

Senator Scott D. McCoy proposes the following substitute bill:

STUDENT CLUBS AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Tilton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State System of Public Education Code's regulation of curricular and noncurricular clubs.

Highlighted Provisions:

This bill:

- ▶ provides requirements for a club's name and a statement of its purpose, goals, and activities;
- ▶ modifies club access limitation provisions;
- ▶ prohibits a club from conducting activities or holding discussions that are outside the scope of the club's stated purpose, goals, and activities;
- ▶ requires parental consent for club participation; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 53A-3-419, as enacted by Chapter 10, Laws of Utah 1996, Second Special Session
27 53A-13-101.2, as last amended by Chapter 10, Laws of Utah 1996, Second Special
28 Session



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section 53A-3-419 is amended to read:

32 **53A-3-419. Limitations regarding access for student clubs and organizations.**

33 (1) A ~~[local]~~ public school ~~[board may]~~ shall limit or deny access to any student
34 organization or club as ~~[it]~~ the school determines it to be necessary to:

35 (a) protect the physical, emotional, psychological, or moral well being of students and
36 faculty;

37 (b) maintain order and discipline on school premises; ~~[or]~~

38 (c) prevent a material and substantial interference with the orderly conduct of a
39 school’s educational activities~~[-];~~

40 (d) protect the rights of parents or guardians and students; or

41 (e) ensure compliance with all applicable laws, rules, regulations, and policies.

42 (2) (a) The Legislature finds that certain activities, programs, and conduct are so
43 detrimental to the physical, emotional, psychological, and moral well being of students and
44 faculty, the maintenance of order and discipline on school premises, and the prevention of any
45 material and substantial interference with the orderly conduct of a school’s educational
46 activities, that ~~[local school boards]~~ public schools shall deny access to any student
47 organization or club whose ~~[program or activities would materially and substantially:]~~
48 proposed charter and proposed activities indicate students or advisors in club related activities
49 would as a substantial, material, or significant part of their conduct or means of expression:

50 (i) encourage criminal or delinquent conduct;

51 (ii) promote bigotry; ~~[or]~~

52 (iii) involve human sexuality~~[-];~~ or

53 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or
54 psychological services for which a license would be required under state law.

55 (b) Local school boards or charter school governing boards have authority to determine
56 whether any student club or organization meets the criteria of Subsection (2).

57 (3) Curricular and noncurricular clubs in public schools shall, prior to approval:

58 (a) select a club name that:

59 (i) reasonably reflects the nature, purposes, and activities of the club; and

60 (ii) would not result in undue disruption of school operations, subject students to

61 harassment or persecution, imply that the club would operate in violation of this section or

62 other law or rule, or imply inappropriate association with outside organizations or groups; and

63 (b) provide a statement of the club's purpose, goals, and activities to the school.

64 (4) Curricular and noncurricular clubs may not conduct activities or hold discussions

65 that are outside the scope of the club's stated purpose, goals, and activities.

66 (5) A student's spontaneous expression of sentiments or opinions otherwise identified

67 in Subsection 53A-13-302(1) is not prohibited.

68 [~~3~~] (6) The State Board of Education [~~and~~], local school boards, and charter school

69 governing boards may adopt rules in accordance with the provisions of this section.

70 [~~4~~] (7) If any one or more provision, Subsection, sentence, clause, phrase, or word of

71 this section, or the application thereof to any person or circumstance, is found to be

72 unconstitutional, the balance of this section shall be given effect without the invalid provision,

73 Subsection, sentence, clause, phrase, or word.

74 Section 2. Section **53A-13-101.2** is amended to read:

75 **53A-13-101.2. Waivers of participation -- Parental permission for student clubs.**

76 (1) If a parent with legal custody or other legal guardian of a student, or a secondary

77 student, determines that the student's participation in a portion of the curriculum or in an

78 activity would require the student to affirm or deny a religious belief or right of conscience, or

79 engage or refrain from engaging in a practice forbidden or required in the exercise of a

80 religious right or right of conscience, the parent, guardian, or student may request:

81 (a) a waiver of the requirement to participate; or

82 (b) a reasonable alternative that requires reasonably equivalent performance by the

83 student of the secular objectives of the curriculum or activity in question.

84 (2) The school shall promptly notify a student's parent or guardian if the student makes

85 a request under Subsection (1).

86 (3) If a request is made under Subsection (1), the school shall:

87 (a) waive the participation requirement;

88 (b) provide a reasonable alternative to the requirement; or
89 (c) notify the requesting party that participation is required.
90 (4) The school shall ensure that the provisions of Subsection 53A-13-101.3(3) are met
91 in connection with any required participation under Subsection (3)(c).
92 (5) A student's academic or citizenship performance may not be penalized by school
93 officials for the exercise of a religious right or right of conscience in accordance with the
94 provisions of this section.
95 (6) (a) As a condition for participation in a student club or organization that meets on
96 school premises, regardless of the organization's relationship to school curriculum, a [~~local~~
97 school district ~~[may]~~ or charter school shall require every student to obtain written permission
98 to participate in the student club or organization from either a parent with legal custody or
99 other legal guardian.
100 [~~(b) If a local school district requires written permission under Subsection (a), that~~
101 ~~school district shall require written permission for:~~
102 [~~(i) every club or organization that meets on school premises in that school district;~~
103 ~~and]~~
104 [~~(ii) every student participating in a club or organization described in Subsection (i).]~~
105 [~~(c)~~] (b) The [~~local~~] school district or charter school shall supply the permission form,
106 and all completed forms shall be filed with the school's principal, the chief administrative
107 officer of a charter school, or [~~the principal's~~] their designee.