

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the school district is to provide a superior atmosphere for learning and education. The Board, pursuant to State law, has the power to prescribe regulations prohibiting individuals or groups from disrupting, interfering with, or delaying the educational process.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from and prosecution of any person or persons who willfully damage school property.

The Board further recognizes that free expression and association are indispensable to the objectives of the District. The purpose of these regulations is to prevent abuse of the rights of others and protect school property.

Cross-Reference: 1500 – Public Use of School Facilities
 5311.1 – Student Due Process Rights
 5320 – Student Conduct on School Buses

Revised: June 19, 2001

PUBLIC CONDUCT ON SCHOOL PROPERTY REGULATION

These rules shall apply to all school property. These rules may be supplemented by any additional regulations or Code of Conduct adopted by the Board of Education or the Commissioner of Education. These regulations shall govern the conduct of students, teachers other District employees, licensees, invitees, and other persons, whether or not their presence is authorized, on school property.

Definitions

School property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a school; or in or on a school bus; or a school function.

School function means a school-sponsored extracurricular event or activity.

Prohibited Conduct

No individual or group shall:

- a. Willfully cause physical injury to any other person, nor threaten to do so, for the purpose of compelling or inducing any other person to perform or refrain from performing any act.
- b. Engage in threats, intimidation and/or extortion of any other person.
- c. Physically restrain or detain any other person, nor remove such person from any place where such person is authorized to remain.
- d. Willfully damage or destroy property of the school district or property under its jurisdiction nor remove or use such property without authorization.
- e. Engage in theft of, damage to, or defacement of any property of the District or any other person.
- f. Enter upon and remain in any building, facility, office or room for any purpose other than its authorized use or in such manner as to obstruct its authorized use by others.
- g. Obstruct the free movement of persons and vehicles in any place to which these regulations apply.
- h. Without authorization, remain in any building, facility, office, or room after it is normally closed.

- i. Refuse to leave any building or facility after being requested to do so by any person responsible for the maintenance of order in any building, facility, office, or room.
- j. Loiter on school property.
- k. Willfully set fire to school property, tamper with or obstruct any safety, such as fire extinguishers, alarm systems, posted fire regulations, water sprinklers, or fire doors, fail to conform to fire drill procedure, or tamper with any communications, heating, lighting, or power system.
- l. Make, or cause to be made, bomb threats, false alarms, or false reports of school closings or cancellations of school events.
- m. Deliberately disrupt or prevent the peaceful and orderly conduct of classes and meetings, administration, disciplinary procedures or District activities, or deliberately interfere with the freedom of any person to express personal views, including invited speakers.
- n. Use any profane or obscene language.
- o. Gamble on school property.
- p. Violate District regulations concerning the use of motor vehicles on school property and district parking regulations.
- q. Cause disruption on or interfere with the operation of district buses.
- r. Fail to comply with directions of District employees acting in the performance of their official duties.
- s. Willfully incite others to commit any other acts herein prohibited with specific intent to procure them to do so.
- t. Picket or demonstrate contrary to the concept of acceptable conduct set forth in Policy 1520.
- u. Use or possess alcohol or controlled substances.
- v. Bring onto school property or to allow on school property any animal unless it is leashed, caged or confined and will be responsible for cleaning up and removing all excrement deposited by said animal on school property. Signs shall be posted at the entrances to school property where the district deems advisable.

Penalties

An individual or group that engages in any prohibited conduct shall:

- a. If a licensee or invitee, be directed to leave the premises and have their license or invitation withdrawn. In the event of failure or refusal to do so, the Superintendent, or his/her designee, shall cause the ejection of such person from such property.
- b. If a trespasser or visitor, without specific license or invitation, be informed that the person is not authorized to remain on the property and direct the person to leave such premises. In the event of failure or refusal to do so, the Superintendent, or his/her designee, shall cause the ejection of such person from such property.
- c. If a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant including suspension, exclusion from extracurricular activities, reprimand, or warning. Suspension proceedings shall be conducted in accordance with the requirements of Section 3214 of the Education Law and Policy 5311.1, Student Due Process Rights.
- d. If a tenured teacher or professional staff member, be deemed guilty of insubordination and/or conduct unbecoming a teacher and be subject to dismissal or termination of employment pursuant to the proceeding held pursuant to Section 3020-a of the Education Law or such lesser disciplinary action as the facts may warrant including censure, suspension without pay, fine, or reprimand.
- e. If an employee in the classified civil service, described in Section 75 of the Civil Service Law, be guilty of misconduct, and subject to the rules prescribed in such section.
- f. If a non-tenured teacher or professional staff member, or an employee other than one described in (d) or (e) above, be subject to dismissal, suspension without pay, fine, or reprimand.

Enforcement

- a. The Superintendent of Schools shall be responsible for the enforcement of these regulations and shall designate the other administrative officers who are authorized to take action in accordance with such regulations when required or appropriate to carry them into effect.
- b. It is not intended by any provision herein to curtail the right of students, teachers, or staff to be heard upon any matter affecting them in their relations with the school. In the case of any apparent violation of these regulations by such persons which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged herein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so, such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including the ejection of the violator from any school premises where their continued presence and conduct is in violation of these regulations.

- c. In any case where violation of these regulations does not cease after such warning and in other cases of willful violation of such regulations, the Superintendent, or his/her designee, shall cause the ejection of the violator from any premises which he/she occupies in such violation and shall initiate disciplinary action as herein provided.
- d. The Superintendent, or his/her designee, may apply to the proper authorities for any aid which he/she deems necessary in causing the ejection of the violator of these regulations and may request the school attorney to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such regulations.

Criminal Charges

Many of the acts prohibited by these regulations also constitute violation of the Penal Law of the State of New York. In such cases, the Superintendent of Schools, or his/her designee, may request the school attorney to initiate criminal charges in addition to the disciplinary procedures provided herein or in place of such procedures.

Reference: Education Law §§2801, 3020-a, 3214
Civil Service Law §75
Penal Law §§140.00, 140.10, 240.35

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