# ADVISORY 281

*Note:* This material is written by NMSBA for informational purposes only, and not as legal advice. You may wish to consult with your attorney for further explanation and advice as to the content of this advisory.

## LIMITED OPEN / CLOSED FORUM

~~Student meetings may be held in the school(s) of the District that offer instruction in grades seven (7) and eight (8) or above under a "limited open forum". Furthermore, insofar as the District has a procedure defined as a "limited open forum" under the provisions of Title VIII, the Equal Access Act, Section 801 *et seq*., the District school(s) shall offer to students a fair opportunity to conduct meetings using school facilities whereupon:~~ In any District school serving grades seven (7) or higher that has established a limited open forum, as defined by the federal Equal Access Act (20 U.S.C. §§ 4071–4074), the District shall not deny equal access or a fair opportunity to, or discriminate against, any students wishing to conduct a meeting on the basis of the religious, political, philosophical, or other content of the speech at such meeting, subject to the following conditions. A limited open forum exists when the District permits one (1) or more noncurriculum-related student groups to meet on school premises during noninstructional time.

- Such meetings are voluntary and student initiated.

- There is no sponsorship of such meetings by the District, District employees or governmental entities, or employees of governmental entities.

- District employees present at religious meetings will be present only in a nonparticipatory capacity.

- Such meetings shall not materially and substantially interfere with the orderly conduct of the educational activities of the District.

- Nonschool persons shall not be permitted to direct, conduct, control, or regularly attend such student group meetings.

Neither the District, any employee or agent of the District, nor of any State or federal governmental entity shall be permitted to:

- Influence the form or content of any prayer or other religious activity connected with student meetings.

- Require any person to participate in prayer or other religious activity.

- Expend public funds beyond the incidental cost of providing the space for such student-initiated meetings.

- Compel any employee of the District to attend a school meeting that is contrary to the beliefs of the employee.

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- Sanction meetings that are otherwise unlawful.

- Limit the rights of groups of students to avail themselves under the provisions of this policy to a specified numerical size.

- Abridge either New Mexico or U.S. constitutional rights of any employee, official, or student of the District.

Nothing in this policy shall be construed to limit the authority of the school or its agents or employees to maintain order and discipline on school premises, to protect the well-being of students and employees, and to assure that attendance of students at such meetings is voluntary.

*Adopted:* date of manual adoption

LEGAL REF.:
20 U.S.C. 4071 *et seq.,* Equal Access Act~~, (Section 801)~~

CROSS REF.:
ACD - Commitment to Religious Neutrality
KF - Community Use of School Facilities

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