

Policy

LIMITED OPEN/CLOSED FORUM

Code JHD Issued 3/16/22

Limited open forum is providing the opportunity for one or more non-curriculum related student groups to meet on school premises during non-instructional time.

The District has the option of not providing a limited public forum.

The Equal Access Act requires that public secondary schools grant equal access to student groups who wish to meet for religious, political, or philosophical purposes if the district allows other types of non-curriculum related student groups to meet. The District will provide a limited open forum for secondary student non-curriculum related groups to meet on school premises.

Secondary schools may 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. 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 meeting during the open forum provided that the following conditions are met:

- The meeting will take place during the open forum 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 employees may promote, lead, or participate in such meetings. Principals may assign personnel to supervise these meetings. This action does not constitute sponsorship by the District of such meetings. School employees may, however, hold meetings that are held as part of a curriculum related or other school sponsored activity such as a school play or an athletic activity.
- The meeting does not in any way interfere with the conduct of the regular instructional activities of the school. Since the education of the student is the prime responsibility of the schools, any other activities are secondary. 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, gender, sexual orientation, religion, immigrant status, English-speaking status, or national origin. The

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school may not in any way limit the meetings to a particular number of students.

This limited open forum policy does not apply to elementary school children

Adopted 3/15/22

Legal References:

A. Federal Law:

1. The Equal Access Act of 1984, 20 U.S.C.A. 4071 - Providing for equal access by students to limited open forums (extracurricular activities).
2. Title IV of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000c-6 - Prohibits discrimination on the basis of race, color or national origin, among other factors, by public elementary and secondary schools.
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d - Prohibits discrimination by recipients of federal financial assistance on the basis of race, color or national origin.
4. Title IX of the Educational Amendments of 1972, 20 U.S.C. Section 1681, *et seq.* - Prohibits sex discrimination by federal education grantees.

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

1. Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.
2. Section 59-63-270 - Regulation or prohibition of clubs or like activities.