

Effective 1/24/2018

**Part 7
Student Clubs**

53G-7-701 Definitions.

As used in this part:

- (1) "Bigotry" means action or advocacy of imminent action involving:
 - (a) the harassment or denigration of a person or entity; or
 - (b) any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in this section, Section 53G-10-203, or 20 U.S.C. Sec. 4071(f).
- (2) "Club" means any student organization that meets during noninstructional time.
- (3) "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.
- (4) "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:
 - (a) whose subject matter is taught or will soon be taught in a regular course;
 - (b) whose subject matter concerns the body of courses as a whole;
 - (c) in which participation is required for a particular course; or
 - (d) in which participation results in academic credit.
- (5)
 - (a) "Discretionary time" means school-related time for students that is not instructional time.
 - (b) "Discretionary time" includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.
- (6)
 - (a) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule.
 - (b) "Encourage criminal or delinquent conduct" does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.
- (7)
 - (a) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity.
 - (b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.
- (8) "Involve human sexuality" means:
 - (a) presenting information in violation of laws governing sex education, including Sections 53G-10-402 and 53E-9-203;

- (b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
 - (c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.
- (9) "LEA governing board" means a local school board or charter school governing board.
- (10) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection 53G-10-203(2)(b).
- (11) "Noncurricular club" is a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and LEA governing board in accordance with the provisions of this part. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by an LEA governing board, the school, or by school or school district employees.
- (12) "Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.
- (13) "Religious club" means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
- (14) "School" means a public school, including a charter school.
- (15)
- (a) "School facilities use" means access to a school facility, premises, or playing field.
 - (b) "School facilities use" includes access to a limited open forum.

Amended by Chapter 293, 2019 General Session

53G-7-702 Student clubs -- Limited open forum -- Authorization.

- (1)
- (a) A school may establish and maintain a limited open forum for student clubs pursuant to the provisions of this part, state board rules, and LEA governing board policies.
 - (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to create a closed forum at any time by allowing curricular clubs only.
- (2)
- (a) A school shall review applications for authorization of clubs on a case-by-case basis.
 - (b) Before granting an authorization, the school shall find:
 - (i) that the proposed club meets this part's respective requirements of a curricular club or a noncurricular club; and
 - (ii) that the proposed club's purpose and activities comply with this part.
 - (c) Before granting an authorization, a school may request additional information from the faculty sponsor, from students proposing the club, or from its LEA governing board, if desired.
- (3) A school shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of this part, rules of the state board, and policies of the LEA governing board and shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of this part, rules of the state board, and policies of the LEA governing board.

Amended by Chapter 293, 2019 General Session

53G-7-703 Curricular clubs -- Authorization.

- (1) Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the LEA governing board.
- (2) An LEA governing board may exempt a club whose membership is determined by student body election or a club that is governed by an association that regulates interscholastic activities from the authorization requirements under this section.
- (3) An application for authorization of a curricular club shall include:
 - (a) the recommended club name;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
 - (d) the recommended meeting times, dates, and places;
 - (e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 - (f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- (4) The application may be as brief as a single page so long as it contains the items required under this section.
- (5) A school shall approve the name of a curricular club consistent with the club's purposes and its school sponsorship.
- (6)
 - (a) A school shall determine curriculum relatedness by strictly applying this part's definition of curricular club to the club application.
 - (b) If the school finds that the proposed club is a curricular club, the school shall continue to review the application as an application for authorization of a curricular club.
 - (c) If the school finds that the proposed club is a noncurricular club, the school may:
 - (i) return the application to the faculty member or students proposing the club for amendment;
or
 - (ii) review the application as an application for authorization of a noncurricular club.
- (7)
 - (a) Only curricular clubs may be authorized for elementary schools.
 - (b) A school governing body may limit, or permit a secondary school to limit, the authorization of clubs at the secondary school to only curricular clubs.

Amended by Chapter 293, 2019 General Session

53G-7-704 Noncurricular clubs -- Annual authorization.

- (1) A noncurricular club shall have a minimum of three members.
- (2) Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the LEA governing board.

- (3) An application for authorization of a noncurricular club shall include:
 - (a) the recommended club name;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
 - (d) the recommended meeting times, dates, and places;
 - (e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 - (f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- (4) The application may be as brief as a single page so long as it contains the items required under this section.
- (5)
 - (a) An LEA governing board may provide for approval of a noncurricular club name in an action separate from that relating to authorization of the club itself.
 - (b) An LEA governing board shall require:
 - (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and activities; and
 - (ii) that the noncurricular club name shall be a name that would not result in or imply a violation of this part.

Amended by Chapter 293, 2019 General Session

53G-7-705 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 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) An LEA governing board has the authority to determine whether any club meets the criteria of Subsection (1).
- (3) If a school or LEA governing board limits or denies authorization to a club, the school or LEA 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 53E-9-203(1) is not prohibited.

Amended by Chapter 293, 2019 General Session

53G-7-706 Faculty oversight of authorized clubs.

- (1) A school shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, noncurricular, and religious club to provide oversight consistent with this part and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:
- (a) unreasonably interfere with the ability of school officials to maintain order and discipline;
 - (b) unreasonably endanger or threaten the well-being of persons or property;
 - (c) violate concepts of civility or propriety appropriate to a school setting; or
 - (d) violate applicable laws, rules, regulations, and policies.
- (2)
- (a) A school shall annually approve faculty members as sponsors of curricular clubs.
 - (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular club.
- (3)
- (a) A school shall approve faculty members to serve as supervisors for authorized noncurricular clubs.
 - (b) A faculty supervisor shall provide oversight to ensure compliance with the approved club purposes, goals, and activities and with the provisions of this part and other applicable laws, rules, and policies.
 - (c) The approval of a faculty supervisor or monitor does not constitute school sponsorship of the club.
 - (d) A faculty monitor approved for a religious club may not participate in the activities of the religious club, except to perform the supervisory role required by this section.
- (4) Without the prior approval by the school, a person who is not a school faculty member or a club member may not:
- (a) make a presentation to a noncurricular club; or
 - (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-707 Use of school facilities by clubs.

- (1) A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.
- (2) The following provisions apply to curricular clubs:
- (a) in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and

- (b) the school may provide financial or other support to curricular clubs.
- (3) The following provisions apply to noncurricular clubs:
 - (a) a preference or priority may not be given among noncurricular clubs;
 - (b)
 - (i) a school shall only provide the space for noncurricular club meetings; and
 - (ii) a school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this part, including providing space and faculty oversight for noncurricular clubs;
 - (c) a school shall establish the noninstructional times during which noncurricular clubs may meet;
 - (d) a school may establish the places that noncurricular clubs may meet;
 - (e) a school may set the number of hours noncurricular clubs may use the school's facilities per month, provided that all noncurricular clubs shall be treated equally; and
 - (f) a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Amended by Chapter 293, 2019 General Session

53G-7-708 Club membership.

- (1) A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.
- (2) Membership in curricular clubs is governed by the following:
 - (a)
 - (i) membership may be limited to students who are currently attending the sponsoring school or school district; and
 - (ii) members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section 53G-7-709, specific parental permission for membership in a curricular club at another school;
 - (b)
 - (i) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
 - (ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies; and
 - (c) other rules or policies as determined by the state board, school district, or school.
- (3) Membership in noncurricular clubs is governed by the following:
 - (a) student membership in a noncurricular club is voluntary;
 - (b) membership shall be limited to students who are currently attending the school;
 - (c)
 - (i) noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
 - (ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies;
 - (d) a copy of any written or other media materials that were presented at a noncurricular club meeting by a nonschool person shall be delivered to a school administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent shall have an opportunity to review those materials; and
 - (e) other rules or policies as determined by the state board, school district, or school.

Amended by Chapter 293, 2019 General Session

53G-7-709 Parental consent.

- (1) A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.
- (2) The consent described in Subsection (1) shall include an activity disclosure statement containing the following information:
 - (a) the specific name of the club;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Section 53G-7-703 or 53G-7-704, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
 - (d) beginning and ending dates;
 - (e) a tentative schedule of the club activities with dates, times, and places specified;
 - (f) personal costs associated with the club, if any;
 - (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
 - (h) any additional information considered important for the students and parents to know.
- (3) All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a charter school, or their designee.

Amended by Chapter 293, 2019 General Session

53G-7-710 Violations -- Investigations -- School responses.

- (1) A school shall investigate any report or allegation that an authorized curricular or noncurricular club is:
 - (a) participating in activities beyond the scope of its purpose; or
 - (b) in violation of a provision of this part or another applicable law, rule, regulation, or policy.
- (2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the report or allegation, if a violation is substantiated, the school may do any of the following:
 - (a) allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of this part and other applicable laws, rules, regulations, or policies;
 - (b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;
 - (c) limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school; or
 - (d) terminate the club's authorization and dissolve the club.

- (3) Any limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this part.
- (4) A club that has been terminated in accordance with Subsection (2)(d) may not reapply for authorization until the following school year.
- (5) A student who makes a false allegation or report under this section shall be subject to school discipline.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-711 Appeals -- Procedures.

- (1)
 - (a) A completed application or complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.
 - (b) If an application or complaint is denied, written reasons for the denial or results of the investigation shall be stated and, if appropriate, suggested corrections shall be made to remedy the deficiency.
 - (c) A club that is denied school facilities use shall be informed at the time of the denial of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial could be corrected.
- (2)
 - (a) If denied, suspended, or terminated, a club, student desirous of participating or speaking, or a complaining parent, has 10 school days from the date of the denial, suspension, or termination to file a written appeal from the denial, suspension, or termination to a designee authorized by the LEA governing board.
 - (b) The designee shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative remedies unless the time for evaluation is extended by agreement of all parties.
- (3) A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to a person designated by the LEA governing board.

Amended by Chapter 293, 2019 General Session

53G-7-712 Rulemaking -- State board -- LEA governing boards.

The state board may adopt additional rules and LEA governing boards may adopt additional policies governing clubs that do not conflict with the provisions of this part.

Amended by Chapter 293, 2019 General Session

53G-7-713 Severability.

If any provision of this part or the application of any provision to any person or circumstance, is held invalid, the remainder of this part shall be given effect without the invalid provision or application.

Renumbered and Amended by Chapter 3, 2018 General Session