

Book: Luzerne Intermediate Unit # 18
Section: 100 Programs
Title: Equal Access
Code: 122
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Purpose

The Intermediate Unit, by making a limited open forum available, provides the opportunity for noncurriculum-related, nonschool-sponsored, student-initiated groups of secondary students to meet, without discrimination, on Intermediate Unit premises during noninstructional time for the purpose of conducting a meeting regardless of the religious, political, philosophical or other content of the speech at such meetings.[\[1\]](#)[\[2\]](#)[\[3\]](#)

Definitions

Noninstructional time - the time set aside by the school before actual classroom instruction begins, after actual classroom instruction ends or during time designated for lunch.

Limited open forum - a public secondary school entity has a limited open forum whenever such school grants an offering to or an opportunity for one or more noncurriculum-related student groups to meet on school premises during noninstructional time.[\[1\]](#)

Noncurriculum-related student group - any student-initiated group that does not directly relate to the body of courses offered by the Intermediate Unit.[\[4\]](#)

Sponsorship - the act of promoting, leading or participating in a meeting. The assignment of a teacher, administrator or other Intermediate Unit employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.[\[5\]](#)

Authority

Meetings of noncurriculum student groups (student groups) must be voluntary, student-initiated and conducted in accordance with applicable state and federal laws, regulations, Board policies and school rules.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[6\]](#)

Such meetings must not be under the sponsorship of the Intermediate Unit, its agents or employees.[\[1\]](#)

The meetings of student groups cannot materially and substantially interfere with the orderly conduct of the Intermediate Unit's educational activities.[\[1\]](#)

Availability and assignment of facilities, supplies and equipment necessary, including access to Intermediate Unit-controlled methods of communication such as bulletin boards, a public-address system, and advertisements in the Intermediate Unit newspaper, to conduct such meetings shall be provided in accordance with the Equal Access Act.[\[1\]](#)

Delegation of Responsibility

The Executive Director or designee may establish standard procedures regarding the length of meetings, permissible number of meetings per week and other limitations deemed reasonably necessary.

The Executive Director or designee will designate areas within Intermediate Unit buildings, and outside areas, authorized for meetings of student groups. Access to areas which have not been designated as limited open forums by the Executive Director or designee is prohibited.

An Intermediate Unit employee will be assigned to attend and monitor each student group meeting. Monitors will attend the meetings in a nonparticipatory capacity for the purpose of maintaining order. The assignment of a monitor does not constitute sponsorship of the student group or meeting.[\[1\]](#)

Intermediate Unit employees will not be required to attend any meeting where the content of the speech is contrary to their beliefs.[\[1\]](#)

Intermediate Unit administrators and staff retain the authority to:[\[1\]](#)

1. Maintain order and discipline on Intermediate Unit premises.

2. Protect the well-being of students and employees.
3. Assure the attendance of students at such meetings is voluntary.

Guidelines

Students seeking permission to form a student group to meet during noninstructional time must submit a written request to the building administrator on the designated form.

All activities of the student group must be led by the student members of the group. The meetings and activities may not be directed, conducted, controlled or regularly attended by individuals from outside the Intermediate Unit.[\[1\]](#)

Guests may be invited but may not be regular participants in the student meetings. All guests must comply with Board policy regarding Intermediate Unit visitors.[\[7\]](#)

Materials prepared for dissemination on Intermediate Unit premises must comply with the provisions of Board policy relating to the dissemination of materials.[\[8\]](#)

Public funds may not be used for the operation of the meetings beyond the incidental cost of providing the space for the group to meet.

Students in violation of the policy and applicable rules may result in loss of the right to meet on Intermediate Unit premises and/or disciplinary action.[\[6\]](#)

Legal

[1. 20 U.S.C. 4071 et seq](#)

2. Pol. 103

3. Pol. 103.1

4. Board of Education of Westside Community Schools v. Mergens, 496 U.S. 226 (1990)

[5. 20 U.S.C. 4072](#)

6. Pol. 218

7. Pol. 907

8. Pol. 220

Wolfe ex rel. Wolfe v. Twin Valley School District, No. 23-4501 (E.D. Pa. March 26, 2025), 2025 WL 920257

