

CLUBS IN PUBLIC SCHOOLS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Student Clubs Act regarding access to school facilities use by noncurricular clubs.

Highlighted Provisions:

This bill:

- ▶ prohibits schools from charging a noncurricular club for school facilities use;
- ▶ addresses appeals; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-1208, as last amended by Laws of Utah 2011, Chapter 403

53A-11-1212, as last amended by Laws of Utah 2011, Chapter 403

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

Section 1. Section **53A-11-1208** is amended to read:

53A-11-1208. Use of school facilities by clubs.



- 28 (1) A school shall determine and assign school facilities use for curricular and
29 noncurricular clubs consistent with the needs of the school.
- 30 (2) The following rules apply to curricular clubs:
- 31 (a) in assigning school facilities use, the administrator may give priority to curricular
32 clubs over noncurricular clubs; and
- 33 (b) the school may provide financial or other support to curricular clubs.
- 34 (3) The following rules apply to noncurricular clubs:
- 35 (a) a preference or priority may not be given among noncurricular clubs;
- 36 (b) (i) a school shall only provide the space for noncurricular club meetings; and
37 (ii) a school may not spend public funds for noncurricular clubs, except as required to
38 implement the provisions of this part, including providing space and faculty oversight for
39 noncurricular clubs;
- 40 (c) a school shall establish the noninstructional times during which noncurricular clubs
41 may meet;
- 42 (d) a school may establish the places that noncurricular clubs may meet;
- 43 (e) a school may set the number of hours noncurricular clubs may use the school's
44 facilities per month, provided that all noncurricular clubs shall be treated equally; ~~and~~
- 45 (f) a school shall determine what access noncurricular clubs shall be given to the
46 school newspaper, yearbook, bulletin boards, or public address system, provided that all
47 noncurricular clubs shall be treated equally[-]; and
- 48 (g) notwithstanding Section 53A-3-414, a school may not charge a noncurricular club
49 for school facilities use.

50 Section 2. Section **53A-11-1212** is amended to read:

51 **53A-11-1212. Appeals -- Procedures.**

- 52 (1) (a) A completed application or complaint shall be approved, denied, or investigated
53 by the school within a reasonable amount of time.
- 54 (b) If an application or complaint is denied, written reasons for the denial or results of
55 the investigation shall be stated and, if appropriate, suggested corrections shall be made to
56 remedy the deficiency.
- 57 (c) A club that is denied school facilities use shall be informed at the time of the denial
58 of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial

59 could be corrected. The factual or legal basis for denial of school facilities use may not be that
60 the school may incur costs related to a club's school facilities use.

61 (2) (a) If denied, suspended, [~~or~~] terminated, or denied school facilities use, a club,
62 student desirous of participating or speaking, or a complaining parent or guardian, has 10
63 school days from the date of the denial, suspension, or termination to file a written appeal from
64 the denial, suspension, or termination to a designee authorized by the school governing board.

65 (b) The designee shall issue a determination within a reasonable amount of time from
66 receipt of the appeal, which decision is final and constitutes satisfaction of all administrative
67 remedies unless the time for evaluation is extended by agreement of all parties.

68 (3) A person directly affected by a decision made in accordance with the provisions of
69 this part may appeal the decision by writing to a person designated by the school governing
70 board.

Legislative Review Note

as of 2-22-12 11:25 AM

Office of Legislative Research and General Counsel