

# MODESTO CITY SCHOOLS

## Administrative Regulations

AR 3515.2

### BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

#### Disruptions

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. (Education Code 44810, 44811; Penal Code 626.7)
2. The person fights or challenges another person to a fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction. (Penal Code 415.5)
3. 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. (Penal Code 653b)
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. (Penal Code 626.81)
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

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**BUSINESS AND NON-INSTRUCTIONAL OPERATIONS**

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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. (Penal Code 626.85)

6. 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. (Penal Code 626.8)
7. The person has otherwise established a continued pattern of unauthorized entry on school grounds. (Penal Code 626.8)

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. (Penal Code 626.7, 626.85)

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: (Education Code 32211; Penal Code 626.7, 626.8, 636.85)

1. Fails to leave or remains after being directed to leave. Returns to the campus without following the school's posted registration requirements.
2. Returns within seven days after being directed to leave.

Whenever an individual is causing or threatening to cause a disruption at any district facility other than a school campus, the Superintendent or designee may direct that individual to leave the facility consistent with this regulation and the accompanying Board policy.

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#### Appeal Procedure

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. (Education Code 32211)

The decision of the Superintendent or designee may be appealed to the Governing 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. (Education Code 32211)

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. (Education Code 32211)

#### Legal References:

##### EDUCATION CODES

*32210 Willful disturbance of public school or meeting*

*32211 Threatened disruption or interference with classes*

*35160 Authority of governing boards*

*44810 Willful interference with classroom conduct*

*44811 Disruption of classwork or extracurricular activities*

*48902 Notification of law enforcement authorities*

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## COMMUNITY RELATIONS

### Disruptions

#### Legal References (cont.):

##### PENAL CODES

*12556 Imitation firearms*

*243.5 Assault or battery on school property*

*30310 Prohibition against ammunition on school grounds*

*415.5 Disturbance of peace of school*

*626-626.11 School crimes*

*627.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions*

*626.8 Disruptions*

*626.81 Misdemeanor for registered sex offender to come onto school grounds*

*626.85 Misdemeanor for specified drugs offender presence on school grounds*

*626.9 Gun-Free School Zone act of 1995*

*627-627.10 Access to school premises*

*653b Loitering about schools or public places*

##### UNITED STATES CODE, TITLE 2

*7961 Gun-Free Schools Act*

#### Management Resources:

##### ATTORNEY GENERAL OPINION

*79 Ops. California Attorney General 58 (1996)*

##### COURT DECISIONS

*In Re Jimi A., (1989) 209 Cal.App.3d 482*

*In Re Joseph F., (2000) 85 Cal.App.4th 975*

*In Re Oscar R., (1984) 161 Cal.App.3d 770*

*Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652*

##### UNITED STATES DEPARTMENT OF EDUCATION PUBLICATION

*Guide for Developing High-Quality School Emergency Operations Plans, 2013*

##### WEBSITES

*United States Department of Education – Education for Homeless Children and Youths Grants for State and Local Activities - <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/education-for-homeless-children-and-youths-grants-for-state-and-local-activities/>*

*California Department of Education, Safe Schools – <https://www.cde.ca.gov/ls/ss/>*

*CSBA: <https://www.csba.org/>*

#### Cross References (cf.):

*0450 – Comprehensive Safety Plan (N/A)*

*1112 – Media Relations*

*1240 – Volunteer Assistance (N/A)*

*1250 – Visitors/Outsiders*

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## COMMUNITY RELATIONS

### Disruptions

#### Cross References (cf. (continued)):

*1330 – Use of School Facilities*  
*1330.1 – Joint Use Agreements (N/A)*  
*3513.3 – Tobacco-Free Schools*  
*3513.4 – Drug and Alcohol Free Schools*  
*3515 – Campus Security*  
*3515.21 – Unmanned Aircraft Systems (Drones) (N/A)*  
*3515.3 – Sex Offender Notification*  
*3515.3 – District Police/Security Department*  
*3515.5 – Sex Offender Notification (N/A)*  
*3515.7 – Firearms On School Grounds (N/A)*  
*3516 – Emergencies And Disaster Preparedness Plan*  
*3543 – Transportation Safety and Emergencies*  
*4118/4218 – Dismissal/Suspension/Disciplinary Action*  
*4119.21/4219.21/4319.21 – Professional Standards*  
*4131/4231/4331 – Staff Development*  
*4158/4258/4358 – Employee Security (N/A)*  
*5131.4 – Student Disturbances (N/A)*  
*6116 – Classroom Interruptions*  
*6145.2 – Athletic Competition*  
*6145.5 – Student Organizations And Equal Access*

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