

53A-11-1206 Clubs -- Limitations and denials.

- (1) A school shall limit or deny authorization or school facilities use to a club, or require changes prior to granting authorization or school facilities use:
 - (a) as the school determines it to be necessary to:
 - (i) protect the physical, emotional, psychological, or moral well-being of students and faculty;
 - (ii) maintain order and discipline on school premises;
 - (iii) prevent a material and substantial interference with the orderly conduct of a school's educational activities;
 - (iv) protect the rights of parents or guardians and students;
 - (v) maintain the boundaries of socially appropriate behavior; or
 - (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or
 - (b) if a club's proposed charter 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:
 - (i) encourage criminal or delinquent conduct;
 - (ii) promote bigotry;
 - (iii) involve human sexuality; or
 - (iv) 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.
- (2) A school governing board has the authority to determine whether any club meets the criteria of Subsection (1).
- (3) If a school or school governing board limits or denies authorization to a club, the school or school governing board shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.
- (4) A student's spontaneous expression of sentiments or opinions otherwise identified in Subsection 53A-13-302(1) is not prohibited.

Amended by Chapter 403, 2011 General Session