

REGULATION 3515.2: DISRUPTIONS

Comparison Chart

Section: Business

SUMMARY OF UPDATE

Summary of Update: Regulation updated to authorize the principal or designee to remove from school grounds or a school activity any person who threatens the immediate physical safety of a student, staff, or others. Regulation also reflects law allowing a person who has been directed to leave school facilities to reenter a location where the superintendent's or board's office is located for the purpose of filing an appeal.

CSBA NOTE: The following administrative regulation is optional and may be revised to reflect district practice. Education Code 35160 authorizes the Governing Board to maintain order in schools under its jurisdiction. Therefore, the district, in accordance with law, may authorize school administrators to direct certain individuals, as specified below, to leave school grounds. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor. In addition, Penal Code 653b makes it a misdemeanor for anyone to loiter around a school and enhances penalties for loiterers who are required to register as sex offenders or to register with the local chief of police or sheriff for committing specified street gang offenses. For information regarding visitor registration requirements, see BP/AR 1250 - Visitors/Outsiders.

| PARA | Section | Sub-Section | June 17, 2014 CURRENT VERSION | April 2016 REVISED VERSION | CSBA MODIFICATIONS and/or NOTES |
|------|---------|-------------|--|--|------------------------------------|
| 1 | | | The principal, designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds or school activity if: | The principal or designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds or school activity if: | |
| | 1 | | The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property. | No change | |
| | 2 | | The person fights or challenges another person to fight, willfully disturbs another person by loud and unreasonable noise, or | No change | |

| | | | | |
|--|---|---|---|---|
| | | uses offensive language which could provoke a violent reaction. | | |
| | 3 | The person loiters around a school without lawful business for being present or reenters a school within 72 hours after he/she was asked to leave. | The person, without lawful business for being present, loiters around a school or reenters a school within 72 hours after he/she was asked to leave. | |
| | 4 | The person is required to register as a sex offender pursuant to Penal Code 290 and does not have a lawful purpose and written permission from the principal or designee to be on school grounds. | No change | CSBA NOTE: Penal Code 626.81 prohibits registered sex offenders from school grounds unless they have lawful business and written permission from the principal or designee. However, pursuant to Education Code 49091.10 and 51101, any sex offender who is a parent/guardian of a student must, like other parents/guardians, be allowed to be involved in the education of his/her child. Thus, districts must adopt reasonable measures to maintain the rights of such sex offender parents/guardians to be involved in their children's education, while keeping students safe. See BP 1250 - Visitors/Outsiders. |
| | 5 | The person is a specified drug offender, as defined in Penal Code 626.85, and does not have written permission from the principal or designee to be on school grounds. However, such specified drug offender may be on school grounds during any school activity if he/she is a student or the parent/guardian of a student attending the school. | No change | |
| | 6 | The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any student in grades K-8 while attending, arriving at, or leaving school. | The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of students, staff, or others while attending, arriving at, or leaving school. | CSBA NOTE: Item #6 below authorizes the principal or designee to remove from school or a school activity any person who threatens the physical safety of a student at any grade level. Pursuant to Penal Code 626.8, it is a misdemeanor to threaten the physical safety of any student in grades K-8. |

| | | | | | |
|---|---|--|---|-----------|--|
| | 7 | | The person has otherwise established a continued pattern of unauthorized entry on school grounds. | No change | |
| 2 | | | The principal or designee shall allow a parent/guardian who was previously directed to leave school grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. | No change | |
| 3 | | | When directing any person to leave school premises, the principal or designee shall inform the person that he/she may be guilty of a crime if he/she: | No change | |
| | 1 | | Fails to leave or remains after being directed to leave | No change | |
| | 2 | | Returns to the campus without following the school's posted registration requirements | No change | |
| | 3 | | Returns within seven days after being directed to leave | No change | |
| | | | <u>Appeal Procedure</u> | No change | |
| 1 | | | Any person who is asked to leave a school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter with the principal or designee and the person making the appeal, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. | No change | |
| 2 | | | The decision of the Superintendent or designee may be appealed to the Governing | No change | |

| | | | | |
|--|--|--|--|----------------------------|
| | | | Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. | |
| | | | In any circumstance where a person has been directed to leave a school building or ground where the Superintendent's or Board's office is situated, he/she may nevertheless enter the school building or ground solely for the purpose of making the appeal. | New paragraph added |

Created on: 8/20/2021