

STUDENT ORGANIZATIONS AND EQUAL ACCESS**School Sponsorship**

School-sponsored student organizations must be organized at the school, have a certificated advisor, be composed completely of current student body members and be approved by the Superintendent or designee in accordance with Governing Board policy. They shall hold the majority of their meetings at school and have a democratic plan for the selection of officers. Organization activities shall not conflict with the authority and responsibilities of school officials.

The principal or designee shall direct any group of students seeking recognition as a student organization to submit a district-approved application form which includes the following information:

1. Name of the organization and names of student contacts
2. A statement of the organization's purposes objectives and activities
3. Name of staff sponsor, and a description of the function of staff adviser in the promotion, supervision, and leadership of the group. The principal shall have final authority in determining the assignment and role of the staff advisor
4. The proposed dates, times, and location of meetings
5. Any special equipment to be used
6. A description of the qualifications for membership, if any
7. If a curriculum-related group, a statement of the relation of the club to the curriculum-related groups.

The principal or designee shall establish school rules governing the meetings of curriculum-related groups. Such rules may vary depending on the circumstances that apply, such as whether or not academic credit is given for participation in the group.

Limited Open Forum/Non-School Sponsored Groups

The Superintendent or designee shall not deny any student-initiated group access to school facilities during noninstructional time on the basis of religious, political, philosophical or any other content to be addressed at such meetings. Such meetings shall not interfere with regular school activities.

The Superintendent or designee shall identify the noninstructional time period(s) set aside for noncurriculum-related student organization meetings before or after actual classroom instructional times. Meetings may also be held during the lunch hour.

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)

The following criteria must be met for these meetings: (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 the staff. The school or staff shall not promote, lead, or participate 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 non-participatory capacity
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school
5. Non-school persons shall not direct, conduct, control, or regularly attend activities of student groups.

School staff may be assigned voluntarily to observe meetings for purposes of maintaining order and protecting student safety. Students shall leave the meeting place in a clean, orderly and secure condition after their meetings. (20 USC 4071)

The Superintendent may deny the use of facilities to any groups that he/she believes will disrupt the school program or threaten the health and safety of students and staff. (20 USC 4071)

Meetings held within the limited open forum shall entail no expenditure of public funds beyond the incidental cost of providing the meeting space. (20 USC 4071)

Hazing

No student shall conspire to engage in hazing, participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student. Persons violating this regulation shall be subject to District discipline and penalties specified in law. (Education Code 32051)

(cf. 5144 - Discipline)

Regulation
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revised: March 11, 2004

MURRIETA VALLEY USD
Murrieta, California

SUBCHAPTER VIII – THE EQUAL ACCESS ACT

4071. Denial of Equal Access

- (a) Restriction of limited open forum on basis of religious, political, philosophical or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

- (b) “Limited open forum” defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum-related student groups to meet on school premises during noninstructional time.

- (c) Fair opportunity criteria

School shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that:

- (1) The meeting is voluntary and student initiated;
- (2) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- (3) Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
- (4) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- (5) Non-school persons may not direct, conduct, control or regularly attend activities of student groups.

- (d) Construction of subchapter with respect to certain rights

Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof

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- (1) to influence the form or content of any prayer or religious activity;
- (2) to require any person to participate in prayer or other religious activity;
- (3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
- (4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
- (5) to sanction meetings that are otherwise unlawful;
- (6) to limit the rights of groups of students which are not of a specified numerical size; or
- (7) to abridge the constitutional rights of any person.

(e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this title shall be construed to authorize the United States to deny or withhold federal financial assistance in any school.

(f) Authority of schools with respect to order, discipline, well-being and attendance concerns

Nothing in this title shall be construed to limit the authority of the school, its agents or employees, 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.

4072. Definitions

As used in this title

- (a) The term “secondary school” means a public school which provides secondary education as determined by State law.
- (b) The term “sponsorship” includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

SUBCHAPTER VIII – THE EQUAL ACCESS ACT (continued)

- (c) The term “meeting” includes those activities of student groups which are permitted under a school’s open forum and are not directly related to the school curriculum.
- (d) The term “noninstructional time” means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

4073. Severability

If any provision of this title or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the title and the application to other persons or circumstances shall not be affected hereby.

4074. Construction

The provisions of this title shall supersede all other provisions of federal law that are inconsistent with the provisions of this title.