

Date: January 26, 2024

To: Clark County School District Administrators

From: Clark County School District, Office of the Deputy Superintendent

Re: Noncurriculum-Related Student Clubs/Groups/Organizations—Allowable Actions and First Amendment Rights

The Clark County School District (CCSD) is providing this memorandum as a reminder of the laws and regulations governing noncurriculum-related student clubs/groups/organizations.

Noncurriculum-related student groups are not sponsored by the school and are groups that are not directly related to the curriculum. These groups are initiated and operated by students currently enrolled in the school. Examples of noncurriculum-related student groups are Book Club, Game Club, Anime Club, Bible Club, Pro-Life Club, and Genders and Sexualities Alliances Club.

Additional information regarding student clubs/groups/organizations is also available in the CCSD Administrator Guide.

CCSD Regulation 5132 recognizes that secondary school students, Grades 6–12, have equal access to conduct noncurriculum-related student-led meetings during non-instructional time, and must not be discriminated against on the basis of religious, political, philosophical, or other speech content. All noncurriculum-related student groups must be treated equally.

Below are allowable actions for noncurriculum-related student groups:

1. Participants must be currently enrolled in the school or eligible to participate in school or extracurricular activities under CCSD Policy 5119.
2. Meetings must be voluntary and student-initiated.
3. Must have a custodial monitor at meetings held on campus.
 - a. Custodial monitor must be a CCSD employee.
 - b. It is the responsibility of the student group to find a custodial monitor.
 - c. Duties include safety, order, good behavior (e.g., enforcing anti-bullying laws), and security of property.
 - d. Must be non-participatory (CCSD employees may not promote, lead, or participate in the meeting).
 - e. Custodial monitors may only supervise during their contracted time or paid time.
4. May only meet during non-instructional time (e.g., before or after school, or during school hours, if

the school permits noncurriculum-related student groups to meet during school hours).

5. Meetings may not be directed, controlled, facilitated, or attended regularly by non-school persons.
6. May list name as: “[Group Name] at [School Name].”
7. May have access to shared club/group money.
8. May use school supplies and audio/visual equipment.
9. May organize student travel only if independent from the school and involving no public money/buses.
10. May distribute materials and announce meetings with prior approval, subject to reasonable restrictions. For example, a school may adopt the following reasonable restriction: “Noncurriculum-related student clubs/groups/organizations may post announcements which contain the following information: (1) name of the student club/group/organization; (2) advisor’s email address (for purposes of information only); (3) the school-recognized website of the student club/group/organization; and (4) date, time, and location of their meetings, up to one week prior to the designated meeting. Noncurriculum-related student clubs/groups/organizations may not announce, post, hang, or distribute any other materials on school property except during such meetings for attendees of the meetings.” It is also reasonable for a school to restrict signs/materials to designated areas of the school, require that signs/materials be removed after a certain period of time, or require an approval stamp on posted signs/materials. However, signs/materials may not be approved or disapproved for distribution or display solely on the basis of viewpoint.
11. Student expression, and any regulation thereof, must be consistent with the First Amendment, NRS 388.077, and the Equal Access Act. Student expression is also subject to the limitations set forth in CCSD Regulation 5132 (Section III) and CCSD Regulation 1110, and must not substantially interfere with the school environment. CCSD takes its responsibilities related to student expression seriously, and failure to comply with these requirements exposes CCSD to potential legal liability.

As a reminder, the First Amendment protects the right of free speech, and students do not lose this right when they enter school grounds. Generally, the Constitution requires schools to permit student speech, including student club speech, even if such speech might cause discomfort, unpleasantness, or controversy. Although a school may restrict speech based on a showing that the speech would “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school,” the restriction may not be based on an “undifferentiated fear or apprehension of disturbance” or “a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.” *Tinker v. Des Moines Independent Community School District*.

If you have any questions about this memorandum or the allowable actions of noncurriculum-related student clubs/groups/organizations at your school you may contact the Secondary Student Athletics and Activities Department.