

## **EQUAL ACCESS FOR STUDENT GROUPS**

Student initiated religious, political, and philosophical groups as provided in the Equal Access Act of 1984, and patriotic groups as defined in 20 USC § 7905 of the Boy Scouts of America Equal Access Act shall have the right to meet on the same basis and are subject to the same controls as any other student-initiated non-curriculum group. Subject to reasonable control of the time, place, and manner of the speech, the secondary school principals shall not use the content of student speech to discriminate against those students requesting access to a forum if an open forum is provided other students.

### **A. Definitions**

1. A “non-curriculum-related student group” means any student group organized around subject matter that does not directly relate to the body of courses (curriculum) offered by the school. Subject matter is related to the curriculum when:
  - a. The subject matter of the group is actually taught or will soon be taught in a regularly offered course; or
  - b. The subject matter of group concerns the body of a course or courses as a whole; or
  - c. Participation in the group is required for a particular course; or
  - d. Participation in the group results in academic credit.
2. A “limited open forum” exists whenever a public secondary school permits one or more non-curriculum related student groups to meet on school premises during non-instructional time. A “limited open forum” is not created, however, by activities traditionally sponsored by the school, but not directly related to the curriculum, such athletic activities, school plays, and school talent shows, etc. A “meeting” includes those activities of student groups which are permitted under a school's “limited open forum” and are not directly related to the school curriculum.
3. “Non-instructional time” is time set aside by the school before actual classroom instruction begins in the school day or after actual classroom instruction ends in the school day and includes lunch periods.
4. “Secondary school” means a public school providing instruction for grades nine through twelve, unless there is a junior high school program approved by the state board, in which case it means a public school providing instruction for grades seven through twelve;

5. “Sponsorship” means the act of promoting, leading, or participating in a meeting, but the assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.
6. “Assigned Attendant” means a teacher, administrator, or other school employee who accepts an assignment to a meeting of a non-curricular student group for custodial purposes including the maintenance of order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

B. Establishment of Limited Open Forum

1. The principal of each secondary school shall have the authority to determine whether to create or maintain a “limited open forum” and other requirements for the access to such forum based on the best interests of the school and its students provided that such requirements satisfy the spirit and letter of the Equal Access Act and also satisfy minimum standards of fairness.
2. A secondary school principal creating or maintaining a limited open forum shall adopt written guidelines governing access to the school facilities by non-curriculum related student groups consistent with this policy and which do not discriminate against such students or student groups which wish to conduct a meeting on the basis of the religious, political, philosophical or other content of the speech at such meetings. The guidelines may establish reasonable restrictions on the time place and manner of the speech and meetings, but may not deny student initiated clubs or groups equal access and opportunity to hold meetings on school premises during non-instructional time, on the basis of the content of their speech, if other student initiated non-curriculum related groups are allowed access. The guidelines shall contain requirements for Sponsors of curriculum related groups and Assigned Attendants for non-curriculum related groups.
3. The guidelines shall uniformly provide and ensure that the meetings of all non-curriculum related student groups:
  - a. Are voluntary and student initiated;
  - b. Are not sponsored by the school, the government, or its agents or employees;
  - c. Do not materially and substantially interfere with the orderly conduct of educational activities in the school;
  - d. Are not directed, controlled , conducted or regularly attended by non-school persons

- e. Are not publicly funded other than the cost incidental to the space for the student meetings;
  - f. Do not compel school agents or employees to attend any meeting if content of the speech at the meeting is contrary to the beliefs of the agents or employee;
  - g. Do not sanction meetings which would otherwise be unlawful;
  - h. Do not limit the authority of the school to maintain order and discipline on school premises, to make such regulations as required by considerations of space, safety, and the common good;
  - i. Do not limit the access to the forum if the requesting students are not of a minimum specified numerical size; and
  - j. Do not abridge the constitutional rights of any person.
4. If meetings of non-curriculum related student initiated groups are religious in content, employees or agents of the District may not sponsor such meetings and may attend only in a non-participatory, custodial capacity and upon assignment by the administration of the school.
5. In addition in satisfying the secondary school's obligations relating to religious meetings under the Equal Access Act, where a limited open forum is provided, school district agents or employees shall not:
- a. Influence the content of any prayer or other religious activity in the school;
  - b. Require any person to participate in prayer or other religious activity in the school;
  - c. Allow non-school persons to direct, conduct, control, or regularly attend activities of such religious meetings;

Rio Rancho Public Schools  
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