

# Santa Barbara Unified School District Board Policy

BP 6145.5

## Instruction

### STUDENT ORGANIZATIONS AND EQUAL ACCESS

The Governing Board believes that student organizations reinforce the instructional program, give students practice in democratic self-government and provide social and recreational activities. Student organizations also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging.

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 1325 - Advertising and Promotion)*

*(cf. 3452 - Student Activity Funds)*

The Superintendent or designee shall establish criteria and a process for school sponsorship of student clubs.

All student-initiated groups at secondary schools shall be given equal access to meet on school premises during noninstructional times without regard to their religious, political, philosophical or other speech content. (20 USC 4071)

*(cf. 1330 - Use of School Facilities)*

*(cf. 3515.2 - Disruptions)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

All student clubs or groups shall have equal access to the school media, including the public address system, the school newspaper, and the school bulletin board, to announce meetings. The Superintendent or designee may inform students that certain groups are not school-sponsored.

No school shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

#### *Legal Reference:*

##### EDUCATION CODE

52	<i>Designation of secondary schools</i>
53	<i>Designation of high schools</i>
200-262.3	<i>Prohibition of discrimination on the basis of sex</i>
48900	<i>Hazing</i>
48930-48938	<i>Student organizations</i>
48950	<i>Freedom of speech</i>
49020	<i>Athletic programs: Legislative intent</i>
49021	<i>Equal opportunity for male and female students</i>

49022            *Apportionment of funds for male and female students*  
49023            *Expenditure of public funds; prohibited sex discrimination*

PENAL CODE

245.6            *Hazing*  
627-627.10    *Access to school premises*

CODE OF REGULATIONS, TITLE 5

2                 *Definitions*  
5531            *Supervision of extracurricular activities of pupils*

UNITED STATES CODE, TITLE 20

4071-4074     *The Equal Access Act*  
7904            *School prayer*  
7905            *Boy Scouts equal access*

UNITED STATES CODE, TITLE 36

20101-240112 *Patriotic organizations*

COURT DECISIONS

*Culbertson et al. v. Oakridge School District, (2001) 258 F.3d 1061*  
*Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093*  
*Ceniceros v. Board of Trustees of the San Diego Unified School District, (1995) 66 F. 3d 1535*  
*Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076, affd. (1990) 496 U.S. 226*  
*Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64*  
*Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431*  
*Hartzell v. Connell, (1984) 35 Cal. 3d 899*

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION

*Religious Expression in Public Schools: Statement of Principles, Richard W. Riley, 1995, rev. 1999*

WEB SITES

U.S. Department of Education: <http://www.ed.gov>

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