

STUDENT RIGHTS AND RESPONSIBILITIES**CURRICULAR AND NONCURRICULAR STUDENT GROUPS**

1. PURPOSE

The Board of Education of the Tintic School District has determined that the educational goals of the School District are furthered by recognizing curricular clubs and those noncurricular student groups which comply with this policy.

2. DEFINITIONS

The following definitions apply to this Policy:

A. *Bigotry* means action or advocacy of imminent action involving:

1. The harassment or denigration of a person or entity; or
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, 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.

B. *Club* means any student organization that meets during non-instructional time.

C. *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.

D. *Curricular club* means a club that is school sponsored and that may receive leadership, direction, and support from the school or District beyond providing a meeting place during non-instructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:

1. Whose subject matter is taught or will soon be taught in a regular course;
2. Whose subject matter concerns the body of courses as a whole;
3. In which participation is required for a particular course; or
4. In which participation results in academic credit.

E. *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 private time before athletic and other events or activities.

- F. *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.
- G. *Instructional time* means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity, 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 capacities during or outside of regular school hours.
- H. *Involve human sexuality* means:
1. Presenting information in violation of laws governing sex education, including Utah Code §§ 53G-10-402 and 53E-9-203;
 2. Advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
 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.
- I. *Limited open forum* means a forum created by the District for student expression within the constraints of Utah Code § 53G-10-203(2)(b).
- J. *Noncurricular club* is a student-initiated group that may be authorized and allowed school facilities use during non-instructional time in secondary schools by a school and school governing board in accordance with law. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by the Board, the District or District employees. A noncurricular club shall have a minimum of three members.
- K. *Non-instructional time* means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.
- L. *Religious club* means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
- M. *School facilities use* means access to a school facility, premises, or playing field. *School facilities use* includes access to a limited open forum.

Utah Code § 53G-7-701 (2019)

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

Schools within the District may establish and maintain a limited open forum for student clubs pursuant to law, State Board of Education rules, and District Policy. 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.

Utah Code § 53G-7-702(1) (2019)

4. DELEGATION OF AUTHORITY TO LOCAL SCHOOLS

The Board hereby authorizes local schools within the District to review applications for club authorization. A local school principal shall review applications for authorization of clubs on a case-by-case basis. Before granting an authorization, the school shall find that the proposed club meets the requirements of a curricular club or a noncurricular club, and that the proposed club's purpose and activities comply with this Policy. A school shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of this Policy, rules of the State Board of Education, and policies of the District and shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of this part, rules of the State Board of Education, and policies of the District.

Utah Code § 53G-7-702(2), (3) (2019)

5. FORMATION AND RENEWAL OF STUDENT CLUB

Each student group seeking to establish a club under this Policy must submit an application to form a club. In addition to filing an initial application to form the club, each club must submit to the principal or a designee an application annually.

6. CURRICULAR CLUB APPLICATION FOR AUTHORIZATION

Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the District. However, clubs whose membership is determined by student body election or clubs that are governed by an association that regulates interscholastic activities are exempted from these application requirements.

A. An application for authorization of a curricular club shall include:

1. The recommended club name, which must be consistent with the club's purposes and school sponsorship;
2. A statement of the club's purpose, goals, and activities;
3. A statement of the club's categorization, which shall be included in the parental consent required under Utah Code § 53G-7-709, indicating all of the following that may apply:
 - a. athletic;
 - b. business/economic;
 - c. agriculture;
 - d. art/music/performance;
 - e. science;

- f. gaming;
 - g. religious;
 - h. community service/social justice; and
 - i. other;
4. The recommended meeting times, dates, and places;
 5. A statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 6. A budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- B. If the school finds that the proposed club is a noncurricular club, the school may:
1. Return the application to the faculty member or students proposing the club for amendment; or
 2. Review the application as an application for authorization of a noncurricular club.

Utah Code § 53G-7-703 (2019)

7. NONCURRICULAR CLUB ANNUAL APPLICATION FOR AUTHORIZATION

Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the District.

A. An application for authorization of a noncurricular club shall include:

1. The recommended club name, which must reasonably reflect the club's purpose, goals, and activities;
2. A statement of the club's purpose, goals, and activities;
3. A statement of the club's categorization, which shall be included in the parental consent required under Utah Code § 53G-7-709, indicating all of the following that may apply:
 - a. athletic;
 - b. business/economic;
 - c. agriculture;
 - d. art/music/performance;
 - e. science;

- f. gaming;
 - g. religious;
 - h. community service/social justice; and
 - i. other;
4. The recommended meeting times, dates, and places;
 5. A statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 6. A budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

Utah Code § 53G-7-704 (2019)

8. NAME APPROVAL

A school may grant access to the club but condition such access on the change of the club name to ensure that the club name:

- A. Accurately reflects the actual nature, purpose and activities of the club;
- B. Does not improperly imply school sponsorship or affiliation; or
- C. 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 or rules.

Utah Code § 53G-7-704(5) (2019)

9. CLUBS' LIMITATIONS AND DENIALS

- A. A school shall limit or deny authorization or school facilities use to a club or require changes prior to granting authorization or school building use:
 1. As the school determines it to be necessary to
 - a. Protect the physical, emotional, psychological, or moral well-being of students and faculty;
 - b. Maintain order and discipline on school premises;
 - c. Prevent a material and substantial interference with the orderly conduct of a school's educational activities;
 - d. Protect the rights of parents and students;
 - e. Maintain the boundaries of socially appropriate behavior; or

- f. Ensure compliance with all applicable laws, rules, regulations, and policies; or
- 2. Whose proposed application and proposed activities indicate students or advisors in club related activities would as a substantial, material, or significant part of their conduct or means of expression:
 - a. Encourage criminal or delinquent conduct;
 - b. Promote bigotry;
 - c. Involve human sexuality; or
 - d. Involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.
- B. If a school or the District limits or denies authorization to a club, the school or the District shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.

Utah Code § 53G-7-705 (2019)

10. FACULTY OVERSIGHT OF AUTHORIZED CLUBS

- A. A school shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, noncurricular, 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:
 - 1. Unreasonably interfere with the ability of school officials to maintain order and discipline;
 - 2. Unreasonably endanger or threaten the well-being of persons or property;
 - 3. Violate concepts of civility or propriety appropriate to a school setting; or
 - 4. Violate applicable laws, rules, regulations, and policies.
- B. Sponsors.
 - 1. A school shall annually approve faculty members as sponsors of curricular clubs.
 - 2. Sponsors shall organize and direct the purpose and activities of a curricular club.
- C. Supervisors and monitors.
 - 1. A school shall approve faculty members to serve as supervisors and monitors for authorized noncurricular clubs.
 - 2. A supervisor and monitor shall provide oversight to ensure compliance with the approved club purposes, goals, and activities and with the provisions of this part and other applicable laws, rules, and policies.

3. A monitor approved for a religious club may not participate in the activities of the religious club, except to perform the supervisory role required by this Policy.
 4. The approval of a faculty supervisor or monitor does not constitute school sponsorship of the club.
- D. Without the prior approval by the school, a person who is not a school faculty member or a club member may not:
1. Make a presentation to a noncurricular club; or
 2. Direct, conduct, control, or regularly attend the meetings of a noncurricular club.

Utah Code § 53G-7-706 (2018)

11. USE OF SCHOOL FACILITIES BY CLUBS

A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.

A. The following rules apply to curricular clubs:

1. In assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and
2. The school may provide financial or other support to curricular clubs.

B. The following rules apply to noncurricular clubs:

1. A preference or priority may not be given among noncurricular clubs;
2. A school shall only provide the space for noncurricular club meetings;
3. A school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this Policy, including providing space and faculty oversight for noncurricular clubs;
4. A school shall establish the non-instructional times during which noncurricular clubs may meet;
5. A school may establish the places that noncurricular clubs may meet;
6. A school may set the number of hours noncurricular clubs may use the school's facilities per month, provided that all noncurricular clubs shall be treated equally; and
7. A school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Utah Code § 53G-7-707 (2019)

12. CLUB MEMBERSHIP

A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.

A. Membership in curricular clubs is governed by the following rules:

1. Membership may be limited to students who are currently attending the sponsoring school or another District school; and members who attend a school other than the sponsoring school shall have, in addition to the consent required under Utah Code § 53G-7-709, specific parental permission for membership in a curricular club at another school;
2. Curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and try-outs may not require activities that violate the provisions of this Policy and other applicable laws, rules, and policies;
3. Other rules as determined by the State Board of Education, the District, or the school.

B. Membership in noncurricular clubs is governed by the following rules:

1. Student membership in a noncurricular club is voluntary;
2. Membership shall be limited to students who are currently attending the sponsoring school;
3. Noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and try-outs may not require activities that violate the provisions of this Policy and other applicable laws, rules, and policies; and
4. Other rules as determined by the State Board of Education, the District, or the school.

Utah Code § 53G-7-708 (2019)

13. MATERIALS PRESENTED AT NONCURRICULAR CLUB MEETINGS

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

Utah Code § 53G-7-708 (2019)

14. PARENTAL OR GUARDIAN CONSENT

A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.

A. The consent shall include an activity disclosure statement containing the following information:

1. The specific name of the club;
2. A statement of the club's purpose, goals, and activities;

3. A statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Utah Code §§ 53G-7-703 or 53G-7-704, indicating all of the following that may apply:
 - a. Athletic;
 - b. Business/economic;
 - c. Agriculture;
 - d. Art/music/performance;
 - e. Science;
 - f. Gaming
 - g. Religious;
 - h. Community service/social justice; and
 - i. Other;
 4. Beginning and ending dates;
 5. A tentative schedule of the club activities with dates, times, and places specified;
 6. Personal costs associated with the club, if any;
 7. The name of the sponsor, supervisor, or monitor who is responsible for the club; and
 8. Any additional information considered important for the students and parents to know.
- B. All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal or designee.

Utah Code § 53G-7-709 (2019)

15. VIOLATIONS – INVESTIGATIONS –SCHOOL RESPONSES

- A. A school shall investigate any written complaint that an authorized curricular or noncurricular club is:
 1. Participating in activities beyond the scope of its purpose; or
 2. In violation of a provision of this part or another applicable law, rule, regulation, or policy.

- B. 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 may do any of the following:
 - 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 policies;
 - 2. Instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;
 - 3. Limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school; or
 - 4. Terminate the club's authorization and dissolve the club.
- C. Any limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this Policy.
- D. A club that has been terminated may not reapply for authorization until the following school year.
- E. A student who makes a false allegation or report under this section shall be subject to school discipline.

Utah Code § 53G-7-710 (2018)

16. APPEALS

- A. Each completed application or written complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.
- B. If an application or complaint is denied, 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.
- C. Each club that is denied school facilities 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.
- D. If denied, suspended, or terminated, a club, student desirous of participating or speaking, or a complaining parent, has ten school days from the date of the denial, suspension, or termination to file a written appeal from the denial, suspension, or termination to the Board of Education or its designee.
- E. The Board of Education or its designee 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.

- F. A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to the Board of Education or its designee.

Utah Code § 53G-7-711 (2019)

17. CONSTRUCTION OF POLICY WITH RESPECT TO CERTAIN RIGHTS

Nothing in this Policy is intended to:

- A. Influence the form or content of any prayer or other religious activity;
 - B. Require any person, student, or employee to participate in any prayer or other religious activities;
 - C. Compel any school employee to attend a meeting of a noncurricular student group if the content of the speech at the meeting is contrary to the beliefs of the employee;
 - D. Sanction meetings that are otherwise unlawful; or
 - E. Abridge the constitutional rights of any person.
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