

STUDENT ORGANIZATIONS AND EQUAL ACCESS

The Board of Education believes that student organizations reinforce the instructional program, give students practice in democratic self-government and provide social and recreational activities. Student organizations also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 1325 - Advertising and Promotion)

(cf. 3452 - Student Activity Funds)

The Superintendent or designee shall establish criteria and a process for school sponsorship of student clubs.

All student-initiated groups at secondary schools shall be given equal access to meet on school premises during noninstructional times without regard to their religious, political, philosophical or other speech content. (20 USC 4071)

(cf. 1330 - Use of School Facilities)

(cf. 3515.2 - Disruptions)

(cf. 5145.2 - Freedom of Speech/Expression)

All student clubs or groups shall have equal access to the school media, including the public address system, the school newspaper, and the school bulletin board, to announce meetings. The Superintendent or designee may inform students that certain groups are not school-sponsored.

No school shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

Legal Reference: (see next page)

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)

Legal Reference:

EDUCATION CODE

52 Designation of secondary schools

53 Designation of high schools

200-262.3 Prohibition of discrimination on the basis of sex

32050-32051 Hazing

48930-48938 Student organizations

48950 Freedom of speech

49020 Athletic programs: Legislative intent

49021 Equal opportunity for male and female students

49022 Apportionment of funds for male and female students

49023 Expenditure of public funds; prohibited sex discrimination

CODE OF REGULATIONS, TITLE 5

2 Definitions

5531 Supervision of extracurricular activities of pupils

PENAL CODE

627-627.10 Access to school premises

UNITED STATES CODE, TITLE 20

4071-4074 The Equal Access Act

7904 School prayer

7905 Boy Scouts equal access

UNITED STATES CODE, TITLE 36

20101-240112 Patriotic organizations

COURT DECISIONS

Culbertson et al. v. Oakridge School District, (2001) 258 F.3d 1061

Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093

Ceniceros v. Board of Trustees of the San Diego Unified School District, (1995) 66 F. 3d 1535

Board of Education of Westside Community School District v. Mergens By and Through Mergens

(1989, 8th Cir.) 867 F.2d 1076, *affd.* (1990) 496 U.S. 226

Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64

Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d.

431

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

U.S. DEPARTMENT OF EDUCATION

Religious Expression in Public Schools: Statement of Principles, Richard W. Riley, 1995, rev. 1999

WEB SITES

U.S. Department of Education: <http://www.ed.gov>