



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: J - Students
POLICY TITLE: Student Clubs
FILE No.: JFBB
DATED: March 12, 2008

TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
 2. UTAH LAW DEFINITIONS (UTAH CODE ANN., §53A-11-1202)
 3. LIMITED OPEN FORUM AND RESERVATION OF RIGHT TO CLOSE FORUM
 4. DELEGATION OF AUTHORITY TO SCHOOLS
 5. FORMATION AND RENEWAL OF STUDENT CLUB
 6. CLUB APPLICATION
 7. NAME APPROVAL
 8. LIMITATION OR DENIAL
 9. FACULTY OVERSIGHT OF AUTHORIZED CLUBS
 10. USE OF SCHOOL FACILITIES BY CLUBS
 11. CLUB MEMBERSHIP
 12. MATERIALS PRESENTED AT NON-CURRICULAR CLUB MEETINGS
 13. PARENTAL / GUARDIAN CONSENT
 14. VIOLATIONS; INVESTIGATIONS; SCHOOL RESPONSES
 15. APPEALS
 16. CONSTRUCTION OF POLICY
-

1. PURPOSE AND PHILOSOPHY

Nebo School District provides the opportunity for students to participate in approved curricular and non-curricular school clubs. The purpose of this policy is to provide guidance to schools regarding authorization of student clubs as outlined in Utah law.

2. UTAH LAW DEFINITIONS (Utah Code Ann., §53A-11-1202)

2.1 "Bigotry" means action or advocacy of imminent action involving:

2.1.1 the harassment or denigration of a person or entity; or

2.1.2 any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state of Utah, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined by law.

2.2 "Club" means any student organization that meets during non-instructional time.

2.3 "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external

sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.

- 2.4 "Curricular club"** means any club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during non-instructional time.
- 2.4.1** An "elementary school curricular club" means a club that is organized and directed by school sponsors at the elementary school.
- 2.4.2** A "secondary school curricular club" means a club:
- 2.4.2.1** whose subject matter is taught or will soon be taught in a regular course;
 - 2.4.2.2** whose subject matter concerns the body of courses as a whole;
 - 2.4.2.3** in which participation is required for a particular course; or
 - 2.4.2.4** in which participation results in academic credit.
 - 2.4.2.5** Secondary school curricular clubs include, but are not limited to, German, Spanish, French, American Sign Language, Journalism, Debate, etc.
- 2.5 "Discretionary time"** means school-related time for students that is not instructional time, including free time before and after school, during lunch and between classes or on buses, and student personal time before athletic and other events or activities.
- 2.6 "Encourage criminal or delinquent conduct"** means action or advocacy of imminent action that violates any law or administrative rule, but does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.
- 2.7 "Instructional time"** is the time during which the student is required or expected to be actively engaged in learning activities, including instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacity during or outside regular school hours.
- 2.8 "Involve human sexuality"** means:
- 2.8.1** presenting information in violation of laws governing sex education, including Utah Code Ann., §53A-13-101 and §53A-13-302;
 - 2.8.2** advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
 - 2.8.3** presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.
- 2.9 "Limited open forum"** means a forum created by the District for student expression within the constraints of Utah Code Ann., §53A-13-101.3(2)(b).
- 2.10 "Non-curricular club"** is a student initiated group that may be authorized and allowed school building use during non-instructional time in secondary schools by the school and

the Board of Education in accordance with this policy and Utah law. A non-curricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by the Board of Education, the school, or by school district employees. A non-curricular club shall have a minimum of five (5) members.

2.11 "Non-instructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.

2.12 "Religious club" means a non-curricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.

2.13 "School building use" means access to a school facility or premises, including access to a limited open forum.

3. LIMITED OPEN FORUM AND RESERVATION OF RIGHT TO CLOSE FORUM

Schools within Nebo School District may establish and maintain a limited open forum for student clubs pursuant to Utah state law, Utah State Board of Education rules, and Nebo School District policies. Notwithstanding, the Board of Education retains the right to create a closed forum in the district or at any of its schools at any time by allowing curricular clubs only.

4. DELEGATION OF AUTHORITY TO SCHOOLS

The Board of Education hereby authorizes school administrators within Nebo School District, along with their respective School Community Councils, to review applications for student clubs on a case-by-case basis. Before granting an authorization, school administration shall verify that the proposed club meets the requirements of a curricular club or a non-curricular club, and that the proposed club's purposes and activities comply with this policy. School administration may request additional information from the faculty sponsor or the students if desired. School administration shall grant authorization and school building use to curricular and non-curricular clubs whose applications are found to meet the requirements of law, Utah State Board of Education rules, and district policies. School administration shall deny authorization and school building use to proposed clubs that do not meet the requirements of law, Utah State Board of Education rules, and district policies.

5. FORMATION AND RENEWAL OF STUDENT CLUBS

Within twenty (20) school days after the beginning of the school year, each student group seeking to establish a club under this policy must complete and submit a club application form to the school administration. This includes all previously existing clubs as well as all student groups seeking to establish a new club. Any club whose membership is determined by student body election or a club that is governed by an association that regulates interscholastic activities are exempt from annual renewal. (i.e., DECA, FBLA, FCCLA, FFA, HOSA, etc.).

6. CLUB APPLICATION

Any faculty member or student(s) proposing a curricular or non-curricular club shall submit written application for club authorization on an appropriate form approved by Nebo School District.

6.1 An application for authorization of a curricular or non-curricular club shall include:

6.1.1 the recommended club name, which must reasonably reflect the club's purpose, goals, and activities;

- 6.1.2 a statement of the club's purpose, goals, and activities;
 - 6.1.3 a statement of the club's classification, which shall be included in the parental consent required under Utah Code Ann., §53A-11-1210, indicating all of the following that may apply: (a) athletic; (b) business/economic; (c) agriculture; (d) art/music/performance; (e) science; (f) games; (g) religious; (h) community service/social justice; and (i) other;
 - 6.1.4 the recommended meeting times, dates, and places;
 - 6.1.5 a statement indicating the club will comply with the provisions of this policy and all other applicable laws, rules, or district policies; and
 - 6.1.6 a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- 6.2 If the school administration determines that a proposed curricular club is a non-curricular club, the school administration may:
- 6.2.1 return the application to the faculty member or student(s) proposing the club for amendment; or
 - 6.2.2 review the application as an application for authorization of a non-curricular club.
- 6.3 Only curricular clubs are authorized for elementary schools.

7. NAME APPROVAL

The name of a student club, either curricular or non-curricular, must meet the following conditions:

- 7.1 Accurately reflects the actual nature, purpose, and activities of the club;
- 7.2 Does not improperly imply school sponsorship or affiliation; or
- 7.3 Will not result in undue disruption of school operations, subject students to harassment or persecution, imply inappropriate association with any non-school organizations or groups, or imply that the club would operate in violation of laws, rules, or district policies.

8. LIMITATION OR DENIAL

- 8.1 School administration shall deny club authorization or limit and/or deny school building use to a club in order to:
- 8.1.1 protect the physical, emotional, psychological, or moral well-being of students and faculty;
 - 8.1.2 maintain order and discipline on school premises;
 - 8.1.3 prevent a material and substantial interference with the orderly conduct of a school's educational activities;
 - 8.1.4 protect the rights of parents/guardians and students;
 - 8.1.5 maintain the boundaries of socially appropriate behavior;

- 8.1.6 ensure compliance with all applicable laws, rules, regulations, and district policies; and/or
- 8.1.7 ensure that the proposed application and proposed activities will not involve students or advisors in club related activities which:
 - 8.1.7.1 encourage criminal or delinquent conduct;
 - 8.1.7.2 promote bigotry;
 - 8.1.7.3 involve human sexuality; or
 - 8.1.7.4 engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under Utah state law.
- 8.2 If a school denies authorization to a club or limits and/or denies school building use, the school shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial and may require the club to make any necessary changes in order to grant authorization or school building use.

9. FACULTY OVERSIGHT OF AUTHORIZED CLUBS

- 9.1 School administration shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, non-curricular, and religious club to provide oversight consistent with this policy and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:
 - 9.1.1 unreasonably interfere with the ability of school officials to maintain order and discipline;
 - 9.1.2 unreasonably endanger or threaten the well-being of persons or property;
 - 9.1.3 violate concepts of civility or propriety appropriate to a school setting; or
 - 9.1.4 violate applicable laws, rules, regulations, and district policies.
- 9.2 Curricular Clubs -- Faculty Sponsors: School administration shall annually approve faculty members as sponsors of authorized curricular clubs. Faculty sponsors shall organize and direct the purpose and activities of a curricular club.
- 9.3 Non-Curricular Clubs -- Faculty Supervisors: School administration shall annually approve faculty members to serve as supervisors of authorized non-curricular clubs. Faculty supervisors shall provide oversight to ensure compliance with the approved club purpose, goals, and activities and with the provisions of this policy and other applicable laws, rules, and district policies. The approval of a faculty supervisor does not constitute school sponsorship of the club.
- 9.4 Non-Curricular Religious Clubs -- Faculty Monitors: School administration shall annually approve faculty members to serve as monitors of authorized non-curricular religious clubs. Faculty monitors shall provide oversight to ensure compliance with the approved club purpose, goals, and activities and with the provisions of this policy and other applicable laws, rules, and district policies. A faculty monitor may not participate in the activities of the religious club, except to perform the supervisory role required by this

policy. The approval of a faculty monitor does not constitute school sponsorship of the club.

9.5 A person who is not a school faculty member or a club member must receive prior approval from the school administration to:

9.5.1 make a presentation to a non-curricular club; or

9.5.2 direct, conduct, control, or regularly attend the meetings of a non-curricular club.

10. USE OF SCHOOL FACILITIES BY CLUBS

School administration shall determine the need for and assign school building use for curricular and non-curricular clubs consistent with the needs of the school.

10.1 The following rules apply to curricular clubs:

10.1.1 In assigning school building use, the administrator may give priority to curricular clubs over non-curricular clubs; and

10.1.2 The school may provide financial or other support to curricular clubs.

10.2 The following rules apply to non-curricular clubs:

10.2.1 All non-curricular clubs shall be treated equally;

10.2.2 A school shall only provide a space for non-curricular club meetings;

10.2.3 A school may not spend public funds for non-curricular clubs, except as required to implement the provisions of this policy, including providing space and faculty oversight for non-curricular clubs;

10.2.4 A school shall establish the non-instructional times during which non-curricular clubs may meet;

10.2.5 A school may establish the places that non-curricular clubs may meet;

10.2.6 A school may set the number of hours non-curricular clubs may meet per month; and

10.2.7 A school shall determine what access non-curricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system.

11. CLUB MEMBERSHIP

Membership in curricular and non-curricular clubs is governed by the following rules:

11.1 Student membership is voluntary;

11.2 Club membership shall be limited to students who are currently attending the school;

11.3 Clubs may require that prospective members try-out or submit application subject to objective criteria. Try-outs and application criteria may not require activities that violate the provisions of this policy and other applicable laws, rules, and district policies;

- 11.4 Additional rules may be implemented as determined by the Utah State Board of Education, Nebo School District, or the school.
- 11.5 Written parent/guardian consent is required for student participation in all curricular and non-curricular clubs at the school.

12. MATERIALS PRESENTED AT NON-CURRICULAR CLUB MEETINGS

A copy of any written or other media materials that were presented by a non-school person at a non-curricular club meeting shall be delivered to a school administrator no later than twenty-four (24) hours after the non-curricular club meeting and, if requested, a student's parent/guardian shall have an opportunity to review those materials.

13. PARENTAL / GUARDIAN CONSENT

- 13.1 Parent/guardian consent shall include an activity disclosure statement containing the following information:
 - 13.1.1 The specific name of the club;
 - 13.1.2 A statement of the club's purpose, goals, and activities;
 - 13.1.3 A statement of the club's classification, indicating the following that may apply: (a)athletic; (b) business/economic; (c) agriculture; (d) art/music/performance; (e) science; (f) games; (g) religious; (h) community service/social justice; and (i) other;
 - 13.1.4 Beginning and ending dates;
 - 13.1.5 A tentative schedule of the club activities with dates, times, and places specified;
 - 13.1.6 Personal costs associated with the club, if any;
 - 13.1.7 The name of the faculty sponsor, faculty supervisor, or faculty monitor who is responsible for the club; and
 - 13.1.8 Any additional information considered important for the students and parents/guardians to know.
- 13.2 All completed consent forms shall be filed by the parent/guardian or the club's faculty sponsor, faculty supervisor, or faculty monitor with the school's principal or designee.

14. VIOLATIONS; INVESTIGATIONS; SCHOOL RESPONSES

- 14.1 School administration shall investigate any written complaint that an authorized curricular or non-curricular club is:
 - 14.1.1 participating in activities beyond the scope of its purpose; or
 - 14.1.2 in violation of a provision of this policy or another applicable law, rule, regulation, or district policy.

- 14.2** After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the written complaint, if a violation is substantiated, the school administration may do any of the following:
- 14.2.1** Allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of this policy and other applicable laws, rules, regulations, or district policies;
 - 14.2.2** Instruct the faculty sponsor, faculty supervisor, or faculty monitor not to allow similar violations in the future;
 - 14.2.3** Limit or suspend the club's authorization or school building use pending further corrective action as determined by the school administration; or
 - 14.2.4** Terminate the club's authorization and dissolve the club.
- 14.3** Any limitation of expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or non-curricular club, or limitation on school building use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this policy.
- 14.4** A club that has been terminated may not reapply for authorization until the following school year.
- 14.5** A student who makes a false allegation or report under this section shall be subject to school discipline.

15. APPEALS

- 15.1** Each completed application or complaint shall be approved, denied, or investigated by the school administration within a reasonable amount of time.
- 15.2** If an application is denied or a complaint is verified, written reasons for the denial or results of the investigation shall be stated and, if appropriate, suggested corrections shall be made to remedy the deficiency.
- 15.3** Each club that is denied school building use shall be informed at the time of the denial of the factual and legal basis for the denial and, if appropriate, how the basis for the denial could be corrected.
- 15.4** If a club is denied, suspended, or terminated, the applicant has ten (10) school days from the date of the denial, suspension, or termination to file a written appeal to Nebo School District's Elementary Education Director or Secondary Education Director, as applicable.
- 15.5** The Elementary or Secondary Director shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative remedies unless the time for evaluation is extended by agreement of all parties.

16. CONSTRUCTION OF POLICY

Nothing in this policy is intended to:

- 16.1** Influence the form or content of any prayer or other religious activity;

- 16.2 Require any person, student, or employee to participate in any prayer or other religious activities;
 - 16.3 Compel any school employee to attend a meeting of a non-curricular student group if the content of the speech at the meeting is contrary to the beliefs of the employee;
 - 16.4 Sanction meetings that are otherwise unlawful; or
 - 16.5 Abridge the constitutional rights of any person.
-

EXHIBITS

None

REFERENCES

Utah Code Ann., §53A-13-101.

Utah Code Ann., §53A-13-101.3.

Utah Code Ann., §53A-13-302.

Utah Code Ann., §53A-11-1201, et seq.

FORMS

Curricular Club Application

Non-curricular Club Application

Curricular and Non-curricular Club Parent/Guardian Consent Form
