

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the district is to provide a superior atmosphere conducive to learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect, is hereby declared to be in violation of Board Policy. The Board shall approve rules and regulations to effect this policy as required by Education Law § 2801.

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.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

Cross ref: 1240-R Visitors to the School Regulation

Ref: Education Law §2801

Mandated Policy

Effective Date: April 7, 2009

## ICHABOD CRANE

### POLICY # 1520-R

#### PUBLIC CONDUCT ON SCHOOL PROPERTY REGULATION

These rules govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property under the control of the district and used in its teaching programs and activities.

##### *Prohibited Conduct:*

No person, either singly or in concert with others, shall:

1. willfully cause physical injury to any other person nor threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;
2. physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain, except that students may be restrained as permitted under Policy 5314, Corporal Punishment Complaints;
3. willfully damage or destroy property of the district or property under its jurisdiction, nor remove or use such property without authorization;
4. without permission, expressed or implied, enter into any private office or an administrative officer, member of the faculty or staff member;
5. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
6. without authorization, remain in any building or facility after it is normally closed;
7. refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member;
8. obstruct the free movement of persons and vehicles in any place to which these rules apply;
9. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
10. have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the Superintendent of Schools or his/her designee, whether or not a license to possess the same has been issued to such person (peace officers are excluded from this prohibition);
11. use or possess, without authorized medical supervision, any drug, narcotic or alcoholic beverage;
12. picket or demonstrate on any district property without specific written authorization or unless as part of an authorized academic activity;
13. use abusive, obscene, harassing and/or threatening language or gestures while in or on school property; and/or
14. drive or park private vehicles in a manner contrary to school and state rules, regulations and laws; and/or

15. willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

## **Penalties and Procedures**

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

1. If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
2. If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection.
3. If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning as prescribed by section 3214 of the Education Law and he/she shall be subject to ejection.
4. If a tenured faculty member, he/she shall be subject to ejection, warning, reprimand, suspension and/or other disciplinary action as prescribed by and in accordance with section 3020-a of the Education Law.
5. If a staff member in the classified service of the civil service, he/she shall be subject to the penalties and procedures prescribed in section 75 of the Civil Service Law and be subject to ejection.
6. If a staff member other than one prescribed in subdivisions 4 and 5, he/she shall be subject to dismissal, suspension without pay or censure and be subject to ejection.

## **Enforcement Program**

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgement of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such school official may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such school official shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as herein before provided.

4. The Superintendent or his/her designee may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

### **Amendment**

These rules and regulations may be amended or modified by the Board of Education. All future amendments shall be filed with the Regents and Commissioner of Education not later than ten days after adoption.

Effective Date: April 7, 2009