**CODE: C22**
**(Recommended)**

**STUDENT ATHLETICS, CLUBS, and ACTIVITIES**

**Policy**

The Caledonia Central Supervisory Union and its member districts will provide a student co-curricular activity program that is representative of the interests of students and as varied as staff, resources, and facilities permit. The program will be designed to offer students activities to develop skills in democratic and cooperative management for these activities. The District seeks to promote culturally responsive, equitable, and inclusive activities.

All school-sponsored athletics, clubs, and activities as well as all student-run non curriculum-related groups will be under the ultimate control of the District and will comply with all policies and procedures of the school. The District will make determinations related to individual activities to be offered through consideration of many factors, including but not limited to the following considerations:

1. The level of student interest in the activity, taking into account that some student activities will be provided for a small number of students in order to provide equitable and culturally responsive programs;
2. The fiscal ramifications of equitable sponsorship, taking into account that cost per student may be higher for some student activities offered to a small number of students who identify with historically excluded groups;
3. The availability of qualified personnel to supervise the activity;
4. The impact of adding or eliminating the activity on the balance of opportunities outlined in Title IX;
5. The potential of the activity to help participating students meet the goals of the school's curriculum;
6. The potential of the activity to increase students' cultural awareness, by cultivating a greater understanding of diversity, inclusion, and equity; and
7. The recommendation of the superintendent.

**Definitions**

1. **Culturally Responsive:** The beliefs, methods, and practices that support and empower all students socially, emotionally, intellectually, and civically by leveraging students' lived experiences to ensure learning.
2. **School Athletic Team:** an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.[1]
3. **Youth Athlete:** an elementary or secondary student who is a member of a school athletic team.[2]

Athletics, clubs, and activities may be (1) school-sponsored and related to the curriculum, (2) student-run and not related to the curriculum, or (3) community-sponsored and not related to the curriculum. This policy addresses the first two categories. The third is addressed in the District's policy on Community Use of School Facilities.[3]

1. School-Sponsored Curriculum-Related Groups
   A. Curriculum-related groups are the only type entitled to school sponsorship. The controlling factor in deciding whether an activity will be sponsored by the school will be whether that

activity is directly related to the school's curriculum. Any activity that is not directly related to the curriculum or educational mission of the school will not receive sponsorship.

B. Activities or clubs which meet at least one of the following criteria will be considered curriculum-related.

1. The subject matter of the student-run non curriculum-related group or club is actually taught or will be taught in a regularly scheduled course.
2. The subject matter of the group or club is such that it concerns the body of courses as a whole.
3. The transferrable skills taught in the group or club support the educational mission of the District.
4. Participation in the group is required for a particular course.
5. Participation in the group results in academic credit.

2. Student-Run Non Curriculum-related Groups [4]

A. A student-run non curriculum-related group is one that is monitored by school staff, created by students, run by students, and provides activities for students. If a group or club is organized or run by non-school staff, even if students attend its meetings, then it is a community-sponsored group and must comply with the school district's policy on Community Use of School Facilities.

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[1] 16 VSA §1431(a)(5) Definition of school athletic team
[2] 16 VSA §1431(a)(6) Definition of youth athlete
[3] See VSBA Model Policy on Community Use of School Facilities
[4] This section is governed by the Equal Access Act, 20 U.S.C. 4071 et seq. It states, in part, that:
It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access 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.

B. If a school permits student-run non curriculum-related groups, clubs, or activities to access facilities or such things as the public address system, bulletin boards, or publications,[5] such access must be provided on an equal basis with all other student-run non curriculum-related groups.[6] A fair opportunity will be provided to non-sponsored student-run non curriculum-related groups wishing to conduct meetings on school premises during non-instructional time provided that:

1. any such meeting is voluntary and student initiated;
2. there is no sponsorship of the meeting by the school, the government, or its agents or employees;
3. employees or agents of the school or any governmental entity are present at meetings only in non-participatory capacities;
4. the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
5. non-school persons do not direct, conduct, control or regularly attend activities of student-run non curriculum-related groups.[7]

C. Listings and notices referring to non-sponsored clubs or activities will include a disclaimer of school sponsorship or endorsement. District faculty and staff may only be present at activities of student-run non curriculum-related groups as monitors for keeping order.

**Administrative Responsibilities**

The superintendent or designee shall develop procedures for the determination of a school-sponsored activity and for student-run non curriculum-related activities. When an activity is school-sponsored, the superintendent or designee shall develop procedures to:

1. ensure alignment of the goals of co-curricular activities with the goals of the school's curriculum;
2. seek to engage community organizations, which may include resources to inform learning about the history, contribution, perspectives, and structural barriers placed upon diverse ethnic and social groups;
3. ensure athletic facilities and opportunities for participation on an equal basis as outlined in Title IX;
4. ensure access by addressing barriers for students with disabilities and students who are English learners;
5. ensure a wide basis of participation in both team and individual sports in interscholastic competition;

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[5] *Prince v. Jacoby*, 303 F.3d 1074 (9th Cir.), cert. denied 540 U.S. 813 (2002), held that since yearbook was paid for by student body funds and not by public funds, the school could not charge a religious student group for inclusion in the yearbook when other groups were included without charge. *Rosenberger v. University of Virginia*, 515 U.S. 810 (1995), held that university could not limit funds to student group due to its religious viewpoint where group ran newspaper with Christian view on news while other newspapers were funded. Funds were from mandatory student activity fee and not from public funds.

[6] Even allowing only one non curricular student group to meet in school facilities is enough to create a limited open forum and trigger the application of the Equal Access Act. *Board of Education of Westside Community Sch. v. Mergens*, 496 U.S. 226 (1990).

[7] Equal Access Act, 20 U.S.C. 4071; *Sease v. School District of Philadelphia*, 81 F. Supp. 183 (E.D. Pa. 1993) (school secretary who led gospel choir violated provisions of law even though choir was outside her regular duties in district).

6. offer activities with no direct or indirect cost to students/families or provide financial assistance and/or resources to cover those costs, as requested.
    a. direct costs include the cost to attend;
    b. indirect costs include the cost of specifically required clothing, food at or on the way to/from the activity, access to technology, etc.
7. employ personnel in coaching and supervision positions who are qualified and notified of individualized student education plans and accommodations; and
8. follow the rules and regulations of the Vermont Principals' Association.

The principal [or superintendent] may require parental permission for student participation in either a school-sponsored activity or a student-run non curriculum-related activity.

The principal or designee shall ensure the provision of all requirements related to concussion and other head injury as outlined in 16 V.S.A. §1431, including guidelines and information, notice and training, healthcare providers at athletic events, and an action plan.[8]

**Student Eligibility/Participation**

1. In determining eligibility, the administrative team shall consider each student's circumstances with regard to educational equity.
2. The principal [or superintendent] may set standards for academic eligibility for participation in co-curricular activities.

3. A youth athlete shall not be permitted to continue to participate in any training session or competition associated with a school athletic team if a coach or health care provider knows or should know that the athlete has sustained a concussion or other head injury during the training session or competition. In such cases, the youth athlete is not permitted to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider.[9]

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[8] 16 V.S.A. §1431 outlines the requirements of the principal with regard to notice and training around youth athletes and concussion or head injury, non-participation of youth athletes who sustain concussion or head injury, concussion management and action plan, and the presence of health care providers at athletic events.

[9] 16 V.S.A. §1431(d) prohibits a youth athlete from training or competing in school athletics if the coach or health care provider knows or should know that the athlete has sustained a concussion or other head injury until a health care provider has examined the athlete and provided written permission for the athlete to participate.

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| *VSBA Version:* | *November 1, 2022* |
| *Date Warned:* | *January 9, 2026 - Caledonia Central Supervisory Union, January 23, 2026 - Peacham School District, January 23, 2026 - Danville School District, January 30, 2026 - Caledonia Cooperative School District , January 30, 2026 - Twinfield Union School District, February 13, 2026 - Cabot School District* |
| *Date Adopted:* | *January 19, 2026 - Caledonia Central Supervisory Union - recommended policy to be adopted at the district board levels, February 2, 2026 - Peacham School District, February 3, 2026 - Danville School District, February 9, 2026 - Caledonia Cooperative School District, February 23, 2026 - Cabot School District, March 10, 2026 - Twinfield Union School District* |
| *Legal Reference(s):* | *20 U.S.C. §§4071 et seq. (Federal Equal Access Act)* |
| | *Prince v. Jacoby, 303 F.3d 1074 (9th Cir.), cert. denied 540 U.S. 813 (2002)* |
| | *Rosenberger v. University of Virginia, 515 U.S. 810 (1995),* |
| | *Board of Education of Westside Community Sch. v. Mergens, 496 U.S. 226 (1990).* |
| | *Sease v. School District of Philadelphia, 81 F. Supp. 183 (E.D. Pa. 1993)* |
| | *Title IX of the Education Amendments of 1972* |
| | *16 V.S.A. §§1073 et seq. (Legal pupils)* |
| | *16 V.S.A. §563(24) (Participation of home study students)* |
| | *16 V.S.A. §1431 (Concussion & Head Injury Health & Safety)* |
| *Cross Reference:* | *Notice of Non-Discrimination* |
| | *Transgender and Gender Non-Conforming Students* |
| | *Home Study Students* |
| | *District Equity Policy* |
| | *Community Use of School Facilities Policy* |
| | *Admission of Resident Students* |

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| | *Admission of Non-Resident Tuition Students* |
| | *Community Use of School Facilities* |