

Administrative Regulation

Student Organizations And Equal Access

AR 6145.5

Instruction

Note: The extent to which a district may restrict the meetings of student organizations depends on whether a district has created a "limited open forum" authorizing noncurriculum-related groups (e.g., the bike club) to meet on school premises during noninstructional time. Pursuant to the federal Equal Access Act (20 USC 4071), if a secondary school has created a "limited open forum" and allows any noncurriculum-related group to meet, then the school must also grant equal access to all other noncurriculum-related student groups and may not discriminate against those groups on the basis of religious, political, philosophical, or other content of the group's speech. The U.S. Supreme Court, in Board of Education of Westside Community Schools v. Mergens, provided the definition of "curriculum-related" as specified in items #1-4 below.

Note: Option 1 below is for use by districts that maintain a closed forum and thus do not allow any noncurriculum-related student group to meet on school grounds. Such districts should also select Option 1 in the accompanying Board policy.

In order to maintain a closed forum at district schools, each principal or designee shall ensure that all school-sponsored student organizations are curriculum-related. In order to qualify as "curriculum-related," a student group shall meet one or more of the following criteria:

1. The subject matter of the group is currently taught or will be taught in a regularly scheduled course.
2. The subject matter of the group concerns the body of courses as a whole (e.g., student government).
3. Participation in the group is required for a particular course.
4. Participation in the group results in academic credit.

Authorization for Student Groups

Note: The remainder of this regulation applies to districts that selected either Option 1 (closed forum) or Option 2 (limited open forum) above.

Note: Pursuant to 20 USC 4072, although districts may not "sponsor" the meetings of a noncurriculum-related student group, districts do retain the ability to maintain order and discipline on school premises. In Prince v. Jacoby, the Ninth Circuit Court of Appeals held that a district policy which granted staff limited approval and oversight ability over a noncurriculum-related student group was not impermissibly "sponsoring" the group as prohibited by 20 USC 4071.

Note: The following optional section creates a process for district authorization, but not sponsorship, of curriculum-related and noncurriculum-related student groups. Districts that wish to create a formal sponsorship of curriculum-related student groups should modify the following paragraph accordingly and should consult legal counsel to ensure that, if additional school resources are given to such groups, equal access requirements are not violated.

Any student wishing to create either a curriculum- or noncurriculum-related student group shall first request authorization from the principal or designee. The group shall provide the principal or designee with 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. A copy of the proposed bylaws of the student group, including a description of how officers will be selected, as well as the bylaws of any off-campus organization with which the group may be affiliated
4. The name of the proposed faculty advisor, if any
5. The proposed dates, times, and location of meetings
6. Any special equipment to be used
7. A description of the qualifications for membership, if any
8. If a curriculum-related group, a statement of the relation of the club to the curriculum and/or instructional program

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

Role of Staff Adviser

Note: Because curriculum-related groups have a direct relationship to the district, such groups are subject to greater control and an increased role for the staff adviser.

For any curriculum-related student group, the staff adviser shall provide guidance and teaching to students to ensure that the group's activities are aligned to the district's goals and objectives and shall provide supervision and leadership of the group. The principal shall have final authority in determining the assignment and role of the staff adviser.

For noncurriculum-related student groups, a staff adviser may be assigned voluntarily to observe meetings for purposes of maintaining order and protecting student safety. Staff advisers and other school employees shall not promote, lead, or participate in the meetings. (20 USC 4071, 4072)

A school employee may refuse to attend a meeting of a student group if the content of the speech at the meeting is contrary to the employee's beliefs. (20 USC 4071)

Hazing

Note: Pursuant to Education Code 48900, as amended by SB 132 (Ch. 730, Statutes of 2007), a student may be suspended or expelled for engaging in "hazing," as defined below. See AR 5144.1 - Suspension and Expulsion/Due Process.

Any student who engages in hazing may be subject to discipline including, but not limited to, suspension or expulsion. Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by the district, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. (Education Code 48900)

(cf. 5131 - Conduct)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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**Gravenstein Union School Board
Sebastopol, California**