

## Germantown Municipal School District

Monitoring: <b>Review: Annually, in May</b>	Descriptor Term: <b>Student Equal Access (Limited Public Forum)</b>	Descriptor Code: <b>4.802</b>	Issued Date: <b>03/06/17</b>
		Rescinds:	Issued:

### STUDENT MEETINGS

Schools may allow students to form clubs or groups that meet before, during, and/or after the school day. Requests to form such clubs or groups shall not be denied based upon the religious nature or beliefs of proposed club or group. If permitted, school administrators shall ensure that all clubs and groups have the same abilities to access facilities and advertise their meetings.<sup>1,2,3,5</sup>

No funds shall be expended by the school for any such meeting beyond the incidental costs associated with providing meeting space. Groups meeting under this policy may be required to pay a reasonable fee for compensating school personnel in the supervision of the activity.

No student may be compelled to attend or participate in a meeting under this policy.

A student or a group of students who wish to conduct a meeting under this policy must file an application with the principal or principal designee.

The principal shall approve the meeting if he/she determines that:

1. The meeting is voluntary and student-initiated;
2. There is no sponsorship of the meeting or its content by the school, the board, or its employees;
3. The meeting will not materially and substantially interfere with the orderly conduct of the school's educational activities or conflict with other previously scheduled meetings;
4. Employees of the district are to be present in a non-participatory monitoring capacity; however, no employee shall be required to attend in this capacity if the content of the meeting is contrary to the beliefs of the employee; and
5. Non-school persons will not direct, control or regularly attend.

Subject to the act's provisions, a student shall be permitted to voluntarily:

1. Pray in a public school, vocally or silently, alone or with other students to the same extent and under the same circumstances as a student is permitted to vocally or silently reflect, meditate, or speak on non-religious matters alone or with other students in such public school;
2. Express religious viewpoints in a public school to the same extent and under the same circumstances as a student is permitted to express viewpoints on non-religious topics or subjects in such school;

3. Speak to and attempt to share religious viewpoints with other students in a public school to the same extent and under the same circumstances as a student is permitted to speak to and attempt to share non-religious viewpoints with other students; and
4. Possess or distribute religious literature in a public school, subject to reasonable time, place, and manner restrictions to the same extent and under the same circumstances as a student is permitted to possess or distribute literature on non-religious topics or subjects in such school.

#### **SCHOOL SPONSORED EVENTS<sup>4</sup>**

If the board or a school principal authorizes an event at which a student is to speak, a limited public forum shall be established for such student speakers. The appropriate administrators shall ensure that:

1. The forum is provided in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. There is an appropriate method of selecting student speakers which is based on neutral criteria;
3. Student speakers do not engage in speech that is obscene, vulgar, offensively lewd, indecent or promotes any illegal activity.

To the extent possible and practical, prior to events in which students will speak, notice shall be provided orally and/or in writing that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the board and its employees.

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##### Legal References

1. 20 USCS § 4071
2. *Bd. Of Educ. v. Mergens ex rel. Mergens*, 496 U.S. 226 (1990)
3. TCA 49-6-2904
4. TCA 49-6-1803
5. TCA 49-6-1805

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##### Cross References

Recognition of Religious Beliefs 4.803  
Prayer and Period of Silence 4.805