



TITLE: Meetings of Student Groups
NUMBER: BUL-5072.0
ISSUER: James Morris, Chief Operating Officer
Office of the Chief Operating Officer
DATE: April 7, 2010

ROUTING
Local District
Superintendents
Local District Directors
Local District Operations
Coordinators
School-Site
Principals
Assistant Principals

MAJOR CHANGES: This revision replaces BUL-N-15 (Rev.) dated June 29, 1998 issued by the Deputy Superintendent, Instruction and Curriculum. The content has been updated to reflect current contact information and organizational structure.

I. PURPOSE

The Equal Access Act (20U.S.C. 4071) passed by Congress in 1984, made it unlawful for any public secondary school receiving federal financial assistance to deny equal access to facilities to students who wish to conduct a meeting in their schools limited open forum on the basis of any religious, political or other content of speech at such meetings. The purpose of this bulletin is to offer an overview of the law and operational guidelines for its administration.

II. THE EQUAL ACCESS ACT

The goal of the subject legislation is to allow access to school facilities for voluntary student initiated meetings on the same terms as official school clubs, regardless of the nature or content of such meetings, so long as the meetings are otherwise lawful, do not threaten the safety or welfare of students or staff and do not disrupt the educational program.

The law recites the following practices as constituting compliance with the “equal access” mandate:

- A. Voluntary student initiated meetings are permitted, regardless of religious, political or other content.
- B. Meetings are permitted during “noninstructional time.”
- C. No sponsorship of the meetings is required or provided by the school or its staff.
- D. School staff attend meetings only in a nonparticipatory capacity.
- E. Meetings do not materially interfere with educational activities



F. Nonschool persons may not conduct, control or regularly attend meetings.

III. IMPLEMENTATION

Administrators should be mindful of the statute's basic tenet that student groups must be permitted to use school facilities for meetings regardless of the subject of the meeting, except in the most narrow of circumstances as discussed below. In essence, administrators, while responsible for the educational program and supervision of students, may not substitute their judgment as to what is in the best interest of students with regard to meetings of voluntary student groups.

In an effort to maintain consistency in providing access for students seeking to meet in school sites, the following guidelines should be applied:

A. Scheduling

1. Hours during which students may use facilities for meetings should be the same as those available to other school clubs.
2. Students seeking to reserve time for meetings should follow the school procedures for reserving time for meetings.
3. Notice of availability of facilities should be the same as with other school clubs.

B. Supervision

1. All student meetings are to be supervised by an adult staff person. A certificated employee must be assigned to supervise. Supervision should be custodial in nature rather than participatory.
2. Staff assigned to such supervision should be reminded that, unless confronted with subject matter identified in Paragraph C below, they should refrain from any comment or activity at such meetings that would convey either support or disapproval of meeting subject matter.

C. Limitations

1. The rights conferred by the Equal Access Act apply to students only. Meeting attendance and programs shall be governed by the same standards as apply to other school clubs.
2. While school staff cannot curtail or otherwise control meeting topics or content, students should not use school facilities to publish or otherwise disseminate:



- a. Matter that is obscene to minors according to current legal definitions.
 - b. Matter which is libelous according to current legal definitions.
 - c. Matter which incites students so as to create a clear and present danger of the imminent commission of unlawful acts or of the substantial disruption of the orderly operation of the school.
 - d. Material which expresses or advocates racial, ethnic, gender or religious prejudice.
- D. A United States Supreme Court case, *Board of Education v Mergens* (1990) 496 U.S. 226, essentially requires that when religious student groups request club recognition under the Equal Access Act, they should be recognized in the same manner as other noncurriculum-related student groups in terms of such things as access to bulletins for announcing meetings. Requirements such as a constitution, if required of all clubs, may be required of "Equal Access Clubs," with the exception that they shall not have a school sponsor.

ASSISTANCE: For assistance, call Karen O'Riley, Director, Wayne Scott-Moore, Director or Cheri Thomas, Coordinator in the Office of the Chief Operating Officer-School Operations at (213) 241-5337.