

## **Noncurriculum-Related Student Clubs/Groups on Secondary Campuses**

When students seek to meet on school grounds during noninstructional time for the purpose of pursuing religious, political and philosophical ideas, the constitutional right of freedom of assembly is implicated. The Equal Access Act (EAA) is a law that governs the rights of *secondary* students to meet for these purposes (Authority: *20 USC §4071*). This Act does not apply to elementary or junior high students.

The EAA provides 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.” The Act applies to schools provided the following circumstances are present:

- the school receives federal funding;
- the school maintains a limited open forum; and
- the school allows a non-curriculum-related student group to meet on school premises during non instructional time. Fruitvale ISD has, by local policy, established limited open forums at the secondary level (Board Policy FNAB).

According to the Act, a *limited open forum* occurs “whenever a school grants an offering to or opportunity for one or more noncurriculum-related secondary student groups to meet on school premises during noninstructional time.” In a nutshell, the EAA requires that public secondary schools which allow any noncurricular student groups to meet at school during noninstructional time to make that opportunity available on the same terms to all student groups interested in exploring their religious, political or philosophical ideas.

If a student group is permitted to organize, there are certain guidelines which govern the meeting to ensure that there is no infringement of the Constitution’s basic guarantees. Among these guidelines include the following:

- the meeting must be voluntary and student initiated;
  - the meeting must not be sponsored by the school, its agents or employees;
  - employees or agents of the school, if present at religious-oriented meetings, must appear only in a nonparticipatory capacity;
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- the meeting must not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- non-school persons may not direct, conduct, control, or attend activities of student groups. (Fruitvale ISD does not permit visitors or outside speakers to attend at any time.)

## 1. **What is a noncurriculum-related student group?**

A “noncurriculum-related student group” is a club or student group which focuses on an issue or activity “not directly related” to a course offered by the school. Local school authorities must determine whether a group is noncurriculum related, based upon consideration of whether the group’s subject matter is taught in a specific course or concerns the body of courses as a whole, or whether participation in the group is required for a course or academic credit. For example, while the Spanish club may be a curriculum-related group, the chess club or Bible group would be a noncurricular group. The noncurriculum- related student group shall not be in conflict with the district curriculum selected by the board, or promote curriculum ideology that is not approved by the board of education (such as sex education curriculum).

Local school authorities may not discriminate against a club based on the issue or activity nor may they:

- a. influence the form or content of any prayer or other religious activity;
- b. require any person to participate in prayer or other religious activity;
- c. expend public funds beyond the incidental cost of providing the space for student-initiated meetings;
- d. compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;
- e. sanction meetings that are otherwise unlawful; or
- f. abridge the constitutional rights of any person.

## 2. **What is considered noninstructional time?**

“Non instructional time” is time which a campus sets aside before classroom instruction begins or after classroom instruction ends. 7:30 am until 4:15pm is set aside as instructional time.

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### **3. What restrictions are placed on noncurriculum-related groups**

- be student -initiated;
- be student-sponsored and student-led; and
- be voluntary in terms of participation.

In addition, the District restricts the membership to students currently enrolled at the campus where the group meets. No guests or outside speakers are permitted to attend.

Instructions/rules/regulations to start a new non curricular club at Fruitvale ISD:

1. New clubs must send in a request in May of each year prior to the upcoming school year to be considered for a club to start in August.
  2. Students wishing to form a club or organization must submit a petition signed by at least 10 students of the school expressing interest in participating in the club and receive approval of intent to organize from the principal.
  3. After receiving approval to organize, they must place on file in the administration office a copy of their constitution. The proposed constitution must be filed within 30 days of their first organizational meeting. The constitution will be approved only if it has been initiated and developed by students at the school and if it is in compliance with school policies and procedures.
  4. The organization must present to the board of trustees the need for the new organization or club.
  5. Membership and all activities of the club must be open to all students without regard to race, gender, religion, or national origin.
  6. Each non curricular student club will have a faculty monitor, that agrees to monitor the club, No faculty member will be required to monitor a club, therefore, someone must volunteer to be a monitor in order to have the club. In the case that no faculty member is willing to accept appointment as monitor, the lack of such a monitor will be cause to deny recognition of an organization or club.
  7. The principal may rescind the charter of any club or organization that does not operate within the guidelines, or follow any other regulations or laws governing their activities.
  8. The club faculty monitor must be in attendance at all club activities, may not use school resources to support the club, outside of a space to meet, and must approve in advance all announcements, fundraising and printed materials (from off campus)
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8. The club monitor must schedule in advance the use of school facilities.
  9. All club activities must be conducted during non-instructional time. Non-instructional time means time set aside by the school district prior to school start and after the end of all school day learning activities. Currently, that means prior to 7:30 am and after 4:15 pm.
  10. The school may deny the use of facilities to students on the basis that the activity or meeting interferes with the instructional program or other school activities.
  11. The club monitors primary purpose is to be an observer of student activities and to safeguard the students and property of Fruitvale ISD.
  12. The monitor must not lead, participate in any activity, or establish the agenda of the club activity.
  13. The monitor may not participate in any decisions related to the club, including fund raising activities. No public resources may be used for the operation of the club.
  14. The club's meetings may not be conducted or controlled by people outside the school such as representatives of other outside groups.
  15. The club may not be advertised as a school sponsored activity. All printed materials or advertisements must include a disclaimer of school sponsorship or endorsement.
  16. Minutes from all non curricular meetings will need to be kept and filed with the campus principal each month.
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