

Senator Scott D. McCoy proposes the following substitute bill:

STUDENT CLUBS AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Tilton

Senate Sponsor: D. Chris Buttars

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;
- ▶ 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:

53A-3-419, as enacted by Chapter 10, Laws of Utah 1996, Second Special Session



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



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

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

31 **53A-3-419. Limitations regarding access for student clubs and organizations.**

32 (1) A local school board may limit or deny access to any student organization or club
33 as it determines to be necessary to:

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

36 (b) maintain order and discipline on school premises; or

37 (c) prevent a material and substantial interference with the orderly conduct of a
38 school's educational activities.

39 (2) (a) The Legislature finds that certain activities, programs, and conduct are so
40 detrimental to the physical, emotional, psychological, and moral well being of students and
41 faculty, the maintenance of order and discipline on school premises, and the prevention of any
42 material and substantial interference with the orderly conduct of a school's educational
43 activities, that local school boards shall deny access to any student organization or club whose
44 program or activities would materially and substantially:

45 (i) encourage criminal or delinquent conduct;

46 (ii) promote bigotry; or

47 (iii) involve human sexuality.

48 (b) Local school boards have authority to determine whether any student club or
49 organization meets the criteria of Subsection (2).

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

51 (a) select a club name that:

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

53 (ii) would not result in undue disruption of school operations, subject students to
54 harassment or persecution, imply that the club would operate in violation of this section or
55 other law or rule, or imply inappropriate association with outside organizations or groups; and

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

57 (4) Curricular and noncurricular clubs may not conduct activities or hold discussions
58 that are outside the scope of the club's stated purpose, goals, and activities.

59 [~~3~~] (5) The State Board of Education and local school boards may adopt rules in
60 accordance with the provisions of this section.

61 [~~4~~] (6) If any one or more provision, Subsection, sentence, clause, phrase, or word of
62 this section, or the application thereof to any person or circumstance, is found to be
63 unconstitutional, the balance of this section shall be given effect without the invalid provision,
64 Subsection, sentence, clause, phrase, or word.

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

66 **53A-13-101.2. Waivers of participation -- Parental permission for student clubs.**

67 (1) If a parent with legal custody or other legal guardian of a student, or a secondary
68 student, determines that the student's participation in a portion of the curriculum or in an
69 activity would require the student to affirm or deny a religious belief or right of conscience, or
70 engage or refrain from engaging in a practice forbidden or required in the exercise of a
71 religious right or right of conscience, the parent, guardian, or student may request:

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

73 (b) a reasonable alternative that requires reasonably equivalent performance by the
74 student of the secular objectives of the curriculum or activity in question.

75 (2) The school shall promptly notify a student's parent or guardian if the student makes
76 a request under Subsection (1).

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

78 (a) waive the participation requirement;

79 (b) provide a reasonable alternative to the requirement; or

80 (c) notify the requesting party that participation is required.

81 (4) The school shall ensure that the provisions of Subsection 53A-13-101.3(3) are met
82 in connection with any required participation under Subsection (3)(c).

83 (5) A student's academic or citizenship performance may not be penalized by school
84 officials for the exercise of a religious right or right of conscience in accordance with the
85 provisions of this section.

86 (6) (a) As a condition for participation in a student club or organization that meets on
87 school premises, regardless of the organization's relationship to school curriculum, a [~~local~~]

88 school district ~~[may]~~ or charter school shall require every student to obtain written permission
89 to participate in the student club or organization from either a parent with legal custody or
90 other legal guardian.

91 ~~[(b) If a local school district requires written permission under Subsection (a), that~~
92 ~~school district shall require written permission for:]~~

93 ~~[(i) every club or organization that meets on school premises in that school district;~~
94 ~~and]~~

95 ~~[(ii) every student participating in a club or organization described in Subsection (i).]~~

96 ~~[(c)]~~ (b) The ~~[local]~~ school district or charter school shall supply the permission form,
97 and all completed forms shall be filed with the school's principal, the chief administrative
98 officer of a charter school, or ~~[the principal's]~~ their designee.