Student Organizations & Equal Access

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The Board of Education 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 the Board policy and rule.

The Board encourages students to pursue interests and clubs which may not directly relate to the district's curriculum and, to that end, has created a limited open forum.

All student-initiated groups shall be given equal access to meet on school premises during non-instructional time without regard to their religious, political, philosophical or other speech content. The Board shall ensure that:

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

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 school website. 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.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE

CALIFORNIA CODE OF REGULATIONS

5 CCR 350 Fees not permitted

5 CCR 80413.3 Credential requirements; teachers with out-of-state credentials

EDUCATION CODE

200-280 Prohibition of discrimination

37220-37223 Holidays

38130-38139 Civic Center Act

48645.5 Former juvenile court school students; enrollment

48900 Grounds for suspension or expulsion

48907 Exercise of free expression; time, place, and manner rules and regulations

48930-48938 Student organizations

48950 Speech and other communication

49020-49023 Athletic programs; legislative intent, equal opportunity

52 Designation of secondary schools

53 Designation of high schools

PENAL CODE

627-627.10 Access to school premises

FEDERAL

UNITED STATES CODE

20 USC 4071-4074 Equal Access Act

20 USC 7904 School prayer

20 USC 7905 Boy Scouts equal access

36 USC 20101-240112Patriotic organizations

MANAGEMENT RESOURCES

COURT DECISIONS

Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076

Ceniceros v. Board of Trustees of the San Diego Unified School District (1997) 106 F.3d 878

Culbertson et al. v. Oakridge School District (2002) 258 F.3d 1061

Good News Club et al. v. Milford Central School (2001) 121 S.Ct. 2093

Hartzell v. Connell (1984) 35 Cal. 3d 899

Perumal et al v. Saddleback Valley Unified School District (1988) 198 Cal. App. 3d 64

Prince v. Jacoby (2001) 303 F.3d 1074

Student Coalition for Peace v. Lower Merion School District Board of Directors (1985) 776 F.2d. 431

WEBSITES

CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#

California Attorney General's Office http://oag.ca.gov/

California Interscholastic Federation http://www.cifstate.org/

Council on Standards for International Educational Travel http://www.csiet.org/

U.S. Department of Education http://www.ed.gov/

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