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

Adopted: 10/20/2020
Amended: 11/19/2020

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
Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076
Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431
Management Resources

Websites

6145.5, 03/2008; Doc#123658