

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 13, 2008

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5320, STUDENTS: ACTIVITIES, ORGANIZATIONS**

ORIGINATOR: Dr. Sonia Diaz, Chief Academic Officer

RESOURCE PERSON(S): Dale R. Rauenzahn, Executive Director, Student Support Services

RECOMMENDATION

That the Board of Education considers the proposed changes to Policy 5320. This is the first reading of this policy.

Attachment I – Policy Analysis
Attachment II – Policy 5320

BOARD OF EDUCATION OF BALTIMORE COUNTY

Policy Analysis for Proposed Revisions of Policy: **5320**

STUDENTS: Activities

Organizations

Statement of Issues Addressed By the Revised Policy

The Department of Student Support Services is in the process of reviewing policies in the 5000 series. The department is recommending that substantive revisions be made to Policy 5320 Students: Activities, Organizations, to conform to the Equal Access Act.

Cost Analysis and Fiscal Impact on School System

No fiscal impact.

Relationship to Other Board Policies

Policy 5600 Students: Student's Rights and Responsibilities

Legal Requirement

20 U.S.C. §4071 (Equal Access Act) and COMAR 13A.08.01.09

Similar Policies Adopted by Other School Systems

Howard County Public Schools - Policy 9020, Student's Rights and Responsibilities

Montgomery County Public Schools Policy JFA-RA- Student's Rights and Responsibilities

Anne Arundel County – Policy 902.12, Student Organizations

Draft of Proposed Policy (see attached)

Policy 5230, STUDENTS: Activities, Organizations

Other Alternatives Considered by Staff

Staff did not consider other alternatives.

STUDENTS: Activities

Organizations

- I. The Board of Education of BALTIMORE COUNTY (BOARD) endorses establishing clubs and other approved school organizations for the purpose of reaching the interests of as many students as possible.

Student clubs or organizations which are approved by the administration of the school and which are sponsored and supervised by faculty members are encouraged by the Board [of Education] provided that the membership of the organization is open to the free choice of any students who qualify to fill the aims of the organization.

[Organizations as defined below shall be prohibited from conducting activities in public school buildings or on public school grounds:

1. Any secret, exclusive, self-perpetuating social organization, composed in whole or part of public school students.
 2. Any organization which seeks to organize or perpetuate itself by taking in members from the student population of public schools on the basis of member decisions rather than free choice of the students who are qualified to fill the special aims of the organization.
 3. Any organization of youths under the age of twenty-one (21) which lacks sponsorship and direct supervision by a recognized and established adult community organization.
 4. Any non-school-sponsored student-initiated clubs or organizations directed, conducted, or controlled by others or whose activities materially and substantially interfere with the orderly conduct of the educational activities of the school.]
- II. THE EQUAL ACCESS ACT (20 U.S.C. §4071) REQUIRES THAT THE BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) GRANT EQUAL ACCESS TO STUDENT GROUPS WHO WISH TO MEET FOR RELIGIOUS, POLITICAL, OR PHILOSOPHICAL PURPOSES, IF THE SCHOOL ALLOWS OTHER TYPES OF NON-CURRICULUM RELATED STUDENT GROUPS TO MEET.

- A. EACH SCHOOL PRINCIPAL WILL SELECT THE LIMITED OPEN FORUM TIME TO ENSURE EQUAL ACCESS TO STUDENT GROUPS WISHING TO MEET. A “LIMITED OPEN FORUM” IS DEFINED AS THE LUNCH PERIOD OR NON-INSTRUCTIONAL TIME AS DETERMINED BY THE PRINCIPAL.

- B. THE PRINCIPAL MAY APPROVE STUDENT GROUPS’ USE OF FACILITIES TO CONDUCT A MEETING DURING THE “LIMITED OPEN FORUM” PROVIDED THAT:
 - 1. THE MEETING WILL TAKE PLACE DURING THE “LIMITED OPEN FORUM.”

 - 2. THE MEETING IS VOLUNTARY AND STUDENT INITIATED. THE PRINCIPAL MUST BE ASSURED THAT STUDENTS ARE THE ONES PROMOTING THE ACTIVITIES AND THAT THEY ARE PARTICIPATING OF THEIR OWN VOLITION. ONLY STUDENTS ENROLLED IN THE SCHOOL MAY REQUEST THE MEETING.

 - 3. SCHOOL AUTHORITIES OR SCHOOL SYSTEM EMPLOYEES DO NOT PROMOTE, LEAD, OR PARTICIPATE IN THE MEETINGS. PRINCIPALS MAY ASSIGN PERSONNEL TO SUPERVISE THE MEETINGS. THIS ACTION DOES NOT CONSTITUTE SPONSORSHIP BY THE SYSTEM.

 - 4. THE PRESENCE OF SCHOOL AUTHORITIES OR SCHOOL SYSTEM EMPLOYEES OR PERSONNEL AT ANY STUDENT RELIGIOUS MEETING IS NON-PARTICIPATORY IN NATURE AND DOES NOT CONSTITUTE SPONSORSHIP. THE PRESENCE OF SCHOOL AUTHORITIES IS FOR THE PURPOSE OF OBSERVATION ONLY.

 - 5. THE MEETING DOES NOT IN ANY WAY INTERFERE WITH THE CONDUCT OF REGULAR INSTRUCTIONAL ACTIVITIES OF THE SCHOOLS. SINCE THE EDUCATION OF THE STUDENTS IS THE PRIMARY RESPONSIBILITY OF THE SCHOOL, ANY OTHER ACTIVITIES ARE SECONDARY. THE SCHOOL MAY DENY FACILITIES TO STUDENTS ON THE BASIS THAT THE ACTIVITY OR MEETING INTERFERES WITH THE INSTRUCTIONAL PROGRAM.

 - 6. A STUDENT MEETING IS NOT CONTROLLED, CONDUCTED,

OR DIRECTED BY PERSONS OR GROUPS NOT AFFILIATED WITH THE SCHOOLS. VISITORS TO THE MEETING MUST BE APPROVED BY THE PRINCIPAL. CLEARANCE FOR THE ATTENDANCE MUST BE OBTAINED PRIOR TO THE MEETING. VISITORS MAY NOT ATTEND STUDENT MEETINGS ON A REGULAR BASIS.

7. THE MEETING IS OPEN TO ALL STUDENTS WITHOUT REGARD TO RACE, GENDER, RELIGION, OR NATIONAL ORIGIN.

Legal ReferenceS: 20 U.S.C. [Section] § 4071 (Equal Access Act)
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE
§7-108
COMAR 13A.08.01.09 [Student Organizations]

Policy
Adopted: 11/21/68
Revised: 11/20/69
Revised: 7/12/84
Revised: 5/28/97
REVISED: _____

Board of Education of Baltimore County