

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: June 6, 2023

NUMBER: 23-134

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BP 6145.5,
Instruction, Student
Organizations and Equal
Access; First Reading

STRATEGIC PLAN/BOARD GOAL:

Improve Stakeholder Communication.

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BP 6145.5, Instruction, Student Organizations and Equal Access and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when changes in law occur or when specific need occurs. Policy revisions shall normally be given two readings prior to adoption by the Board. This is the first reading of the proposed revisions to BP 6145.5, Instruction, Student Organizations and Equal Access.

The Board Policy Committee reviewed the proposed changes, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading to the proposed revisions to BP 6145.5, Instruction, Student Organizations and Equal Access as presented and open for public comments;
2. Do not approve first reading to the proposed revisions to BP 6145.5 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading to the proposed revisions to BP 6145.5, Instruction, Student Organizations and Equal Access as presented and open for public comments.

BP 6145.5 STUDENT ORGANIZATIONS AND EQUAL ACCESS

Note: If a public secondary school allows one or more noncurriculum-related groups to meet on school premises during noninstructional time, the federal Equal Access Act (Title VII, Public Law 98-377) states that any other student-initiated group also must be allowed to meet in a "limited open forum" without regard to its religious, political or philosophical views. As amended by the No Child Left Behind Act of 2001 and the Every Student Succeeds Act, after adopting a facility use policy, districts must ensure that the policy is applied equitably to all groups, including the Boy Scouts and other affiliated groups. Option #1 below may be used by districts that have a limited open forum. Option #2 is for districts that have established a "closed forum," permitting access only to student organizations that are tied directly to the curriculum. In that elementary schools are not addressed by the Equal Access Act, elementary districts may use and/or modify language from either option without regard to establishing open or closed forum

Closed Forum

The School Board believes that curriculum-related student organizations have an important place in students' lives. Besides extending and reinforcing the instructional program, such groups can enhance students' social development, give them practice in democratic self-government, and honor outstanding student achievement.

All student organizations must be approved by the School Board and officially sponsored by the school. In order to maintain a closed forum on school campuses, these groups must relate directly to the curriculum in accordance with law.

(cf. 1321 - Solicitation of funds)

(cf. 1325 - Advertising and Promotion)

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

(cf. 3554 - Other Food Sales)

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

ALASKA STATUTES

[14.03.060](#) Elementary, junior high, and secondary schools

[14.30.510](#) ~~TITLE-Alaska student leadership development fund~~

UNITED STATES CODE

~~Title VII - THE EQUAL ACCESS ACT OF 1984, The Equal Access Act, 20 U.S.C.A. Section 4071 et seq., as amended by the Every Student Succeeds of 2015 No Child Left Behind Act, of 2001, 20 U.S.C. § 7905~~

U.S. SUPREME COURT

Prince v. Jacoby, 303 F.3d 1074 (9th Cir. 2002)

Board of Education of Westside Community Schools v. Mergens, 110 S.Ct. 2356 (1990)

Student Coalition for Peace v Lower Merion School, (1985) 776 F .2d_ 431 (3rd Cir. 1985)

Revised: (Date of Revision)

Adopted: April 28, 2004

Northwest Arctic Borough School District