

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

380.1299 Limited open forum; equal access and opportunity; definitions.

Sec. 1299. (1) A public school that operates 1 or more of grades 7 to 12 and that has a limited open forum shall not deny equal access or a fair opportunity to, or discriminate against, any pupil or pupils who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. A public school has a limited open forum whenever the public school grants an offering to or opportunity for 1 or more noncurriculum-related student groups to meet on school premises during noninstructional time. A public school shall be considered to offer a fair opportunity to pupils who wish to conduct a meeting within the limited open forum if the public school uniformly provides for all of the following:

(a) The meeting is voluntary and student-initiated.

(b) There is no sponsorship of the meeting by the public school, the government, or either's agents or employees.

(c) Employees or agents of the public school or government are present at religious meetings only in a nonparticipatory capacity.

(d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

(e) Persons not affiliated with the public school may not direct, conduct, control, or regularly attend activities of student groups.

(2) Subsection (1) does not authorize this state or any political subdivision of this state to do any of the following:

(a) Influence the form or content of any prayer or other religious activity.

(b) Require any person to participate in prayer or other religious activity.

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

(d) Compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.

(e) Sanction meetings that are otherwise unlawful.

(f) Limit the rights of groups of pupils which are not of a specified numerical size.

(g) Abridge the constitutional rights of any person.

(3) Subsection (1) does not limit the authority of a public school to maintain order and discipline on school premises, to protect the well-being of pupils and faculty, and to assure that attendance of pupils at meetings is voluntary.

(4) As used in this section:

(a) "Meeting" includes those activities of student groups that are permitted under a public school's limited open forum and are not directly related to the school curriculum.

(b) "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(c) "Public school" includes a public school's employees and persons or entities under contract with the public school.

(d) "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

History: Add. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 283, Imd. Eff. June 17, 1996.

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