

STUDENT LED CLUBS (EQUAL ACCESS OPEN FORUM)

The Federal Equal Access Act ("EAA") (20 U. S. C. §§ 4071-74) requires public secondary schools which meet certain criteria to treat all student-initiated groups equally, regardless of the religious, political, philosophical or other orientation of the groups. This means that to the extent that a school board opens up its school facilities to any student-led and run non-curriculum related group, it must uniformly open its facilities to all student-led and run groups, including religious ones. The EAA was adopted by Congress in 1984, and its constitutionality was upheld by the U. S. Supreme Court in *Board of Education of Westside Community Schools v. Mergens*, 496 U. S. 226 (1990).

The Federal Equal Access Act provides that no public secondary school receiving federal assistance and having a limited open forum may deny equal access to 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.

Since the Independence School District receives federal financial assistance, and because the district allows non-curriculum related student groups to meet on school premises during non-instructional time, currently enrolled students in grades 9 through 12 shall be permitted to conduct group meetings on high school premises during non-instructional time. A use of school facility permit shall be required.

The student groups requesting facility usage shall not discriminate against other students on the basis of sex, race, color, religion, national origin, ancestry, religion, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability, or any other reason prohibited by state or federal laws or regulations.

The following standards for all student meetings shall be uniformly required by the principal of all requesting student groups:

1. The student meeting is voluntary and student initiated.
2. The student meeting is not sponsored by the school or employees of the school.
3. School employees present at any meetings do so "in a non-participatory capacity." They may supervise the student meeting but may not direct, conduct, control, or otherwise participate in the student meetings.
4. The student meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Non-school persons may not direct, conduct, control or regularly attend these activities of student groups.

6. The student group will provide adult supervision for meetings. No district funds will be used to pay participant supervisors.
7. The District will not house any funds collected by the student led club.

Nothing in this policy or these standards shall be construed to limit the authority of the school, 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.

School employees will not be required to attend a meeting if the content of the speech at the meeting is contrary to the employee's beliefs.

The Board retains the right to designate the non-instructional time which may be used for meetings, before or after the instructional day.

Legal	Equal Access Act (Title VIII of Public Law 98-377)
Cross References	371.1-Rule, Guidelines for Equal Access to Use School Facilities 830, Use of Facilities

Policy 371.1 Administrative Rule

REQUESTS

1. Independence High School shall be the designated building available for students enrolled in grades 9 through 12 to conduct group meetings during non-instructional hours.
2. The hours designated for non-instructional hours shall be 7:00 to 7:45 a.m., Advisory Time, Lunch Time, and 3:45 to 6:00 p.m., Monday through Friday, on days when school is in session.
3. Only full-time students may apply, in writing, to the high school principal for a use of school facility permit and participate in these meetings. See Appendix A.
4. The requesting students shall show evidence that adequate adult supervision will be present and will be provided by the requesting students.
5. The student group will be expected to leave the room in an orderly arrangement.

FACILITY USAGE

1. Any facilities used for such a meeting shall be at the sole discretion of the school principal or his/her designee consistent with applicable law.

2. Any costs beyond the incidental cost of providing space that may be incurred shall be borne by the parties making the request.
3. All access to the use of school facilities will be based on availability consistent with applicable law.

SUPERVISION

1. Any meeting held on this basis must be supervised by an adult.
2. The administration reserves the right to approve the individual who elects to supervise the activity.
3. The supervisor will act in a custodial capacity and will not be allowed to participate.

ATTENDANCE

1. All meetings must be open to all students of the school where the request is initiated, regardless of sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, physical, mental, emotional or learning disability or handicap, or any other factor prohibited by state or federal laws or regulations.
2. All attendance at such meetings shall be voluntary.
3. Non-school persons may not regularly attend, direct, control, or conduct such meetings. A school person is defined as an individual who is employed by the District or is designated as an advisor to a co-curricular club or organization by the District Administrator.
4. School employees or agents may be present to supervise religious meetings, but only in a non-participatory capacity.
5. The administration reserves the right to regulate the size of the group in relation to the facilities requested.

CONDUCT

1. Such meetings must not substantially interfere with the orderly conduct of educational activities within the school.
2. All school rules and school district policies apply to participants involved in such meetings.
3. All local, state, and federal laws apply to participants involved in such meetings.

CONTENT

1. The school will not participate in the promotion of meetings conducted under these guidelines.
2. The scheduling of space for such a meeting shall not be construed as an endorsement to the content of the meeting.

The above guidelines are subject to change at the discretion of the school administration.

First Reading: December 1, 2021

Approved: January 5, 2022

Policy 371.1 Administrative Rule

Appendix A

Student Led Club Facilities Request Form

Name of Club: _____

Description of Club: _____

Student Organizer (s): _____

Supervisor or Advisor Name: _____

Supervisor or Advisor Signature: _____

Meeting Times and Location: _____

Administrator Signature: _____

Student Led Club Organizers and Advisors are expected to abide by the following guidelines.

1. Administrative approval must be secured for the organization of all clubs and organizations.
2. The club's organizer and advisor must be present at all club/organization events that are in the school or on school grounds. This includes meetings, activities, and other announced events.
3. Such meetings must not substantially interfere with the orderly conduct of educational activities within the school.
4. All school rules and school district policies apply to participants involved in such meetings.
5. All local, state, and federal laws apply to participants involved in such meetings.
6. All other guidelines as set forth in Board Policy 371.1.