

PUBLIC CONDUCT ON SCHOOL PROPERTY

In accordance with Section 2801 of the New York State Education Law requiring the Board of Education to promulgate rules and regulations governing conduct on school property of students, teachers, other staff, visitors, licensees, and invitees, the Board of Education adopts the following regulations to maintain public order on school property:

Access to School Buildings and Grounds **Section 1340.1**

All persons other than a pupil enrolled in a building or an authorized member of the building staff shall, immediately upon entering any school building, report their presence to the district employee (greeter or security guard) located at the greeter's desk. However, this regulation shall not apply to entertainments, sporting events, or public meetings held after regular school hours.

Prohibited Conduct and Activities **Section 1340.2**

The Board of Education prohibits the following conduct or acts on school property by students, teachers, staff members, licensees, visitors, or invitees:

1. The willful physical injury of any person or the threat to use force which would result in such injury.
2. The harassment or coercion of any person.
3. The willful damage to, or destruction of, property.
4. The willful or negligent disruption of the orderly conduct of classes or of any other school program or activity.
5. The entry of any school building or upon any portion of the school premises unless such entry is made in connection with official business with the district or to attend an activity or function authorized thereby.
6. The willful interference with the lawful and authorized activities of others.
7. The possession, consumption, sale, offer, manufacture, distribution, or exchange of tobacco (including, but not limited to, electronic cigarettes, vape products), alcohol and/or alcohol beverages, controlled and/or illegal substances (or any synthetic versions, whether or not specifically illegal or labeled for human consumption), or being under the influence of any of these substances on school property or while at a school event or function as such terms are defined by the District's Code of Conduct;
8. The possession or use of a knife, razor, ice pick, explosives, loaded cane, sword cane, machete, pistol, rifle, shotgun, pellet gun, laser pointer, or any other object that

Public Conduct on School Property (Continued)
Prohibited Conduct and Activities, Section 1340.2 (Continued)

reasonably can be considered a weapon, except in the case of law enforcement officers or except as specifically authorized by the school district.

9. The violation of any federal or state statute, local ordinance, or Board of Education policy.
10. Smoking a cigarette, cigar, pipe, electronic cigarette, vaporizer, vapor pen/e-cigarette, liquid nicotine, or using chewing or smokeless tobacco.
11. The refusal or failure of any person to comply with a lawful order or direction of officials of the school district in the performance of their duties.
12. The distribution or posting of any written material, pamphlets, or posters without the prior written approval of the superintendent of schools.
13. The operation of motor vehicles, bicycles, or other vehicles in violation of traffic and parking regulations or in areas such as playfields, tennis courts, or running tracks where vehicles and bicycles are prohibited.
14. Willfully disregarding a prohibition against golfing, archery, rocketry, model airplane flying, or tossing or firing boomerangs, sling shots, or spears.
15. Failure to conform to fire drill, safety drill, or bomb threat procedures.
16. Willfully inciting others to commit any acts prohibited by this policy.

Enforcement and Penalties
Section 1340.3

Any violation of the above shall be reported immediately to the building principal. The principal will investigate the case thoroughly and make a written report to the superintendent of schools.

The principal and the superintendent of schools will have the following options as to what penalty to impose:

- Option 1:** Violators will be reprimanded.
- Option 2:** Violators will be ordered to leave the school property immediately.
- Option 3:** Police will be called and a specific charge made under the proper sections of the Penal Code.

Public Conduct on School Property (Continued)
Enforcement and Penalties - Section 1340.3 (Continued)

- Option 4:** Any penalty authorized by Section 3214 of the New York State Education Law or Board of Education policies, if the violator is a student, provided the provisions pertaining to notice and hearing have been met.
- Option 5:** Any penalty authorized under Section 3020-a of the New York State Education Law, if the violator is a tenured teacher, provided the provision pertaining to charges, notices, hearings, and findings have been complied with.
- Option 6:** Any penalty authorized under Section 3031 of the New York State Education Law, if the violator is a nontenured teacher, or Section 75 of the New York State Civil Service Law, if the violator is a non-teaching employee of the district, provided the provisions pertaining to charges, notices, and hearings have been complied with.

Loitering on School Property
Section 1340.4

The Board of Education prohibits loitering on school property. A person is a loiterer when such person enters or remains in or on school grounds without any specific legitimate reason for being there and without written permission from someone authorized to grant it. Persons not requiring written permission are students; staff members; public officials; school board members; legitimate visitors; invitees; and licensees, the latter having obtained approval to use school facilities in accordance with Board of Education Policy #1330.

If a school district representative determines that a person is loitering on school grounds, said official representative shall direct that the person leave the premises. The request shall be personally communicated to the individual determined to be loitering. The school district representative shall exercise discretion in those situations which involve a parent, a person not an employee, an employee not assigned to the facility involved, a student not assigned to the facility involved, and a stranger. School district representatives shall exercise discretion in their actions, taking into account the scene of the visit, the possibility of violence, or the involvement of the use of drugs or alcohol. If the situation is one which, in the representative's discretion, does not require forceful action, the school district representative shall advise the person to leave the premises. Police may be called if there is a refusal to leave the premises or if the situation is one which, in the representative's discretion, requires forceful action.

Police may be called in advance of a request to leave the premises in the event of anticipated or actual turmoil or breach of law requiring immediate help.

Public Conduct on School Property (Continued)
Loitering on School Property - Section 1340.4 (Continued)

The Board of Education authorizes unilateral action by police, including arrest, if any person is apprehended on school property and found to have entered or remained unlawfully during times when school is not in session or if any of the following conditions exist:

1. The person refuses to leave the premises.
2. There is evidence of damage to school district property or theft of property.
3. The person is involved in an act of violence.
4. There is evidence of the use of an alcoholic substance or an illicit narcotic substance.
5. The person possesses a dangerous weapon.
6. The person is apprehended in an area barred to public admittance such as:
 - a. Vehicle or equipment compounds.
 - b. The interior of buildings.
 - c. Field houses.
 - d. Fire escapes.
 - e. Rooftops.
7. The person is in violation of activities or action prohibited in Section 1340.2 of this policy.

Other Penalties
Section 1340.5

These regulations and the penalties 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 or state law or local ordinance and the imposition of a fine or penalty provided for therein.

Conflict
Section 1340.6

Nothing in these rules and regulations is intended to conflict with any provisions of collective bargaining contracts entered into with appropriate employee units.

Public Conduct on School Property (Continued)**Legal References**
Section 1340.7

The legal references respecting Policy #1340 - Public Conduct on School Property are as follows:

New York State Education Law, Section 2801
New York State Penal Code, Sections 265.01-a and 240.35
Chapters 138 and 698 of the Laws of New York of 1979

Policy Adopted:
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