

PUBLIC CONDUCT ON SCHOOL PROPERTY

The Board of Education recognizes that the primary purpose of the district is to provide an atmosphere for 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 of Education policy. The Board of Education shall approve rules and regulations to effect this policy as required by Education Law §2801.

The Board of Education 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 of Education 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 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.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so
2. Intentionally damage or remove district property
3. Disrupt the orderly conduct of classes, school programs or other school activities
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed
7. Obstruct the free movement of any person in any place to which this code applies
8. Violate the traffic laws, parking regulations or other restrictions on vehicles
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.

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A. Prohibited Conduct (continued)

11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any lawful order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or school board policy while on school property or while at a school function.

B. Penalties and Procedures

Persons who violate these rules and regulations for public conduct on school property shall be subject to the following penalties:

1. *Visitors or Licensees:* Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and s/he shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. If a trespasser or visitor without specific license or invitation, s/he shall be subject to ejection.
2. *Students:* Students shall be subject to immediate ejection and to disciplinary action as the facts of the case may warrant, including any of the penalties listed in the "Penalties" section of this *Code of Conduct*, in accordance with the due process of law requirements and §3214 of the Education Law
3. *Tenured Faculty Members:* They shall be subject to immediate ejection and to disciplinary action as the facts of the case may warrant as prescribed by and in accordance with Education Law §3020-a or any other legal rights that they may have.
4. *Classified Service of the Civil Service Staff Members:* They shall be subject to immediate ejection and to disciplinary action as the facts of the case may warrant in accordance with §75 of the Civil Service Law or any other legal rights that they may have.
5. *Other Staff Members:* Staff members not described in items #1 to #4, above, shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts of the case may warrant in accordance with any legal rights they may have.

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C. Enforcement

The superintendent of schools shall be responsible for enforcing this *Code Of Public Conduct On School Property*. S/he may designate other district personnel who are authorized to take action consistent with the code.

When the superintendent of schools or his/her designee observes an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall inform the individual that the conduct is prohibited and attempt to persuade the individual to stop.

The school official shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the designated school official shall have the individual removed immediately from school property or the school function.

If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" outlined in Section B of this policy. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code of public conduct.

1. Any violation of the above rules shall be reported immediately to the building principal or supervisor, who may report such violation to the superintendent of schools as the case may warrant.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the superintendent of schools or his/her designee, does not pose any immediate threat of injury to person or property, the designated school official may make reasonable efforts 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 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 of schools or his/her designee shall cause the ejection of the violator from any premises which s/he occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as hereinbefore provided.

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C. Enforcement (continued)

4. The superintendent of schools or his/her designee may apply to the public authorities for any aid which s/he deems necessary in causing the ejection of any violator of these rules and s/he 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 rules.

This regulation and the penalties contained herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal law, state law, or local ordinance and the imposition of a fine or penalty provided for therein.

D. Amendment of Rules & Regulations of Public Conduct on School Property

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