Policy

**LIMITED OPEN FORUM**

*Code* **JJAB** *Issued* **DRAFT/19**

In accordance with the federal Equal Access Act, the district will provide a limited open forum and allow non-school-sponsored student groups to meet for religious, political, or philosophical purposes on school premises during non-instructional time.

The district will not deny equal access to or discriminate against those students conducting meetings that may contain religious, political, or philosophical speech or ideas with which the district disagrees. However, these meetings must not be otherwise unlawful or materially or substantially interfere with the orderly conduct of educational activities within the school.

The principal will establish the time for such meetings either before or after school or during the lunch hour in order to ensure equal access to student groups wishing to meet.

The principal may approve student groups’ use of facilities to conduct a limited open forum meeting provided that the following criteria are met:

* The meeting will take place at a time the principal designates.
* The meeting is voluntary and student-initiated. The principal must be assured that students are the ones promoting such activities and that they are participating of their own volition. Only students enrolled in the school may request the meetings.
* Neither district authorities nor school staff members may promote, lead, or participate in such meetings. Principals may assign staff members to supervise these meetings. This action does not constitute sponsorship by the district of such meetings. School staff members may, however, hold meetings that are held as part of a curriculum-related or other school-sponsored activity in accordance with policy JA/JJA, *Student Activities and Organizations*.
* The meeting does not in any way interfere with the regular instructional activities of the school. The school may deny facilities to students on the basis that such activities or meetings interfere with the instructional program.
* Student meetings are not controlled, conducted, or directed by persons or groups not affiliated with the school. The principal must approve visitors to the school for such meetings prior to the meeting.
* The meeting must be open to all students without regard to race, religion, sex, color, disability, national origin, immigrant status, English-speaking status, or any other applicable status protected by local, state, or federal law. The school may not in any way limit the meetings to a particular number of students.

Nothing in this policy will be construed to limit the authority of the school or its agents or staff members to maintain order and discipline on school premises, to protect the well-being of students and staff members, and/or to ensure that attendance of students at such meetings is voluntary.

This limited open forum policy does not apply to elementary school students. Any student organizations meeting at the elementary level will be subject to principal approval.

**Discrimination Complaints**

The district will use the grievance procedures set forth in policy to process complaints based on alleged violations of this policy.

The following person has been designated to handle inquiries, questions, and grievances regarding the district’s nondiscrimination policy:

[Job Title Only]

Address:

Telephone:

Email:

In the event that the [Job Title] is unavailable or is the subject of a grievance that would otherwise be made to the [Job Title], reports should instead be directed to:

[Job Title Only]

Address:

Telephone:

Email:

Cf. JIJ, JIAA, JIAB

Adopted ^

Legal References:

A. United States Code of Laws, as amended:

1. Boy Scouts of America Equal Access Act, 20 U.S.C.A. Section 7905.
2. Equal Access Act of 1984, 20 U.S.C.A. 4071.
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq*.
4. Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12132.
5. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et seq*.
6. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq*.
7. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq*.

B. S.C. Code of Laws, 1976, as amended:

1. Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.
2. Section 59-63-40 - Discrimination on account of race, creed, color, or national origin prohibited.
3. Section 59-63-270 - Regulation or prohibition of clubs and similar activities on school property.