

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

August 2, 2010

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: First Reading-Community Relations-Visitors to and Conduct on School Property-8:30

This policy has significant changes, starting with a change in title. It now incorporates the words "visitors to" in the title. There are new definitions for school property and visitor. There are language changes requiring people to report to the office first, sign in, receive a visitor badge, and follow other regulations for visits. Under the section on conduct, sports officials are added as a category. Sections are added with respect to convicted child sex offenders, bargaining representatives, enforcement, and procedures to deny future admission to school events or meetings. All legal references are updated.

We ask that you use this as your first reading period and then put this on the next BOE meeting agenda for a second reading and approval.

## Community Relations

### Visitors to and Conduct on School Property <sup>1</sup>

The following definitions apply to this policy:

**School property** - School buildings and grounds, all District buildings and grounds, vehicles used for school purposes, and any location used for a School Board meeting, school athletic event, or other school-sponsored event.

**Visitor** - Any person other than an enrolled student or District employee.

All visitors to school property are required to report to the Building Principal's office and receive permission to remain on school property. All visitors must sign a visitors' log, show identification, and wear a visitor's badge. When leaving the school, visitors must return their badge. On those occasions when large groups of parents and friends are invited onto school property, visitors are not required to sign in but must follow school officials' instructions. Persons on school property without permission will be directed to leave and may be subject to criminal prosecution. <sup>2</sup>

Except as provided in the next paragraph, any person wishing to confer with a staff member should contact that staff member by telephone or email to make an appointment. Conferences with teachers are held, to the extent possible, outside school hours or during the teacher's conference/preparation period.

Requests to access a school building, facility, and/or educational program, or to interview personnel or a student for purposes of assessing the student's special education needs, should be made at the appropriate building. Access shall be facilitated according to guidelines from the Superintendent or designee. <sup>3</sup>

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**The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.**

<sup>1</sup> State or federal law controls this policy's content. Boards may make and enforce reasonable rules of conduct and sportsmanship for school events and deny future admission to school events to violators for up to one year provided a notice and hearing are given (105 ILCS 5/24-24). This policy contains an item on which collective bargaining may be required. Any policy that impacts upon wages, hours, and terms and conditions of employment, is subject to collective bargaining upon request by the employee representative, even if the policy involves an inherent managerial right.

<sup>2</sup> This paragraph is up to the local board's discretion. Many public school buildings were built before school security was the concern it is now. A first step in creating a secure environment is to manage access to school buildings. Along with limiting the entrances that may be used, school officials should post signs with instructions for visitors and a warning to trespassers. Signs may be as simple as "Visitors Must Report to Office" and "No Trespassing – Violators will be Prosecuted." Applicable criminal trespass laws include: 720 ILCS 5/21-3 (criminal trespass to real property); 5/21-5 (criminal trespass to State supported land); 5/21-9 (criminal trespass to a place of public amusement). This sample policy classifies board members as visitors, even though visiting schools is a power/duty (105 ILCS 5/10-20.6); students may not recognize them and be afraid to see an adult visitor without a badge.

The following optional provisions must be modified according to local conditions:

- Option 1: The Superintendent or designee may post certain school facilities for the community's use on non-school days when they are not being used for school purposes.
- Option 2: The Superintendent or designee shall manage a program to allow community use of the following facilities on non-school days, during the daylight, provided they are not being used for school purposes: tennis courts, playground, and track.

<sup>3</sup> 105 ILCS 5/14-8.02(g-5), added by P.A. 96-657. See administrative procedure 6:120-AP2, *Access to Classrooms and Personnel*, and exhibit 6:120-AP2, E1, *Request to Access Classroom(s) or Personnel for Special Education Evaluation and/or Observation Purposes*.

The School District expects mutual respect, civility, and orderly conduct among all people on school property or at a school event. No person on school property or at a school event (including visitors, students, and employees) shall:

1. Strike, injure, threaten, harass, or intimidate a staff member, a Board member, sports official or coach, or any other person; **4**
2. Behave in an unsportsmanlike manner, or use vulgar or obscene language;
3. Possess a weapon, any object that can reasonably be considered a weapon or looks like a weapon, or any dangerous device; **5**
4. Damage or threaten to damage another's property; **6**
5. Damage or deface school property; **7**
6. Violate any Illinois law, **8** or town or county ordinance;
7. Smoke or otherwise use tobacco products; **9**
8. Consume, possess, distribute, or be under the influence of alcoholic beverages or illegal drugs; **10**
9. Impede, delay, disrupt, or otherwise interfere with any school activity or function (including using cellular phones in a disruptive manner); **11**
10. Enter upon any portion of school premises at any time for purposes other than those that are lawful and authorized by the Board;
11. Operate a motor vehicle: (a) in a risky manner, (b) in excess of 20 miles per hour, or (c) in violation of an authorized District employee's directive; **12**
12. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding; **13**
13. Violate other District policies or regulations, or a directive from an authorized security officer or District employee; or
14. Engage in any conduct that interferes with, disrupts, or adversely affects the District or a School function.

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**4** See e.g., 720 ILCS 5/12-9 (threats to public officials); 720 ILCS 5/9-1, 5/12-4.2, 5/24-1.2 (crimes against school employees); 720 ILCS 5/12-2 (assaulting a sports official or coach).

**5** See e.g., 705 ILCS 405/5-407; 720 ILCS 5/24-9; and 725 ILCS 5/110-4, 5/110-10 (firearms in schools); 720 ILCS 5/24-1.2, 5/24-3 (discharge of firearm near school); 705 ILCS 405/5-130, 405/5-805 (minor 15 years or older who commits aggravated battery with a firearm at school is tried as an adult).

**6** See e.g., 720 ILCS 5/2-19.5, 5/16-1, 5/18-1, 5/19-1, 5/21-1, and 5/21-1.3 (property damage penalties).

**7** See e.g., 720 ILCS 5/21-1.3, 5/21-4.

**8** See e.g., 720 ILCS 5/11-14, 5/11-15, 5/11-16, 5/11-18, and 5/11-19 (prostitution near schools); 720 ILCS 5/21.3-5 (soliciting students to commit illegal act).

**9** Required by 105 ILCS 5/10-20.5b and 410 ILCS 82/1 *et seq.* Federal law prohibits smoking inside schools (20 U.S.C. §6081); districts failing to comply with the federal no-smoking ban risk a civil penalty of up to \$1000 per violation per day.

**10** See e.g., 720 ILCS 570/407 (delivery of controlled substance on or within 1000 feet of a school).

**11** See e.g., 720 ILCS 5/21.2-1 *et seq.*, amended by P.A. 96-807 (interference with a public institution of education).

**12** See e.g., 625 ILCS 5/11-605 (speed limit) and 625 ILCS 5/11-1414 (passing a stopped school bus on school property). 625 ILCS 5/12-610.1(e), amended by P.A. 96-131, prohibits wireless telephone use while operating a motor vehicle on a roadway in a school speed zone except for emergency purposes.

**13** The pivotal question in a negligence case is whether the defendant acted reasonably. A ban on roller-blading demonstrates that the district took reasonable steps to reduce the risk of injury.

### Convicted Child Sex Offender 14

State law prohibits a child sex offender from being present on school property or loitering within 500 feet of school property when persons under the age of 18 are present, unless the offender is:

1. A parent/guardian of a student attending the school and the parent/guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the Building Principal of his or her presence at the school; or
2. Has permission to be present from the Board, Superintendent, or Superintendent's designee. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal.

In all cases, the Superintendent, or designee who is a certified employee, shall supervise a child sex offender whenever the offender is in a child's vicinity.

### Exclusive Bargaining Representative Agent 15

Authorized agents of an exclusive bargaining representative, upon notifying the Building Principal's office, may meet with a school employee (or group of employees) in the school building during free-times of such employees.

### Enforcement

Any staff member may request identification from any person on school property; refusal to provide such information is a criminal act. <sup>16</sup> The Building Principal or designee shall seek the immediate removal of any person who refuses to provide requested identification.

Any person who engages in conduct prohibited by this policy may be ejected from school property. The person is also subject to being denied admission to school events or meetings for up to one calendar year. <sup>17</sup>

### Procedures to Deny Future Admission to School Events or Meetings

Before any person may be denied admission to school events or meetings as provided in this policy, the person has a right to a hearing before the Board. The Superintendent may refuse the person admission pending such hearing. The Superintendent or designee must provide the person with a

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<sup>14</sup> 720 ILCS 5/11-9.3. The statute assigns the child sex offender the "duty to remain under the direct supervision of a school official." In order to ensure this happens and to protect students, the sample policy requires the superintendent, or designee who is a certified employee, to supervise a child sex offender whenever the offender is in a child's vicinity. See also the Sex Offender Community Notification Law (730 ILCS 152/101 *et seq.*); Child Murderer and Violent Offender Against Youth Community Notification Law (730 ILCS 154/75-105); policy 4:170, *Safety*; and administrative procedure 4:170-AP2, *Criminal Offender Notification Laws*.

<sup>15</sup> 105 ILCS 5/24-25. Omit this section if it is covered in a collective bargaining agreement.

<sup>16</sup> 105 ILCS 5/24-25.

<sup>17</sup> See *Nuding v. Cerro Gordo Community Unit School Dist.*, 730 N.E.2d 96 (Ill.App.4, 2000)(board was authorized to ban parent from attending all school events and extracurricular activities by 105 ILCS 5/24-24; the ban was based on the parent's exposing a toy gun and a pocketknife at a board meeting); *Jordan ex rel. Edwards v. O'Fallon Tp. High School Dist.*, 706 N.E.2d 137 (Ill.App.5, 1999)(105 ILCS 5/24-24 did not give a high school athlete the right, under the due process clause, to a notice and hearing before he could be suspended from participating in interscholastic athletics; the statute expands the schools' authority to ban people from attending school events for breaching conduct and sportsmanship code).

hearing notice, delivered or sent by certified mail with return receipt requested, at least 10 days before the Board hearing date. The hearing notice must contain: **18**

1. The date, time, and place of the Board hearing;
2. A description of the prohibited conduct;
3. The proposed time period that admission to school events will be denied; and
4. Instructions on how to waive a hearing. **19**

LEGAL REF.: Nuding v. Cerro Gordo Community Unit School Dist., 730 N.E.2d 96 (Ill.App.4, 2000).

Pro-Children Act of 1994, 20 U.S.C. §7181 et seq.  
105 ILCS 5/10-20.5b, 5/24-24, and 5/24-25.  
720 ILCS 5/11-9.3.

CROSS REF.: 4:170 (Safety), 6:120 (Education of Children with Disabilities), 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Discipline), 8:20 (Community Use of School Facilities)

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**18** Id. If a violator is a student, the hearing should be held in a closed meeting (5 ILCS 120/2). If, however, the violator is not a student, the hearing must be held in an open session.

**19** The hearing requirement is for the violator's benefit and, consequently, the violator should be able to waive it.

## **Community Relations**

### **Conduct on School Property**

The School District expects mutual respect, civility, and orderly conduct among all individuals on school property or at a school event. No person on school property or at a school event shall:

1. Injure, threaten, harass, or intimidate a staff member, a Board of Education member, or any other person;
2. Damage or threaten to damage another's property;
3. Damage or deface School District property;
4. Violate any Illinois law, or town or county ordinance;
5. Smoke or otherwise use tobacco products;
6. Consume, possess, distribute, or be under the influence of alcoholic beverages or illegal drugs, or possess dangerous devices or weapons;
7. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;
8. Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board of Education;
9. Operate a motor vehicle in a risky manner or in violation of an authorized District employee's directive;
10. Engage in any risky behavior, including roller-blading, roller-skating, or skateboarding; or
11. Violate other District policies or regulations, or an authorized District employee's directive.

"School property" means school buildings, vehicles used for school purposes, and school grounds.

State law prohibits a child sex offender from:

- being present in any school building, on school grounds, in any school vehicle, or at school related activity, or
- loitering on a public way within 500 feet of school property,

when persons under the age of 18 are present, unless the offender is a parent/guardian of a student present in the building, on the grounds, or in the vehicle, or unless the offender has permission to be present from the Superintendent or the Board of Education. If permission is granted, the Superintendent or Board President shall provide the details of the offender's upcoming visit to the Building Principal. The Superintendent, or designee who is a certified employee, shall supervise a sex offender whenever the offender is in a child's vicinity.

As circumstances warrant, the District's administrators shall take appropriate action in enforcement of this policy. Violations will be handled as follows:

- Anyone observing a student violating this policy shall notify the Building Principal where the student is enrolled and the Principal shall take whatever action is appropriate under the student conduct code.
- The supervisor of any employee violating this policy shall take whatever action is appropriate according to personnel rules and bargaining agreements, if any.

- Anyone observing a parent/guardian or other person violating this policy shall immediately notify the Building Principal or designee. The Principal or designee will request that the person act civilly or otherwise refrain from the prohibited conduct. If the person persists with uncivil or prohibited behavior, the principal shall request that the person immediately leave school property and may contact law enforcement, if appropriate.

LEGAL REF.: Pro-Children Act of 1994, 20 U.S.C. § 6081.  
105 ILCS 5/10-20.5b and 5/24-24.  
720 ILCS 5/11-9.3.

CROSS REF.: 6:250 (Community Resource Persons and Volunteers), 7:190 (Student Discipline), 8:20 (Community Use of School Facilities), 8:40 (Spectator Conduct and Sportsmanship for Athletic and Extracurricular Events), 8:50 (Visitors to the Schools)

ADOPTED: May 20, 2002