

**STRATEGIES AND PROCEDURES FOR THE MAINTENANCE AND ENFORCEMENT OF
PUBLIC ORDER ON SCHOOL PROPERTY**

Purpose

The following rules and regulations are adopted for the maintenance of public order on the property of the Cobleskill-Richmondville Central School District and provide a program for enforcement thereof in accordance with § 2801 of the Education Law. in compliance with Article 55 of the Education Law derived from Chapter 740 of the Laws of 1972.

Prohibited Conduct

No person, either singly or in concert with other, shall:

1. Willfully cause physical injury to any other person or threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do.
2. Physically restrain or detain any other person, or remove such person from any place where he/she is authorized to remain.
3. Willfully damage or destroy property of the district, or remove or use such property without authorization. Willful damage includes intentional littering on school property, buildings or vehicles.
4. Without permission, expressed or implied, enter into any private office of an administrative officer, faculty member or staff member.
5. Other than student, employee or board member enters a classroom or the building beyond the administrative office without written or oral permission of the Superintendent of School or his/her designee.
6. Enter upon or remain in any building or facility for any purpose other than for authorized uses, or in such manner as to obstruct its authorized use by others.
7. Without authorization, remain in any building or facility after it is normally closed.
8. Refuse to leave any building or facility after being requested to so by an authorized administrator.
9. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
10. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lecture and meeting, or deliberately interfere with any person who desired to express his/her views, including invited speakers. These actions may include abusive language or gestures including racial or ethnic remarks.
11. Have in possession upon any premises to which these rules apply, any knife, shot gun, pistol, revolver, or other firearm or weapon without the written authorization of the Superintendent, whether or not a license to possess the same has been issued to such person, except for a police officer who is on duty and acting in an official capacity.
12. Possess, consume or exchange, drugs or narcotics on school properties.
13. Distribute or post any written material, pamphlet or poster without the prior written approval of the Superintendent or his/her designee.
14. Urge or incite others to commit any of the acts herein prohibited.
15. Urge chronic truancy from school.

Penalties

A person who shall violate any of the provisions of these rules shall:

1. If he/she is a licensee or invitee have his authorization to remain upon the district property withdrawn and shall be directed to leave the premises. In the event of his/her failure or refusal to do so, he/she shall be subject to ejection.
2. If he/she is a trespasser or visitor without specific license or invitation, be subject to ejection.
3. If he/she is a student, be subject to suspension or such lesser disciplinary action as the facts of the case may warrant.
4. If he/she is a faculty member, be guilty of misconduct and be subject to dismissal or termination of his/her employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.
5. If he/she is a staff member entitled to the benefits of Civil Service Law § 75, be guilty of misconduct and subject to the penalties prescribed in said section.
6. If he/she is a staff member not entitled to the benefits of Civil Service Law § 75, be guilty of misconduct and subject to dismissal or termination of his/her employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.

The enforcement of the penalties described above shall be inclusive of and supplementary to the applicable provisions of the Education Law, the Civil Service Law, and in no manner intend to preclude prosecution under appropriate provisions of the Penal Law.

Procedure

A person who shall violate any of the provisions of these rules shall:

1. The Superintendent or designee shall inform any licensee or invitee, who shall violate any provisions of these rules, that his/her license or invitation is withdrawn and shall direct him/her to leave district grounds. In the event of his/her failure or refusal to do so, the Superintendent or designee shall cause his/her ejection from such property.
2. In the case of any other violator, who is neither a student nor faculty nor other staff member, the Superintendent or designee, shall inform the violator that he/she is not authorized to remain on the property of the district, and direct him/her to leave such premises. In the event of his/her failure or refusal to do so, the Superintendent or designee shall cause his/her ejection from such property.

*Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation, not to affect his liability to prosecution for trespass or loitering as prescribed and prohibited in the Penal Law.

3. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in § 3214 (3) of the Education Law.
4. In the case of a faculty member having tenure, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with § 3020-a of the Education Law.
5. In the case of a faculty member not having tenure, the Superintendent shall conduct a hearing after written notice to the teacher of the charges and shall determine the punishment of the teacher if found guilty.
6. In the case of any staff member who holds a position in the classified Civil Service as described

by the provisions of § 75 of the Civil Service Law, or is covered by the provisions of § 75 of the Civil Service Law, charges of misconduct for violation of any of these rules shall be made, heard and determined as prescribed in that section.

7. In the case of any staff member who does not hold a position in the classified Civil Service as described by the provisions of § 75 of the Civil Service Law, or is not covered by the provisions of § 75 of the Civil Service Law, the Superintendent shall conduct a hearing after written notice to such staff member of the charges, and shall determine the punishment if such staff member is found guilty.

Enforcement Program

The responsibility for enforcement is as follows:

1. The Superintendent shall be responsible for the enforcement of these rules, and he/she shall designate other administrative officers who are authorized to take action in accordance with such rules when required.
2. The Superintendent or designee may apply to the public authorities for any aid which he/she deem necessary in causing the ejection of any violator of these rules, and he/she may request the school attorney to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules.

Definition of Terms

A “licensee” is defined as a person who enters the property of the school district for such person’s own interests, with out express or implied invitation (an invitee).

An “invitee” is a person who enters the property of the school district with express or implied permission by someone who is authorized by the District to give such permission.