

Regulation

Las Cruces Public Schools

Related Entries: JICE, JICEA, [JJA](#), KHC
Responsible Office: Chief Academic Officer

Equal Access for Student Groups

I. PURPOSE

To outline the administrative procedures governing students' right to equal access to conduct meetings on the same basis as other non-curriculum related student groups, during non-instructional time with a limited open forum and will not be discriminated against on the basis of religious, political, or philosophical discussions.

II. DEFINITIONS

- A. 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:
1. The subject matter of the student group is actually taught or will soon be taught in a regularly offered course;
 2. The subject matter of the student group concerns the body of courses as a whole; or
 3. Participation in the student group is required for a particular course.
- B. A "limited open forum" exists whenever a 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 as 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.
- C. "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.

- D. "Sponsored" or "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 supervisory purposes does not constitute sponsorship of the meeting.
- E. "Assigned Attendant" means a teacher, administrator, or other school employee who accepts an assignment to a meeting of a non-curriculum-related student group for supervisory purposes including the maintenance of order and discipline on school premises to protect the well-being of students and faculty, and to assure the attendance of students at such a meeting is voluntary.

III. ESTABLISHMENT OF LIMITED OPEN FORUM

- A. The principal of each 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. In satisfying the school's obligations under the Equal Access Act, where a limited open forum is provided, school employees shall ensure that the meetings of all non-curriculum-related student groups:
 - 1. Are voluntary and student-initiated;
 - 2. Are not sponsored by the school, the government, or its agents or employees;
 - 3. Do not materially and substantially interfere with the orderly conduct of educational activities in the school;
 - 4. Are not directed, controlled, conducted or regularly attended by non-school persons;
 - 5. Are not publicly funded other than the cost incidental to the space provided for the student meetings;
 - 6. 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 employees;
 - 7. Do not sanction meetings which would otherwise be unlawful;
 - 8. 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;

9. Do not limit the access to the forum if the requesting students are not of a minimum specified numerical size; and
 10. Do not abridge the constitutional rights of any person.
- B. 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, supervisory capacity and upon assignment by the administration of the school. Additionally, where a limited open forum is provided, school district agents or employees shall not:
1. Influence the content of any prayer or other religious activity in the school;
 2. Require any person to participate in prayer or other religious activity in the school; or
 3. Allow non-school persons to direct, conduct, control, or regularly attend activities of such religious meetings.

Legal Reference: Equal Access Act, 20 USC ss4071-4074
Regulation History: New Regulation, Adopted 06.20.06



Approved, Chief Academic Officer

June 20, 2006

Date