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FILE: IGDA
Critical

**EXPLANATION: STUDENT-INITIATED GROUP USE OF DISTRICT FACILITIES
(K–12 Districts)**

House Bill 1303 (2014) prohibits discrimination against noncurricular, student-initiated groups that engage in religious expression or have a religious purpose. Specifically, if a district allows any noncurricular, student-initiated groups to use district facilities, it must allow student-initiated groups that include religious expression to use the facilities as well.

The Equal Access Act (EAA), a federal law, already requires secondary schools that have district-sponsored noncurricular groups to allow student-initiated noncurricular groups to use school facilities to the same extent as district-sponsored groups, so the new state law will not likely have much impact. However, MSBA has taken this opportunity to clarify a few provisions of this policy.

For example, many districts struggle with the definition of "secondary" school. Missouri does not have a statutory definition of this term, and the EAA simply defers to the state. MSBA has defined it as grades 9–12 so that it is now clear which students may initiate these groups. However, if the district wishes to extend the definition to include middle school students, there is some basis for that interpretation as well.

Districts have the option of prohibiting the use of district facilities by all noncurricular groups. However, if the district has even one district-sponsored noncurricular group, the EAA and the provisions of House Bill 1303 apply, and the district must provide student-initiated groups the same access.

Districts may not be aware that some of the groups they sponsor are noncurricular. To be curricular, a group must be related to the curriculum. A club relates to the curriculum if 1) the subject matter is actually taught in a regularly offered course, 2) the focus of the group concerns the body of courses as a whole, or 3) participation is required as part of a course grade or results in academic credit.

If a group does not fall into one of these categories, it is probably noncurricular. The following are some of the groups that courts have found to be noncurricular:

Community service clubs
Christian fellowship clubs
Drama club
Red Cross club
Young Democrats

Bible clubs
Cheerleading
Future Health Services Club
Scuba diving club
Students Against Destructive Decisions (SADD)

The determination of whether a group is noncurricular is fact based. For example, in the case where the court found a drama club to be noncurricular, the district did not offer drama, and the students did not receive academic credit for rehearsing and presenting a play. The decision would likely have been different had the district offered a drama course or included drama as part of another course. Some courts have found student councils to be curricular, and some have not. The key appears to be the function the council serves. If the student council focuses on social events, it is likely noncurricular. If the council solicits input and makes recommendations or proposals regarding academic or curricular issues, it may be curricular.

Many districts confuse student-initiated groups with district-sponsored groups or community-sponsored groups. This policy only applies to groups that are initiated and run by students. Policy IGD applies to district-sponsored groups and activities, such as athletics and curricular clubs. Policy KG applies to groups and activities sponsored by community members, even if students are the primary audience for those activities. For example, the Boy Scouts of America or a Good News Club obtain access to district facilities through policy KG.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
	Board Secretary		Business Office	X	Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

STUDENT-INITIATED GROUP USE OF DISTRICT FACILITIES (K–12 Districts)

Pursuant to the federal Equal Access Act and Missouri law, secondary schools of the district will provide an opportunity for student-initiated noncurricular groups to conduct meetings or activities on district property to the same extent that the district allows other noncurricular student groups to meet on school premises during noninstructional time. Student-initiated noncurricular groups will not be denied access on the basis of religious, political, philosophical or other content of speech at such meetings or activities. Only students in secondary schools will be allowed to initiate groups whose meetings or activities are held on district property. For the purposes of this policy, a secondary school student is a student enrolled in grades 9–12.

The superintendent or designee may create administrative procedures to govern the use of district facilities by student-initiated noncurricular groups. In addition, district-sponsored student groups are governed by policy IGD, and cCommunity use of district facilities is governed by policy KG.

The following guidelines apply to all student-initiated noncurricular groups, meetings and activities:

1. Meetings and activities must be voluntary and student initiated. No student shall be in any way coerced to participate.
2. Employees of the district may not sponsor, promote or lead student-initiated noncurricular groups, activities or meetings, but a teacher, administrator or other school employee may be assigned to the meeting or activity to monitor facility use and student conduct. No employee will be compelled to attend a meeting or activity if the content of the speech at the meeting or activity is contrary to the employee's beliefs. Employees and agents of the school are to be present solely in a nonparticipatory capacity at any student-initiated religious activity held at school and will strictly observe a policy of official neutrality regarding religious activity.
3. Meetings and activities may not materially and substantially interfere with the orderly conduct of educational activities within the school.
4. Except for incidental building costs, no public funds will be expended for student-initiated noncurricular groups.
5. Community members other than students may not direct, conduct, control or regularly attend meetings or activities.

Student Conduct at Meetings

Students attending student-initiated noncurricular meetings or activities must follow all district rules and procedures governing student conduct. The district reserves the right to maintain order and discipline, as well as to protect the safety and well-being of students and employees.

Access to Communication Channels

Student-initiated noncurricular groups at the secondary school level shall have the same access allowed to all other noncurricular student groups to channels of communication for publicizing their meetings, including the public address system, designated bulletin boards, school newspapers and the calendar of events. The school may uniformly state in these media that such organizations or their meetings are not sponsored by the school.

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Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: 08/08/1994

Revised: 09/19/2002; 06/11/2012;

Cross Refs: KG, Community Use of District Facilities
KI, Public Solicitations/Advertising in District Facilities
KKB, Audio and Visual Recording

Legal Refs: § 160.2500, RSMo.
U.S. Const. amend. I
The Equal Access Act, 20 U.S.C. §§ 4701--4702 4071 - 4072
"Religious Expression in Public Schools," U.S. Dept. of Education May 30, 1998
Westside Community Bd. of Educ. v. Mergens, 496 U.S. 226 (1990)

Camdenton R-III School District, Camdenton, Missouri