

Equal Access Act Information

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 three 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 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 the school employee assigned to meetings for the purpose of providing custodial provision.
- The term “**non-instructional time**” refers to time set aside by the school before actual classroom instruction begins and ends.
- The term “**student-initiated**” refer to students seeking permission to meet; and to direct and control 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 about the Equal Access Act, a quick Google search will get you the Act itself. There are also other groups with info including, but not limited to: freedomforum.org, firstamendmentcenter.org