



## SECTION III: STUDENT POLICY 3130

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### Student-Led Noncurricular Groups

The Board of Education hereby authorizes student-led noncurricular groups access to school facilities as other similarly situated student groups in compliance with the Equal Access Act (the “Act”). In furtherance of this policy, the Board hereby provides the following guidance to the ISOK.

#### **1. General Scope.**

This policy creates a limited open forum by allowing one or more non-curricular student groups to meet on its premises (virtual) during non-instructional time. It is the Board’s express intent for this policy and the guidelines set forth herein to provide our School, its parents, students and stakeholders with the information and resources they need to help ensure that all students, including lesbian, gay, bisexual and transgender (LGBT) students and gender nonconforming students, have a safe place to learn, meet, share experiences, and discuss matters that are important to them. This policy does not create or confer any rights for or on any person. This policy does not impose any requirements beyond those required under applicable law and regulations.

Pursuant to the Act, this policy is intended to broadly provide the Executive Director with authority to allow student-led noncurricular groups comparable access to School facilities as any other student group regardless of the “religious, political, philosophical, or other content of the speech at [the group’s] meetings.” The Executive Director shall not prohibit student-led noncurricular groups because of the content of the speech at the groups’ meetings.

“Access” refers not only to physical meeting spaces on School premises (virtual), but also to recognition and privileges afforded to other groups at the School, including, for example, the right to announce club meetings in the school newspaper (virtual), on bulletin boards (virtual), or other communication tools authorized for use by student-led curricular groups.

“Non-instructional time” is time set aside by the School before actual classroom instruction begins or after actual instruction ends and covers student meetings that take place before or after school as well as those occurring during lunch, “activity periods,” and other non-instructional periods during the school day.

A curriculum-related student group is one that “directly relates” to the body of courses offered at a school. A student group directly relates to a school’s curriculum if the subject matter of the group is actually taught, or will soon be taught, in a regularly offered course; if the subject matter of the group concerns the body of courses as a whole; if participation in the group is required for a particular course; or if participation in the group results in academic credit. According to the Supreme Court, for example, a “French club would directly relate to the curriculum if a school taught French in a regularly offered course or planned to teach the subject in the near future.

The Board does reserve the right and authorizes the Executive Director to exclude groups that are directed, conducted, controlled, or regularly attended by non-school persons. If the Executive Director determines that a non-curricular student-led group is being directed, conducted, controlled or regularly attended by non-school persons, the Executive Director shall immediately disband the group and prohibit any further use of the School premises (virtual).

Non-curricular student groups may have faculty sponsors without compromising the requirement that they are student-initiated. The Executive Director shall assign a teacher, administrator, or other School employee to attend meetings of student-led non-curricular groups for the safety of students and compliance with the requirements of this policy.

Furthermore, the Board retains authority to ban unlawful groups, maintain discipline and order on school premises, protect the well-being of students and faculty, assure that students' attendance at meetings is voluntary, and restrict groups that materially and substantially interfere with the orderly conduct of educational activities. The Board will not ban groups or suppress student speech based on unpopularity of the message or on unfounded fears that the student led non-curricular group may incite violence or disruption.

**2. Access is not an Endorsement of a Student Group or its Message.**

The Board directs the Executive Director that the School shall not endorse a group's activities and avoiding the appearance of endorsement does not, therefore, justify denying the group equal access.

**3. Moral Reasons or Censorship of Explicit Content.**

The Board reserves its fundamental right and obligation to protect the well-being of students and faculty.” The Board, by and through its Executive Director, shall maintain order and discipline on School premises (virtual), protect the well-being of students and faculty, and ensure that the attendance of students at meetings is voluntary. In furtherance of this duty, the Board, by and through its Executive Director, may restrict students' access to and expression of obscene, indecent, lewd, or sexually explicit material and speech to protect students. But the Executive Director may not ban a group based on his / her general moral disapproval or on assumptions about the content of speech at group meetings.

**4. Student Groups Controlled or Directed by Non-school Persons.**

The Executive Director shall deny access to groups that are controlled, directed, or regularly attended by non-school persons. But the Executive Director should not exclude certain student groups merely because of national affiliations, while providing access to other groups with similar affiliations. For example, if our School recognizes a service club or honor society such as Beta Club or Key Club that shares its name with a national organization, the school cannot deny access to a gay-straight alliance merely because it shares a name with a national organization.

**5. Imposing Special Requirements on Some Student Groups.**

The Executive Director should treat each group like other, similarly situated groups, and should not impose additional requirements on some student-run groups that are not imposed on all others. For example, our School should not require a gay-straight alliance group to change its name, require it to have a faculty adviser when faculty advisers are not generally required for all other groups, or impose different requirements for the group's posters, leaflets, and announcements than the School places on other groups' promotional materials.

**6. Available Facilities & Procedures.**

The Executive Director should ensure that forms and other documentation is prepared for student-led non-curricular groups to request access to the School's available facilities in a manner consistent with other student-led groups. The School should provide equal access to student led groups of those facilities that are available to curricular groups.

Student led non-curricular groups shall submit their requests to use the School premises (virtual) in the manner directed by the Executive Director, which shall ensure comparable access to said premises as student led curricular groups.

**7. Non-Student led Groups.**

The Board hereby affirms that non-student led groups, such as any civic, service, political, fraternal, government, religious, charitable, recreational, commercial, or for-profit groups shall not be authorized to use the School facilities or premises (virtual).