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AR 6145.5 STUDENT ORGANIZATIONS AND EQUAL ACCESS

School-sponsored Organizations

School-sponsored student organizations must be organized at the school, have a certificated advisor, be composed completely of current student body members and be approved by the Superintendent or designee in accordance with School Board policy. They shall hold the majority of their meetings at school and have a democratic plan for the selection of members. Organization activities shall not conflict with the authority and responsibilities of school officials.

OPTION 1: Limited Open Forum

Note: The following option is largely based upon the provisions of the federal Equal Access Act. Once a high school district allows any noncurriculum-related student group to meet on school premises, it is deemed to have a limited open forum under this law, even if the School Board has not officially established such a forum.

Note: The Equal Access Act prohibits the district from discriminating on the basis of meeting content. By ruling that this law does not violate the first amendment's ban on state establishment of religion, the Supreme Court has clearly protected students' right to hold religious club meetings. The School Board still has authority, however, to maintain order and protect students and staff; it may deny the use of facilities to any groups that threaten to disrupt the school program or threaten the health and safety of students and staff. 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 inform school officials that they are required to apply the policy equitably to all groups, including the Boy Scouts or other affiliated groups

The Superintendent or designee shall not deny any student-initiated group access to school facilities during noninstructional time on the basis of religious, political, philosophical or any other content to be addressed at such meetings. The Superintendent or designee shall provide for a limited open forum during noninstructional time so that any such meetings do not interfere with regular school activities.

Note: In *Student Coalition for Peace v. Lower Merion School*, 776 F.2d 431 (3rd Cir. 1985), the court has clarified that a school is not required to permit any and all outsiders to use its facilities or even to permit student groups indiscriminately to invite outsiders to its activities. To enable all students to use school facilities on the same terms as all other students, however, the Equal Access Act does allow student groups to invite nonstudents onto school property if the school's limited open forum encompasses nonstudent participation in student events. Persons so invited must not direct, conduct, control or regularly attend such activities

The Superintendent or designee shall insure that student meetings are voluntary, with no direction, control or regular attendance by nonschool persons, and that students leave the meeting place in a clean, orderly and secure condition after their meetings.

School staff shall not promote or participate in these meetings, but may be assigned voluntarily to observe them for purposes of maintaining order and protecting student safety.

Meetings held within the limited open forum shall entail no expenditure of public funds beyond the incidental cost of providing the meeting space. Any announcement of meetings shall clearly state that the group is not sponsored by the school or school staff. Such announcements may be posted in accordance with School Board policy and state law applicable to all students, but students shall not use the school's equipment or public address system to publicize the meetings of groups not sponsored by the school.

(cf. 5145.2 - Freedom of Speech/Expression)

OPTION 2: Closed Forum

Note: According to a U.S. Supreme Court decision ([*Board of Education of Westside Community Schools v. Mergens*](#)), student organizations permitted under a closed forum must be tied directly to the curriculum and fit into one of the four categories below

In order to be sponsored by the district, all student organizations must relate to the curriculum by falling under one of the following categories:

1. The subject matter of the group is actually taught or will soon be taught in a regularly scheduled course.
2. The subject matter of the group concerns the body of courses as a whole (e.g., student government).
3. Participation in the group is required for a particular course.
4. Participation in the group results in academic credit.

The district has a closed forum. Student clubs or organizations not sponsored by the

school may use school facilities only as allowed for community groups.

(cf. 1330 - Use of School Facilities)

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