

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION**Instruction****STUDENT ORGANIZATIONS AND EQUAL ACCESS**

The County Superintendent and County Board believe 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 lead site administrator or designee in accordance with applicable policy and administrative regulation.

The County Superintendent and County Board encourage students to pursue interests and clubs which may not directly relate to the curriculum and, to that end, have created a limited open forum.

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 County Superintendent and County 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.

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 web site. However, the lead site administrator 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

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membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

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**Legal Reference**

Education Code

52 Designation of secondary schools  
53 Designation of high schools  
200-262.3 Prohibition of discrimination on the basis of sex  
38130-38138 Civic Center Act  
48900 Hazing  
48907 Student exercise of free expression  
48930-48938 Student organizations  
48950 Freedom of speech  
49020-49023 Athletic programs

Penal Code

627-627.10 Access to school premises

Code of Regulations, Title 5

2 Definitions  
5531 Supervision of extracurricular activities of students

United States Code, Title 20

4071-4074 Equal Access Act  
7904 School prayer  
7905 Boy Scouts equal access

United States Code, Title 36

20101-240112 Patriotic organizations

Court Decisions

Prince v. Jacoby, (2001) 303 F.3d 1074  
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  
Ceniceros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878  
Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076  
Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64  
Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431  
Hartzell v. Connell, (1984) 35 Cal. 3d 899

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**Management Resources**

Websites

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

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