

Understanding the Equal Access Act Concerning Student-led Meetings

The Equal Access Act became law in 1984 and was upheld by the Supreme Court in 1990. There are 3 major components of the law:

- 1) *Nondiscrimination*: if a public secondary school allows non-curriculum, student-led meetings then the school must treat all meetings equally.
- 2) *Student-initiated, student-led meetings*: In order for the meetings to be deemed lawful on a public secondary campus, meetings must be student-initiated and student-led
- 3) *Local control*: the act does not limit authority of the school leadership to maintain control

The following are the some of the guidelines set out by the Equal Access Act:

- Federally funded, secondary schools must allow students the right to hold meetings if the campus has a limited open forum policy (more than one student meeting is allowed)
- The meetings are voluntary and student-initiated
- There is no sponsorship of the club by the school or government
- Employees of the school are only present at religious meetings in a non-participatory capacity.
- The meeting does not interfere with orderly conduct or educational activities within the school
- Nonschool persons may not direct, conduct, control or regularly attend activities of student groups

Definition of terms:

- The term “*meeting*” refers to student groups and activities permitted in the limited open forum and are not directly related to school curriculum
- The term “*sponsorship*” refers to school employee assigned to meetings for the purpose of providing custodial provision
- The terms “*non-instructional time*” refer to time set aside by the school before actual classroom instruction begins and ends
- The terms “*student-initiated*” refer to students seeking permission to meet; and to directing and controlling the meetings

Important points to consider:

- The school’s authority has the right to establish the regulations for if, when and where the meetings will occur; the key is nondiscrimination
- Schools may allow students to promote meetings through school media if other meetings are being promoted
- Outsiders may attend meetings if invited by students and approved by the school authority; the school authority has the right to limit or deny access of outsiders; outsiders are not permitted to proselytize students who are not voluntarily attending the student meeting

For more information on the Equal Access Act, please visit:

<http://www.freedomforum.org/publications/first/findingcommonground/B09.StudentClubs.pdf>