



DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
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DoDEA General Counsel

08-GC-001

Date May 7, 2008

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
POLICY MEMORANDUM

Subject: Equal Access to DoDEA School Facilities by Noncurriculum Related Student Groups

It is the policy of the Department of Defense Education Activity (DoDEA) that the following standards apply to noncurriculum related student groups' use and access to DoDEA school facilities. Although DoDEA recognizes that the Equal Access Act, codified at 20 U.S.C. §§ 4071 et seq., does not apply to DoDEA schools, DoDEA recognizes that noncurriculum related student groups should be afforded equal access to school facilities. Accordingly, it is the policy of DoDEA that all schools that maintain a "limited open forum" shall provide equal access to school facilities.

Nothing in this policy shall be construed to limit the authority of DoDEA, DoDDS, DDESS, or its employees, to maintain order and discipline on school premises and to protect the well being of students and faculty. Further, nothing in this policy requires schools to allow access to noncurriculum related student groups. However, if a school has at least one such group, it must either discontinue its practice of allowing noncurricular groups access to the schools or provide equal access to all other noncurriculum related student groups as provided herein.

In accordance with DoDEA policies and regulations, it is the responsibility of each school having a "limited open forum" to ensure all noncurriculum related student groups that are permitted to use school facilities adhere to the following standards:

1. Noncurriculum related student groups shall meet only during noninstructional time.
2. All meetings shall be student-initiated and open to all students in the school. Student attendance at any meeting shall be voluntary.
3. All student groups must have a faculty or school employee monitor. A faculty monitor or other school employee may only attend a meeting for custodial purposes, monitoring activities to ensure compliance with applicable school policies. If a proposed

student group is unable to find a faculty member or other school employee to volunteer for this purpose, the group will not be permitted access to school facilities.

4. Student groups may invite nonschool persons to attend their meetings, as long as the nonschool persons do not direct, conduct, control, or regularly attend the meetings of the group. Nonschool persons must follow the school's established procedure for gaining access to school facilities.

5. This policy prohibits the use of school facilities for:

5.1. Any meeting that materially and substantially interferes with the orderly conduct of educational activities within the school;

5.2. Any meeting at which unlawful conduct is likely to occur;

5.3. Any meeting that threatens order and discipline on school premises;

5.4. Any meeting that threatens the well being of students and faculty; or

5.5. Any meeting at which attendance of the students is not completely voluntary.

5.6. Any meeting at which attendance is denied to any student based upon the student's race, color, sex, gender or gender preference, disability, religious preference, marital status, or political affiliation.

6. DoDEA, DoDDS, DDESS, and its employees shall not:

6.1. Sponsor any noncurriculum related student groups;

6.2. Participate in a religious meeting of a noncurriculum related student group;

6.3. Compel any employee to serve as a faculty monitor for a noncurriculum related student group;

6.4. Expend appropriated funds beyond incidental costs for noncurriculum related student groups; or

6.5. Impose a minimum size limit on student groups.

7. Definitions:

7.1. Incidental Costs. Lighting, heat, power, and other expenses necessary for the daily operation and use of school facilities.

7.2. Limited Open Forum. A school granting an offering to or opportunity for one or more noncurriculum related student groups using school facilities during noninstructional time.

7.3. Noncurriculum Related Groups. Student-led groups not “directly” related to a school’s curriculum. A group is directly related to the school’s curriculum if:

7.3.1. The subject matter of the group is actually taught, or will soon be taught, in a regularly offered course;

7.3.2. The subject matter of the group concerns the body of courses as a whole;

7.3.3. Participation in the group is required for a particular course;
or

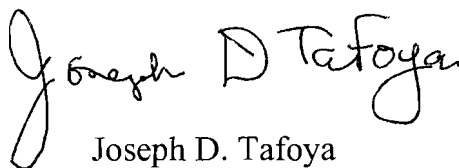
7.3.4. Participation in the group results in academic credit.

7.4. Noninstructional Time. Time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. Schools that permit the use of facilities during lunch and recess periods shall make this time available to all noncurriculum related student groups.

7.5. Nonschool Persons. Persons who are not students or employees of the school.

Any policies, correspondence, or guidance provided in accordance with this policy shall be coordinated with the DoDEA Office of General Counsel prior to release or dissemination.

The provisions of this policy will be included in the next revision of DoDEA Manual 1001.5, “Administrator’s Manual.” Questions concerning this policy should be addressed to DoDEA General Counsel at (703) 588-3066.



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Director