

# Liberty Union High School District

## Board Policy

Classification: Instruction

Policy No. **BP 6145.5**

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Effective 1/12/92

Revised 9/26/12

Subject: Student Organizations and Equal Access

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The Governing Board believes that student groups or clubs reinforce the instructional program, give students experience in civics and government, and provide social and recreational activities. Student groups also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the principal or designee in accordance with Board policy and administrative regulation.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 3452 - Student Activity Funds)

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

### Curriculum Related

School-sponsored organizations must be organized at the school, sponsored by certificated school personnel, composed completely of current student body members, hold the majority of their meetings at the school, and have a democratic plan for the selection of members. Organizational activities shall not conflict with the authority and responsibility of school officials.

### Non-Curriculum Related

District schools shall maintain a limited open forum during which students may hold meetings or activities not directly related to the school curriculum. The principal shall schedule this forum on non-instructional time so that it in no way interferes with regular school activities. The principal shall be responsible for determining that all student organizations comply with district and site regulations.

All student-initiated groups shall be given equal access to meet on school premises during noninstructional time without regard to their religious, political, philosophical, or other speech content. The Board shall ensure that: (20 USC 4071, 4072)

1. The meeting shall be voluntary and student-initiated.
2. There shall be no sponsorship of the meeting by the school or staff. The term sponsorship means that school staff are promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes shall not constitute sponsorship of the meeting.
3. Employees of the school shall be present at religious meetings only in a nonparticipatory capacity.
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

(cf. 1330 - Use of School Facilities)

(cf. 3515.2 - Disruptions)

(cf. 5145.2 - Freedom of Speech/Expression)

All student clubs or groups shall have equal access to the school media to announce meetings, including the public address system, the school newspaper, bulletin boards, and

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school web site. However, the principal or designee may issue a disclaimer that such activities are not school-sponsored.

All noncurriculum-related student groups shall be given equal access to meeting space, school equipment, and supplies.

No school shall deny equal access or a fair opportunity to meet, or otherwise discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

Authorization of use under the Federal Equal Access Act does not indicate that the Board approves or advocates matters which are discussed at open forum meetings. Furthermore, religious groups granted access pursuant to the Equal Access Act are granted access only pursuant to that Act. Such access does not constitute district sanction of any particular religious belief.

Membership in secret fraternities, sororities, and clubs is prohibited.

### Legal Reference:

#### EDUCATION CODE

- 40 Equal opportunity without regard to sex
- 41 School sponsored athletic programs; prohibited sex discrimination
- 200-262 Prohibition of discrimination on the basis of sex
- 32050-32052 Hazing
- 33352 Supervision of physical education by State Department of Education
- 33353 California Interscholastic Foundation; governing board has power to select athletic league representatives
- 33353.5 California Interscholastic Foundation; direct participation in student athletic insurance program; limitation of receipt of funds
- 33354 Powers of State Department of Education over inter-scholastic athletics
- 35179 Powers and responsibilities of governing board over all aspects of interscholastic athletic programs, policies, and activities in its district; obligation to conform to law; associations; nondiscriminatory programs; definitions
- 48930-48938 Student organizations
- 49020 Athletic programs; Legislative intent
- 49021 Equal opportunity for male and female students
- 49022 Apportionment of funds for male and female students
- 49023 Expenditure of public funds; prohibits sex discrimination

#### CODE OF REGULATIONS, TITLE 5

- 5531 Supervision of extracurricular activities of pupils

#### PENAL CODE

- 627-627.10 Access to school facilities

#### TITLE VIII - THE EQUAL ACCESS ACT Federal

Hartzell v. Connel, 84 Daily Journal D.A.R. 1417 (April 20, 1984)

Perumal et al v. Saddleback Valley Unified School District, 88 Daily Journal D.A.R. 1426

Board of Education of Westside Community Schools v. Mergens, 58 U.S. Law Week 4720 (June 4, 1990).