

Regulation 6145.5: Student Organizations And Equal Access

Original Adopted Date: 2/14/2024

Because the district has established a limited open forum, the principal or designee shall not deny any student-initiated school group access to school facilities during noninstructional time on the basis of religious, political, philosophical, or any other content of speech to be addressed at such meetings. (20 USC 4071)

Such meetings shall not interfere with regular school activities. The Superintendent or designee shall identify the noninstructional time period(s) set aside for meetings of student groups either before or after actual classroom instruction times.

Meetings may also be held during the lunch period.

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)

Students shall leave the meeting place in a clean, orderly, and secure condition after their meetings. The Superintendent or designee may deny the use of facilities to any group that he/she believes will materially disrupt the school program or threaten the health and safety of students and staff. (20 USC 4071)

Authorization for Student Groups

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

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

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)

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.

State	Description
5 CCR 2	Definitions
5 CCR 5531	Supervision of extracurricular activities of students
Ed. Code 200-262.4	Prohibition of discrimination on the basis of sex
Ed. Code 37220-37223	Holidays
Ed. Code 38130-38139	Civic Center Act
Ed. Code 48645.5	Former juvenile court school students: enrollment
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48930-48938	Student organizations
Ed. Code 48950	Speech and other communication
Ed. Code 49020-49023	Athletic programs; legislative intent, equal opportunity

Ed. Code 52	Designation of secondary schools
Ed. Code 53	Designation of high schools
Pen. Code 627-627.10	Access to school premises
Federal	Description
20 USC 4071-4074	Equal Access Act
20 USC 7904	School prayer
20 USC 7905	Boy Scouts equal access
36 USC 20101-240112	Patriotic organizations
Management Resources	Description
Court Decision	Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076
Court Decision	Ceniceros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878
Court Decision	Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061
Court Decision	Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093
Court Decision	Hartzell v. Connell, (1984) 35 Cal. 3d 899
Court Decision	Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64
Court Decision	Prince v. Jacoby, (2001) 303 F.3d 1074
Court Decision	Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431
Website	CSBA District and County Office of Education Legal Services
Website	California Attorney General's Office
Website	California Interscholastic Federation
Website	Council on Standards for International Educational Travel
Website	U.S. Department of Education

Cross References

Code	Description
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1321	Solicitation Of Funds From And By Students
1321	Solicitation Of Funds From And By Students
1325	Advertising And Promotion

1330	<u>Use Of School Facilities</u>
1330	<u>Use Of School Facilities</u>
3452	<u>Student Activity Funds</u>
3515.2	<u>Disruptions</u>
3515.2	<u>Disruptions</u>
5131	<u>Conduct</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5145.2	<u>Freedom Of Speech/Expression</u>
5145.2	<u>Freedom Of Speech/Expression</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6142.3	<u>Civic Education</u>
6142.4	<u>Service Learning/Community Service Classes</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6144	<u>Controversial Issues</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
6178	<u>Career Technical Education</u>
6178	<u>Career Technical Education</u>