

Regulation 6145.5: Student Organizations And Equal Access

Status: DRAFT

Original Adopted Date: 09/20/2001 | **Last Revised Date:** 08/24/2023 | **Last Reviewed Date:** 08/24/2023

School Recognition

Officially recognized student clubs must be organized at the school, have a certificated advisor, be composed completely of current student body members and be approved by the principal or designee in accordance with Governing Board policy. They shall hold the majority of their meetings at school and have a democratic plan for the selection of officers and other leaders. Organization activities shall not conflict with the authority and responsibilities of school officials.

The principal or designee shall direct any group of students seeking recognition as a student club to submit a district-approved application form which includes the following information:

1. Name of the organization and names of student contacts
2. A statement of the organization's purposes, objectives and activities
3. Name of staff advisor. The principal shall have final authority in determining the assignment and role of the staff adviser.
4. The proposed dates, times, and location of meetings
5. Any special equipment to be used
6. Such other information as the district may deem helpful in evaluating the application

The district's application form may contain standardized terms for student clubs to follow, which may include provisions regarding eligibility for membership or leadership positions in the club, and the club's agreement to abide by district policies and other district or school-site rules.

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 club meetings. Such meetings shall not interfere with regular school activities.

The Superintendent or designee shall identify the noninstructional time period(s) set aside for noncurriculum-related student organization meetings before or after actual classroom instructional times. Meetings may be held during the lunch hour.

The following criteria must be met for these meetings: (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. "Sponsorship" as used in this paragraph, means that the school or staff shall not promote, lead, or participate 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 may participate in religious meetings to the extent otherwise permitted by district policy and regulation. (cf. 6141.2)
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.

School staff may be assigned voluntarily to observe meetings for purposes of maintaining order and protecting student safety. Students shall leave the meeting place in a clean, orderly and secure condition after their meetings. (20 USC 4071) The Superintendent or designee may deny the use of facilities to any groups that they believe will materially and substantially disrupt the school program or threaten the health and safety of students and staff. (20 USC 4071)

Student use of school facilities shall entail no expenditure of public funds beyond the incidental cost of providing the meeting space or other facilities, equipment or supplies. (20 USC 4071(d))

Nondiscrimination

Student organizations, including officially recognized student clubs, are subject to the district's policies and regulations regarding nondiscrimination in district programs and activities. With respect to student clubs, the requirement that a candidate for leadership believe in or be committed to the objectives or philosophy of the club, (including religious beliefs pertaining to human sexuality or marriage), or that the candidate agree to conduct themselves in accordance with the club's beliefs, is deemed to be a non-discriminatory criterion for the selection of club leaders. (cf. 5145.3 – Nondiscrimination/Harassment)

No non-curriculum-related student group shall be denied (i) status as an officially recognized student group (including as a student club approved and recognized by the Associated Student Body), or (ii) any benefit, right, or privilege attendant to such status or otherwise conferred by such group's school site upon any noncurriculum related student group because such group requires its leaders to affirm

their agreement with certain of the group's beliefs (including religious beliefs pertaining to human sexuality or marriage) and to conduct themselves in accordance with such beliefs.

Hazing

No student shall engage or attempt to engage in hazing. Hazing means a method of initiation or pre-initiation into a student club, organization or body, whether or not the club, organization or body is officially recognized by the district, which causes or is likely to cause bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Persons violating this regulation shall be subject to district discipline and penalties specified in law. (Education Code 48900)

Additional State References

5 CCR 4910	Definition of club and extracurricular activities
5 CCR 4925-27	Nondiscrimination in club and extracurricular activities
Ed. Code 35160.5	Definition of extracurricular and cocurricular activities
Ed. Code 44807, 44808	Supervision of students

Additional Management Resources References

Court Decision	Alpha Delta Chi – Delta Chapter v. Reed, (2011) 648 F.3d 790
Court Decision	Healy v. James, (1972) 408 U.S. 169
Court Decision	Hsu v. Roslyn Union Free School District No. 3, (1996) 85 F.3d 839
Court Decision	Lamb's Chapel v. Center Moriches Free School District, (1993) 508 U.S. 384
Court Decision	Truth v. Kent, (2008) 542 F.3d 634
Court Decision	Van Schoick v. Saddleback Valley Unified School District, (2001) 87 Cal.App.4th 522
Court Decision	Widmar v. Vincent, (1981) 454 U.S. 263
Court Decision	Christian Legal Society v. Martinez, (2010) 561 U.S. 661

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 2	Definitions
5 CCR 5531	Supervision of extracurricular activities of students
Ed. Code 200-262.4	Prohibition of discrimination on the basis of sex
Ed. Code 37220-37223	Holidays
Ed. Code 38130-38139	Civic Center Act
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48930-48938	Student organizations
Ed. Code 48950	Speech and other communication
Ed. Code 49020-49023	Athletic programs; legislative intent, equal opportunity
Ed. Code 52	Designation of secondary schools
Ed. Code 53	Designation of high schools
Pen. Code 627-627.10	Access to school premises

Federal References

	Description
20 USC 4071-4074	Equal Access Act
20 USC 7904	School prayer
20 USC 7905	Boy Scouts equal access
36 USC 20101-240112	Patriotic organizations

Management Resources References

	Description
Court Decision	Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076
Court Decision	Enciceros v. Board of Trustees of the San Diego Unified School District (1997) 106 F.3d 878
Court Decision	Culbertson et al. v. Oakridge School District (2002) 258 F.3d 1061
Court Decision	Good News Club et al. v. Milford Central School (2001) 121 S.Ct. 2093

Management Resources References

Court Decision

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Website

Description

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

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

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

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

[CSBA District and County Office of Education Legal Services](#)

[California Attorney General's Office](#)

[California Interscholastic Federation](#)

[Council on Standards for International Educational Travel](#)

[U.S. Department of Education](#)

Cross References

1321

1321

1325

1325

1330

1330

1330-E PDF(1)

3452

3452

3515.2

3515.2

5131

5144.1

5144.1

5145.2

5145.2

6141.2

6141.2

6142.4

6142.7

6144

6144

6145

6145

6164.6

6164.6

6178

6178

Description

[Solicitation Of Funds From And By Students](#)

[Solicitation Of Funds From And By Students](#)

[Advertising And Promotion](#)

[Advertising And Promotion](#)

[Use Of School Facilities](#)

[Use Of School Facilities](#)

[Use Of School Facilities](#)

[Student Activity Funds](#)

[Student Activity Funds](#)

[Disruptions](#)

[Disruptions](#)

[Conduct](#)

[Suspension And Expulsion/Due Process](#)

[Suspension And Expulsion/Due Process](#)

[Freedom Of Speech/Expression](#)

[Freedom Of Speech/Expression](#)

[Recognition Of Religious Beliefs And Customs](#)

[Recognition Of Religious Beliefs And Customs](#)

[Service Learning/Community Service Classes](#)

[Physical Education And Activity](#)

[Controversial Issues](#)

[Controversial Issues](#)

[Extracurricular And Cocurricular Activities](#)

[Extracurricular And Cocurricular Activities](#)

[Identification And Education Under Section 504](#)

[Identification And Education Under Section 504](#)

[Career Technical Education](#)

[Career Technical Education](#)