

Activities**ORGANIZATIONS--FRATERNITIES AND SORORITIES**

I. Florida Statutes

232.39 - Secret societies prohibited in public schools

- (1) It is unlawful for any person, group or organization to organize or establish a fraternity, sorority or other secret society in the state whose membership shall be comprised in whole or in part of pupils enrolled in any public school, whether elementary or secondary, or to go upon any school premises for the purpose of soliciting any pupils to join such an organization.
- (2) A secret society shall be interpreted to be a fraternity, sorority or other organization whose active membership is comprised wholly or partly of pupils enrolled in the public schools of the state and which perpetuates itself wholly or partly by taking in additional members from the pupils enrolled in public schools on the basis of the decision of its membership rather than on the right of any pupil who is qualified by the rules of the school to be a member of and take part in any class or group exercise designated and classified according to sex, subjects included in the course of study, or program of school activities fostered and promoted by the school board and superintendent or by principals of the schools.
- (3) This section shall not be construed to prevent the establishment of an organization fostered and promoted by the school authorities, or which is first approved and accepted by the school authorities and whose membership is selected on the basis of good character, good scholarship, leadership ability and achievement. Full information regarding the charter, principles, purposes, and conduct of any such accepted organization shall always be available to all students and instructional personnel of any school where same may be organized.
- (4) This section shall not be construed to relate to any junior organization or society sponsored by the Police Athletic League, Knights of Pythias, Oddfellows, Moose, Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai-B'rith, Young Men's and Young Women's Hebrew Associations, Young Men's and Young Women's Christian Associations, Kiwanis, Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation of Garden Clubs and Florida Federation of Women's Clubs."

232.40 - Pupils prohibited from belonging to secret societies

It shall be unlawful for any pupil enrolled in any public school whether elementary or secondary of this state to be a member of, to join or to become a member of or to pledge himself or herself to become a member of any secret fraternity, sorority or group wholly or partly formed from the membership of pupils attending such public schools or to take part in the organization or formation of any such fraternity, sorority or secret society; provided that this shall not be construed to prevent any pupil from belonging to any organization fostered and promoted by the school authorities; or which is first approved and accepted by the school authorities and whose membership is selected on the basis of good character, good scholarship, leadership ability and achievement."

232.41 - School board may prescribe regulations

The school board of each district shall have full power and authority to enforce the provisions for carrying out the provisions of this law and to prescribe and enforce such rules and regulations as are necessary for carrying out the provisions of this law. School boards are hereby required to enforce the provisions of this law by suspending or, if necessary, expelling any pupil in any elementary or secondary school who refuses or neglects to observe these provisions."

II. Specific Regulations

A. Analysis of the Law

The law states that: "It is unlawful for any person, group or organization to organize or establish a fraternity, sorority, or other secret society in the state whose membership shall be comprised in whole or in part of pupils enrolled in any public school whether elementary or secondary or to go upon any school premises for the purpose of soliciting any pupil to join such an organization." The law also makes it illegal for any student enrolled in any public school, to be a member of such an organization.

B. Definition of Secret Organization

The question naturally arises as to the exact definition of a fraternity, sorority, or a secret society. The law is also specific upon this point. It defines a secret society as:

"...a fraternity, sorority, or other organization whose active membership is comprised wholly or partly of

pupils enrolled in the public schools of the state and which perpetuates itself wholly or partly by taking in additional members from the pupils enrolled in public schools on the basis of the decision of its membership rather than on the right of any pupil who is qualified by the rules of the school to be a member..."

Further clarification of the definition of a secret organization is provided by this paragraph from the law: "This section shall not be construed to prevent the establishment of an organization fostered and promoted by the school authorities, or which is first approved and accepted by the school authorities and whose membership is selected on the basis of good character, good scholarship, leadership ability and achievements. Full information regarding the charter, principles, purposes, and conduct of any such accepted organization shall always be available to all students and instructional personnel of any school where same may be organized."

C. Exemptions

One paragraph of the law, quoted above, indicates that organizations which are fostered or promoted by the school authorities are exempt from the prohibitions of the law if knowledge concerning the activities of the organization is available to students and instructional personnel of the school. Amendments to the law have exempted certain other organizations as follows: "This section shall not be construed to relate to any junior organization or society sponsored by the Police Athletic League, Knights of Pythias, Oddfellows, Moose, Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai-B'rith, Young Men's and Young Women's Hebrew Associations, Young Men's and Young Women's Christian Associations, Kiwanis, Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation of Garden Clubs, and Florida Federation of Women's Clubs."

D. Responsibility for Enforcement of the Law

Florida Statutes require the District School Board to enforce the prohibition against membership in certain secret societies, except that the Board is not required to penalize violations which occur wholly outside the limits of any school center.

E. Court Decisions

Several states have laws which are similar to the Florida law

regarding secret organizations in the schools. There have been several court cases involving the interpretation and enforcement of these laws. One such case has been before the Supreme Court of Florida. In almost every one of these cases, the court has upheld the law and its enforcement. The following quotation from the Florida Supreme Court decision in the case of **Satan Fraternity, et al., vs. The Board of Public Instruction of Dade County, et al.**, 156 Fla. 222; 22 So. 2d 892, 893 (1945) is significant. "Acts of this kind have been passed in many states and have been universally upheld on the theory that the right to attend an educational institution provided by the state is not a natural right but a public benefaction, and those who seek to become beneficiaries of them must submit to such regulations and conditions as the law imposes as a prerequisite to participate. The public schools of Florida are supported by and controlled by the legislature, and it may impose such disciplinary measures as it sees fit on those who attend them." It is obvious from the above that it is the responsibility of The School Board of Miami-Dade County, Florida, and the school administrators to whom they have delegated authority and responsibility for administration of the schools to enforce this law.

F. Miami-Dade County Public School Procedures

The following interpretations and procedures are recommended as an aid to school officials (including principals) in carrying out this responsibility:

1. All students and teachers should be fully informed as to the provisions of the law and the penalties for violations.
2. Every student, grades 6-12, should be required to sign an affidavit of non-affiliation with sororities and fraternities and this affidavit should be countersigned by the parents.
3. Sponsors of student activities, and other instructional personnel, shall report to the principal any evidence that any student under his/her jurisdiction is a member of a secret organization, as defined above.
4. When a principal receives a report from a faculty member or other students that a student is a member of an illegal organization, the principal shall immediately arrange for a conference with the student and parent or guardian regarding such membership. If the student admits to being a member of such an organization, the

principal should apply the penalties as provided in this regulation.

5. If a student, however, denies membership in a secret organization but has not demonstrated this non-membership to the satisfaction of the principal, the principal shall request the proper juvenile authorities to investigate the case and report their findings to the principal.
6. In case the principal is subjected to legal action as a result of implementing this regulation, the principal shall be represented by the Attorneys of the Board.

G. Evidences of Membership

One of the most difficult problems in enforcing this law is determining whether or not a student is a member of one of these illegal organizations. Students have frequently denied membership even though school principals, assistant principals, and teachers were reasonably sure that they were members. In such cases, the following may be accepted as reasons for invoking the procedures and, if necessary, the penalties prescribed below:

1. The student's own statement as to membership.
2. A student's displaying any decals, wearing of any insignia, jewelry, or special clothing known to be associated with such an organization.
3. A student's participation in hazing or other fraternity activities.

Note: The above constitute prima facie evidence.

4. The student's refusal to sign a statement denying membership in such an organization, or statement of intent not to become a member.
5. Refusal by the student's parents/legal guardians to endorse such a statement.

H. Penalties

The law is rather specific in providing a somewhat drastic penalty for violations: "School Boards are hereby required to

enforce the provisions of this law by suspending or, if necessary, expelling any pupil in any elementary or secondary school who refuses or neglects to observe these provisions."

It should be noted that although the law specifically exempts certain organizations (see Exemptions listed on page 1) from the provisions of this law, it is neither directly stated nor implied that a principal must approve junior organizations or societies sponsored by these groups for operation within the school center for which the principal is responsible. Therefore, principals should not approve junior organizations or societies sponsored by the above mentioned groups for operations within the school center for which they are responsible unless these organizations are willing to comply with the rules listed in this regulation.

School authorities shall assume responsibility for the sponsorship of organizations on the approved list. Parents must assume responsibility for their children's participation in nonschool groups. However, when the club activities of any group or individual become in evidence on the school premises and are in violation of the law and school rules and regulations, that individual or group will be subject to the penalties provided by the law in this rule.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 232.39; 232.40; 232.41 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

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