person proposing the club for amendment or review the application as an application for a student club.

C. Purpose and activities for clubs

1. The principal may request information and will require changes in a club's proposed purpose or activities in order to:
 - a. prevent any material or substantial interference with the orderly operation of the school;
 - b. protect the well-being of students and faculty;
 - c. ensure compliance with all applicable laws, rules, regulations, and policies;
 - d. maintain order and discipline;
 - e. protect the rights of parents and students; and
 - f. restrict activities harmful to the school's educational mission.
2. In deciding the purpose and activities of clubs, students should consider ways in which the club can be of service to the school or community.

- D. Names for clubs
 - 1. The principal will approve club names consistent with law and policy, provided that the proposed name:
 - a. reasonably reflects the nature, purposes, and activities of the club;
 - b. does not result in undue disruption of school operations;
 - c. does not subject students to harassment or persecution;
 - d. is not vulgar and/or lewd, or in any way inconsistent with the fundamental values of public education;
 - e. does not violate Section II.C. above; and
 - f. does not imply inappropriate association with outside organizations or groups.
 - 2. If the principal finds the proposed club name does not satisfy these criteria, s/he will deny authorization of a club's name or require changes prior to granting authorization.
- E. An area director will deny authorization to any club or require changes prior to granting authorization if the area director finds that its purpose or activities would:
 - 1. violate any law, administrative rule, district policy, or advocate such imminent violation. This restriction does not apply to appropriate discussions concerning the lawful changing of laws, rules, policies, or to actions taken through the appropriate process to effectuate such changes;
 - 2. harass or denigrate any person or advocate such action;
 - 3. intend to cause a person to fear to freely exercise or enjoy any right secured by the Constitution or any federal or state law, or advocate such imminent action;
 - 4. advocate or approve sexual activity outside of marriage, or include presentations in violation of any state law or regulation governing health/sex education or privacy rights; or
 - 5. include any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under Title 58, Chapters 60 and 61 of the Utah Code.
- F. If the principal or area director limits or denies authorization for a club, written notice must be sent to the applicant. This notice must include the factual and legal basis for the limitation or denial and must contain information on the applicant's appeal rights.

III. Authorized School (Curricular) Clubs and Student (Noncurricular) Clubs

- A. Faculty oversight
 - 1. The principal will assign a faculty sponsor for each school club and a faculty supervisor for each student club to provide oversight consistent with these procedures and the needs of the school.
 - 2. School club sponsors
 - a. The principal will assign annually faculty members as sponsors of school clubs.
 - b. Faculty sponsors organize and direct the purpose and activities of a school club.
 - 3. Student club supervisors
 - a. The principal will assign faculty members to serve as supervisors for student clubs.
 - b. The principal will ensure that a faculty supervisor is present at all meetings and activities of student clubs held during non-instructional time at the school.
 - c. Faculty supervisors provide oversight to ensure compliance with the approved club charter, constitution, or bylaws and with applicable laws, rules, and these procedures.
 - d. Faculty supervisors will not participate in any way or direct any student club.
 - e. No district employee will be required to attend any club meeting if the content of the speech at the meeting is contrary to the employee's beliefs.
 - 4. Without prior approval by the school, a person who is not a school faculty member or a club member may not:
 - a. make a presentation at a student club; or
 - b. direct, conduct, control, or regularly attend the meetings of a student club.
- B. Facilities, finances, and scheduling
 - 1. The principal will determine and assign facilities for school clubs and student clubs consistent with the needs of the school. In assigning facilities, the principal may give priority to school clubs over student clubs. No preference or priority may be given among student clubs.
 - a. A club that is denied use of school facilities must be informed of the basis for the denial, and, if appropriate, how the basis for denial can be corrected.
 - 2. The school may provide financial or other support to school clubs.
 - 3. The school will only provide the space for student club meetings.
 - 4. Except as otherwise provided for in these procedures, no other expenditure of public funds is authorized for student clubs.
 - 5. Each school may establish in writing the non-instructional times during which, and the places at which, student clubs may meet.

6. Each school may establish in writing the number of hours student clubs may meet per month except that all student clubs must be treated equally, e.g., up to four hours of meetings per month may be scheduled for individual student clubs.
- C. Communications and fundraising
1. School principals shall determine what access student clubs will have to bulletin boards, the public address system, and the school newspaper, however, such access will be subject to reasonable time, place, and manner restrictions, consistent with district policy and directives. All student clubs shall be treated equally by the principal.
 2. All authorized clubs will be allowed a group picture in the yearbook.
 3. School clubs will have access to school sponsored fundraising and a school financial account. All school club fundraising must comply with Board Policy I-17: Student Fundraising Activities.
 4. Student clubs may raise funds but are not permitted to participate in school sponsored fundraising programs. In all fundraising, student clubs must inform potential donors in writing that the student club is not sponsored by the school.
- D. Membership
1. Membership in school clubs is limited to students who are currently registered in the sponsoring school or district. Members attending a school other than the sponsoring school must have specific parental permission for membership in a school club at another school.
 2. Membership in student clubs is voluntary and limited to students who are currently registered in the school.
 3. Student clubs must have a minimum of three members.
 4. Clubs may require that prospective members try out based on objective criteria outlined in the application materials. Try-outs will not require activities which violate any law, policy, or regulation of the state or district. Membership may not be limited on the basis of protected characteristics such as age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sexual orientation, and/or veteran status.
 5. A parent or guardian signature on the district approved form is required for student participation in all school and student clubs.
 - a. All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school principal or the principal's designee.
- E. Meetings
1. Attendance or participation in student club meetings or activities is limited to faculty or club members, except that non-school persons may attend on occasion to make presentations if approved in advance by the principal.
 2. A copy of any written or other media materials that were presented at a student club meeting by a non-school person must be delivered to school administration no later than 24 hours after the club meeting. If requested, a student's parent or guardian shall have an opportunity to review those materials.
- F. Report to School Community Council
- Each year, the principal shall give a report to its School Community Council on the school and student clubs that have been authorized for the current year. The report shall include information on clubs that have been added or dropped by the school or students.
- G. Violations - investigations
1. The principal will investigate any report or allegation that an authorized school club or student club is participating in activities beyond the scope of its charter, constitution, or bylaws, or is violating any applicable law, rule, or policy. A student who makes a false allegation or report will be subject to discipline.
 2. The principal will assist the school club sponsor or student club members to correct any compliance issues.
 3. The principal will report the allegation, results of the investigation, and the corrective actions to school leadership support.
 4. After meeting with the faculty sponsor or supervisor and the students involved, the principal may do any of the following:
 - a. allow the original charter, constitution, or bylaws to be modified to include the activities if they are in compliance with the law, rules, regulations, or policies;
 - b. instruct the sponsor or supervisor not to allow similar violations in future;
 - c. suspend the club's authorization pending further corrective action as determined by the principal;
 - d. terminate the club's authorization.

H. Appeals

1. A denied club application, suspended or terminated club authorization, student desirous of participating or speaking, or complaining parent or guardian, has 10 school days from the date of the denial, suspension, or termination to file a written appeal to the executive director of school leadership and performance ("EDSLP") or designee.
 - a. The EDSLP must issue a determination within a reasonable amount of time.
 - b. The EDSLP's decision is final and constitutes satisfaction of all administrative remedies.
2. A club that has been terminated may not reapply for authorization until the following school year.

No district employee or student shall be subjected to discrimination in employment or any district program or activity on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status. The district is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, district facility use, accommodations and other Equal Employment Opportunity matters. The district also provides equal access to district facilities for all youth groups listed in Title 36 of the United States Code, including scouting groups. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation: Tina Hatch, Compliance and Investigations/Title IX Coordinator, 440 East 100 South, Salt Lake City, Utah 84111, (801) 578-8388. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.