

MODESTO CITY SCHOOLS

Board Policy

BP 6145.5

INSTRUCTION

Associated Student Body Organizations and Equal Access, 7-12

Associated Student Body Organizations

The Governing Board believes that Associated Student Body organizations may reinforce the instructional program, give students practice in democratic experience in civics and self-government, and provide social and recreational activities. Student groups and Associate Student Body organizations also may serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the principal or designee in accordance with Board Policy and Administrative Regulation.

The Board of Education also believes that parents should approve their child's participation in Associated Student Body organizations.

The Superintendent/designee shall establish criteria and a process for the establishment of Associated Student Body organizations.

(Education Codes 48934 and 48938 provide guidelines regarding K-6 student body organizations and student body funds.)

Limited Open Forum (Equal Access)

If a district permits any noncurriculum-related student groups to meet on school premises during non-instructional time, then regardless of any policies to the contrary, it has created a "limited open forum." Pursuant to the Equal Access Act (20 U.S.C. 4071-4074), a district with a limited open forum must allow equal access to any student-initiated group wishing to conduct a meeting without regard to the religious, political, philosophical, or other content of the speech at such meetings.

However, the Superintendent may deny the use of facilities to any groups that he/she believes will disrupt the school program or threaten the health and safety of students and staff (20 U.S.C. 4071).

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Thus, in accordance with provisions of the federal Equal Access Act, noncurriculum-related student-initiated groups shall be given equal access to meet on school premises during non-instructional times without regard to their religious, political, or philosophical views.

The Equal Access Act requires equal access to means of publicizing meetings. A school with a limited open forum must allow student groups to use the school media, including the public address system, the school newspaper, and the school bulletin board, to announce their meetings on the same terms as other noncurriculum-related student groups.

The Board encourages students to pursue interests and clubs which may not directly relate to the District's curriculum and, to that end, has created a limited open forum.

All student-initiated groups shall be given equal access to meet on school premises during noninstructional time without regard to their religious, political, philosophical, or other speech content. The Board shall ensure that: (20 USC 4071, 4072)

1. The meeting shall be voluntary and student-initiated.
2. There shall be no sponsorship of the meeting by the school or staff. The term sponsorship means that school staff are promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes shall not constitute sponsorship of the meeting.
3. Employees of the school shall be present at religious meetings only in a nonparticipatory capacity.
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

All student clubs or groups shall have equal access to the school media to announce meetings, including the public address system, the school newspaper, bulletin boards, and school web site. However, the principal or designee may issue a disclaimer that such activities are not school-sponsored.

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All noncurriculum-related student groups shall be given equal access to meeting space, school equipment, and supplies.

No school shall deny equal access or a fair opportunity to meet, or otherwise 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 References:

EDUCATION CODE

40 Equal opportunity without regard to sex
41 School sponsored athletic programs; prohibited sex discrimination
52 Designation of secondary schools
53 Designation of high schools
200-262.3 Prohibition of discrimination on the basis of sex
32050-32051 Hazing
37220-37223 Holidays
38130-38138 Civic Center Act
48645.5 Former juvenile court school students, enrollment
48900 Suspension and/or expulsion
48907 Exercise of free expression; rules and regulations
48930-48938 Student organizations
48950 Speech and other communication
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
51520 School premises; prohibited solicitations

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

20101-24112 Patriotic organizations

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Management Resources:

COURT DECISIONS

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

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

Board of Education of Westside Community School District v. Mergens By and Through Mergens, (1989, 8th Cir.) 867 F.2d 1076

Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d 431

Ceniceros v. Board of Trustees of the San Diego Unified School District, (9th Cir. 1997) 106 F.3d 878

Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061

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

Prince v. Jacoby, (2001) 303 F.3d 1074

WEBSITES

California Attorney General's Office: <https://oag.ca.gov/>

California Interscholastic Federation: <https://www.cifstate.org/landing/index>

Council on Standards for International Educational Travel: <https://www.csiet.org/>

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

Cross References (cf.):

1114 – District-Sponsored Social Media

1321 – Solicitation of Funds from and by Students (N/A)

1321 – Advertising in School Media

1325 – Advertising and Promotion (N/A)

1330 – Use of School Facilities

3452 – Student Activity Funds

3515.2 – Disruptions (N/A)

3515.2 – Criminal Record Check Contract Employee

5131 – Conduct

5144.1 – Suspension and Expulsion/Due Process

5145.2 – Freedom of Speech/Expression (N/A)

5145.2 – Student Free Speech

6141.2 – Recognition of Religious Beliefs and Customs (N/A)

6141.2 – Testing English Learners Grades 2 thru 11

6142.3 – Civic Education (N/A)

6142.4 – Service Learning/Community Service Classes (N/A)

6142.7 – Physical Education and Activity

6144 – Controversial Issues

6145 – Extracurricular and Cocurricular Activities

6164.6 – Identification and Education Under Section 504

6178 – Career Technical Education (N/A)

ADOPTED: February 10, 1998

REVISED: July 25, 2022