

Students

Access to District Campuses

A. Definitions

As used in this Administrative Regulation:

1. "Access" means physical presence on a campus of a District school during school hours.
2. "Employee" means:
 - a. Employees and officers of the District, including members of the Board of Education.
 - b. Volunteers while participating in a curriculum-related activity at the invitation and under the authorization of an appropriate District administrator.
 - c. Independent contractors of the District, such as attorneys, accountants, consultants, etc., while representing or performing services for the District.
3. "Legitimate educational purpose" means the purpose of advancing the educational mission of the school, as represented by the following:
 - a. Visits to a classroom with the approval of and under the supervision of the classroom's teacher.
 - b. Attendance at school functions, such as parent-teacher conferences, extra-curricular activities, PTA meetings, student presentations, etc.
 - c. Meetings with a school administrator, teacher, counselor or other educational staff.
4. "Outsider" means an outsider as defined in Penal Code Section 627.1. Generally, an outsider includes any person other than:
 - a. a pupil of the school who is not currently suspended;
 - b. a parent or guardian;

- c. a District officer or employee or other public employee whose employment requires him or her to be on school grounds;
- d. any person present at the request of the school;
- e. a representative of a school employee organization;
- f. an elected public official; and,
- g. members of the media.

Comment: The term “outsider” is used in these Regulations only indirectly and only in connection with a general summary of certain activities that may constitute criminal behavior. (See Section E.4.a.) While the term “outsider” overlaps Section B of these Regulations to a certain extent, the specific provisions of Section B -- and not the provisions of Penal Code Section 627.1 -- will govern in determining access under this policy.

- 5. “Parent” means a natural parent, adopted parent or legal guardian of a pupil.
- 6. “Pupil” means a person who is currently enrolled at a District school and who is not currently suspended from the school. A person is only a “pupil” with respect to the school at which he or she is currently enrolled, and not with respect to any other District school. A person enrolled at a District school is not considered a “pupil” for the purposes of this Regulation during the period the person is “off-track” in a year-round-education schedule, unless the person is on campus for a “legitimate educational purpose,” as defined above.
- 7. “School Hours” for purposes of this Regulation, means that time commencing 30 minutes before the first class at the site and continuing until 30 minutes after the last class at the site.

B. Campuses Are Not Public Forums

- 1. All school district property, except as noted in B2 below, shall be a non-public forum during school hours and no person shall have access to a District school except as noted in B3 below.
- 2. All 9-12 campuses shall be limited public forums during school hours and no person shall have access to such sites except as noted in B3 below.

3. Notwithstanding B1 and B2 above, the following persons shall have access to District property during school hours:
 - a. Employees
 - b. Pupils
 - c. A parent, at a campus where the parent's child is enrolled, when the parent is present:
 - (1) For a "legitimate educational purpose;"
 - (2) For a private meeting of short duration with the child; or
 - (3) To drop off or pick up the parent's child if the child is a pupil of that school.
 - a) Another relative of the pupil, or another adult, may drop off a pupil before school and pick up a pupil after school, unless the principal or his/her designee has reason to believe in a particular case that the safety of any pupil might be compromised thereby.
 - b) Except in an emergency, or other extraordinary circumstances, as determined by the principal or his/her designee, no person other than a parent may pick up a pupil during school hours unless the parent has given written consent.
 - d. Authorized bargaining unit representatives while engaged in the lawful representation of an established bargaining unit. Typically, this shall be during non-work hours and in a non-student area.
 - e. Law enforcement personnel, public safety personnel, and other public employees or officials while engaged in the lawful performance of their duties.
 - f. Representatives of the media, as authorized by Board Policy 1112.
 - g. Other persons present on campus at the invitation or direction of, or with the permission of a District or school administrator, for any of the following reasons:
 - 1) To make an organized presentation to pupils or employees which relates to the school curriculum, or has some other educational purpose.

- 2) To meet with, or conduct business with, one or more employees regarding subject matter related to the educational mission of the school or District.
 - 3) To safeguard the health and safety of pupils.
 - 4) To maintain, repair or construct District property and/or to provide, maintain or repair utility services (telephone, gas, electric, etc.) to District schools.
 - 5) To attend a sporting event or other school function to which the pupil generally is invited.
- h. An identified adult, at the written request of a parent and subject to the limitations set forth below, to counsel with the parent's child.
- 1) The parent of the affected pupil must complete and sign an application.
 - 2) The application, absent extraordinary circumstances, shall be submitted 5 days in advance. When extraordinary circumstances exist, the district will make every effort to expedite the process for the student's welfare.
 - 3) The parent will:
 - a) Identify the adult who is authorized access;
 - b) Identify the proposed frequency of visits (e.g., specified dates, every Tuesday, once a week, once a month, etc.);
 - c) Specify the length of the visit;
 - d) Affirm that the purpose of the visit is to personally counsel the parent's child;
 - e) Agree to indemnify and hold the district harmless for any damages that the district may suffer which are approximately caused by the presence of their authorized visitor; and
 - f) Provide such other pertinent information as the application may require.
 4. The authorized visitor shall sign the application form to acknowledge that she/he is to interact only with the named student and only for the purpose of personal counseling of the named student.
 5. The authorized visitor shall wear or display an identification badge.

6. Access pursuant to an application is limited to the lunch hour and generally will be limited to the outside school grounds or the cafeteria.
7. In the absence of extraordinary circumstances, a properly completed application will be approved. The site administrator and/or superintendent, however, retains the discretion to modify/alter times and/or dates of access if a visit on a particular day conflicts with the educational program or conflicts with the well being of the student.
8. A person previously approved may have his/her authorization immediately revoked by a site administrator, at any time, if the administrator determines that the person's continued presence on campus either presents a threat of disruption or physical danger to any person or is not in compliance with the terms and conditions of the application approval.

C. Exceptions

The Superintendent or a principal, or his/her respective designee, may approve access of a person who does not fall within any of the categories listed in Section B, above.

1. Such access shall be approved only if the Superintendent or principal, or designee, finds that there is a valid reason for permitting access in a particular case.
2. As used in this section, a valid reason means a reason which is both related to the educational mission of the District school or District school-sponsored program and not inconsistent with the purpose of these rules and regulations.

D. Duration of Access

1. With the exception of (i) District officers and administrators, (ii) teachers and other employees assigned to that particular campus, and (iii) pupils, all persons authorized to be present on a District campus under Sections B or C of these rules should remain on campus only for the period reasonably necessary or appropriate to fulfill the reason for the visit to the campus.
2. Any administrator at a school site may request any such person to leave the campus if it appears that the purpose of the visit to the campus has been fulfilled.
3. If the administrator would otherwise have found a valid reason for

access, access shall not be denied on the basis of the administrator's belief that the person will engage in speech protected by the First Amendment of the U.S. Constitution while on the campus.

E. Response to Unauthorized Presence on Campus

If reason exists to believe that a person is present on campus without authorization, or that a person has remained on campus after fulfilling the purpose for visiting the campus, any administrator or teacher, or designee thereof, should:

1. Inquire with the school office to determine the status of that person.
2. If it appears that the person is present in violation of Sections B, C or D of this regulation, the principal or other available administrator, or designee thereof, should inquire of that person the reasons for his/her presence on campus.
3. If the principal or other administrator determines that the person's presence on campus is in violation of Sections B, C or D, the administrator or designee should request the person to leave the campus.
4. If the person refuses to leave following such a request, the principal should be informed immediately. The principal should thereupon attempt to determine whether the continued presence of the person on the campus constitutes a criminal trespass or a criminal disruption of the operation of the school. If appropriate, the Superintendent/designee should be contacted.

The following generally-described acts may constitute a violation of the criminal law:

- a. An "outsider" who is not properly registered with the school office, or whose registration has been revoked, remains on campus during school hours after the principal or designee has requested the outsider to leave.

Criminal liability arises only if the principal or designee who denies or revokes the outsider's registration reasonably concludes that the outsider's presence would disrupt school operation, damage property or result in the distribution or use of controlled substance.

- b. Any person who is not a student, officer or employee of a school, or who is not required by his/her employment to be on the campus, fails to leave the campus after being requested to do so by the principal or

designee, and it reasonably appears that such person is committing or intends to commit any act likely to interfere with the peaceful conduct of the school.

- c. Any person who loiters about a school where it is reasonably apparent that the person intends to commit a crime if the opportunity presents itself.
 - d. A person who willfully interferes with the good order or conduct of any school class or activity with the intent to disrupt or to inflict damage or injury.
 - e. Any parent or other person who conducts himself/herself with substantial disorder in a place where a school employee is required to be in the course of his/her duties.
5. If the principal or Superintendent, or respective designee, determines that a criminal act has occurred, the police/sheriff should be contacted.
 6. If the principal or the Superintendent, or his/her respective designee, determines that no violation of criminal laws has occurred or is likely to occur, the police/sheriff should not be called, unless the principal or designee determines that the person's presence on campus creates a reasonable risk of danger to any person. However, the principal should inform the person of this District Policy and attempt to persuade the person to leave the campus of his/her own volition.
 7. If the same person, or different persons associated with the same group or organization, repeats a violation of these rules, the principal of the affected campus should immediately inform the Superintendent. The Superintendent or his/her designee shall promptly inform the members of the Board. The Board may determine, at a regular or special meeting, whether to seek a restraining order or injunction from a court of law against the offending party or parties.
 8. If the Superintendent determines that compelling circumstances create an urgent need to seek a restraining order without delay, the Superintendent may so authorize District Counsel, and shall immediately so inform the members of the Board.

F. Effect of Rules

Nothing in these rules and regulations is intended to supersede:

1. Board Policy 1250, governing visits of "constituents."

Rule 5142.7

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2. Other policies of the District relating to curriculum and instruction.

3. The Civic Center Act, Education Code Section 40040 et seq., and its implementation through Board Policy 1330.

Rule

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