

## **I. Policy Statement**

The Board of Education encourages the participation of families and the community in public schools. The Board further encourages the use of school facilities for community purposes when such use does not interfere with the scheduled school program. The Board recognizes its primary responsibility to provide a safe and nurturing educational and work environment, and its legal authority to act when anyone willfully disturbs or otherwise prevents the orderly conduct of school system instruction, administration or activities.

## **II. Purpose**

The purpose of this policy is to define the circumstances and conditions under which individuals are allowed access to school property, to define the circumstances and conditions under which access may be denied, to define the procedures for denying future access, and to establish the procedures for responding to an incident of trespassing or willful disturbance.

## **III. Definitions**

- A. Authorized Employee – A member of the Board of Education of Howard County, Superintendent, principal, school resource officer, employee, or any person designated in writing by any of these persons as an agent of the school system for purposes of this policy.
- B. Building Administrator – The employee responsible for a particular school system property. The building administrator for a school is the principal. The building administrator for a non-school building is the building manager.
- C. Denial-of-Access Letter – A written notice served on or mailed to a person (or the person’s parent) by the building administrator or the Superintendent’s designee stating that the person is not permitted on school property for a defined period of time.
- D. Parent – Any one of the following, recognized as the adult(s) legally responsible for the child or vulnerable adult:
  - 1. Biological parent — A natural parent whose parental rights have not been terminated.

2. Adoptive parent — A person who has legally adopted the child or vulnerable adult and whose parental rights have not been terminated.
  3. Custodian – A person or agency appointed by the court as the legal guardian of the child or vulnerable adult and granted parental rights and privileges.
  4. Guardian - A person who has been placed by the court in charge of the affairs of the child or vulnerable adult and granted parental rights and privileges.
  5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the child or vulnerable adult, but who is neither the biological parent nor legal guardian.
  6. Foster parent – An adult approved to care for a child who has been placed in the foster parent(s)' home by a state agency or a licensed child placement agency as provided by section 5-507 of the Family Law Article.
- E. School property – Any property or facility owned or leased by the Howard County Public School System.
- F. School Resource Officer – A law enforcement officer who has been assigned to a school in accordance with a memorandum of understanding between the Howard County Department of Police (HCDP) and the Howard County Public School System (HCPSS).
- G. Trespassing – Entrance onto school property by an individual who is not identified as an authorized user of the property, and who has been given prior legal notice that entry onto or use of the property has been denied or who remains on the property once notified of the request to leave.
- H. Willful Disturbance – Conduct by an individual who:
1. Willfully disturbs or otherwise willfully prevents the orderly conduct of activities, administration, or classes at a school.
  2. Molests or threatens with bodily harm any student, employee, or other individual lawfully on school property, on a school bus, or at a school sponsored event off school property.
  3. Threatens with bodily harm any employee at home by any means, including in-person, by telephone, or by electronic means if the threat arises out of the scope of the employee's employment.

#### **IV. Standards**

- A. An authorized employee may deny access to HCPSS property to any person who:
1. Is not a bona fide, currently registered student at the property or an HCPSS employee assigned to the property and who does not have lawful business to pursue at the site; or

2. Is a bona fide, currently registered student at the school and has been suspended or expelled from the property, for the duration of the suspension or expulsion; or
  3. Is an employee or student who has been denied access to the property as a result of administrative action; or
  4. Creates a willful disturbance.
- B. In accordance with provision IV. A. above, employees of the HCPSS, contracted security officers and school resource officers may demand identification and evidence of a lawful and authorized use of the property from any person who desires to enter or use school property.
- C. In accordance with the Memorandum of Understanding between the HCDP and the HCPSS, a police officer may demand identification and evidence of a lawful and authorized use of HCPSS property and may deny access to HCPSS property when persons authorized to carry out these actions are not on the school property.
- D. Criminal charges may be filed against a person for trespassing or willful disturbance.
- E. An individual must be warned by an authorized employee not to enter school property before a criminal charge of trespass can be sought. This may be done orally, through signs designating restricted areas, through written notification, or through published guidelines for appropriate use of the property.
- F. An individual who receives a denial-of-access letter and who must visit the property for non-school events outside of normal school hours (during the exercise of his/her constitutional rights), may do so at the discretion and with the permission of the event's sponsor(s). Decisions of the administrator's supervisor may be appealed to the Superintendent's designee.
- G. An individual who receives a denial-of-access letter may appeal the matter to the building administrator's immediate supervisor.
- H. All Howard County Public School property and buildings are closed for all users from 11:00 p.m. to 5:00 a.m. daily, unless an exception is made for a particular individual or group by the appropriate building administrator or Superintendent's designee.

## **V. Compliance**

- A. Building administrators are responsible for establishing procedures for admitting only authorized users to school property.

- B. Building administrators are responsible for investigating instances of alleged violations of this policy and taking appropriate action, except when it may be appropriate to deny access to multiple properties, in which case the Superintendent's designee will be responsible.
- C. Building administrators are responsible for issuing denial-of-access letters, maintaining a file of issued letters, and forwarding copies of all letters to the Superintendent's designee.
- D. The Superintendent's designee is responsible for maintaining a list of all persons who have received denial-of-access letters and for disseminating such information as appropriate.
- E. The Superintendent's designee will serve as the liaison to the HCDP in matters related to the implementation of this policy.

## **VI. Delegation of Authority**

The Superintendent is authorized to develop procedures for the implementation of this policy.

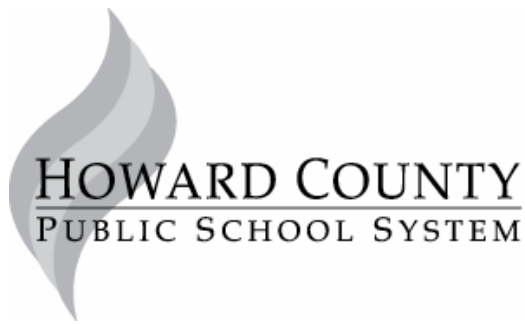
## **VII. References**

- A. Legal
  - The Annotated Code of Maryland, Education Article, Sections 26-101 and 26-102
  - The Annotated Code of Maryland, Criminal Law Article, Section 6-409
  - The Annotated Code of Maryland, Criminal Law Article, Section 27-643(b)
- B. Other Board Policies
  - Policy 1040 Safe School Environments
  - Policy 5210 Pupil Transportation: Student Conduct
  - Policy 7030 Employee Discipline
  - Policy 9020 Students' Rights and Responsibilities
  - Policy 9200 Discipline
  - Policy 9280 Students Charged with Community or Reportable Offenses
  - Policy 10000 Parent, Family, and Community Involvement
  - Policy 10020 Use of School Facilities by Non-school Groups
- C. Other
  - Student Code of Conduct
  - Memorandum of Understanding between the Board of Education of Howard County and the Howard County Department of Police (1990)
  - Memorandum of Understanding: Law Enforcement Unit (2001)

ADOPTED: August 23, 1990

AMENDED: July 24, 1997  
April 6, 2006

EFFECTIVE: July 1, 2006



**POLICY 3020-PR**  
IMPLEMENTATION PROCEDURES  
**TRESPASSING OR WILLFUL**  
**DISTURBANCE**

Effective: July 1, 2006

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- I. Building administrators are responsible for establishing procedures for admitting only authorized users to school property. This may include visitor sign-in procedures, requiring all staff and visitors to wear issued identification badges, and the positive identification of contractors and vendors who visit the building for business purposes.
  
  - II. Authorized employees may demand identification and evidence of a lawful and appropriate use of the property from any person who desires to enter or use school property. If individuals do not have lawful business, an authorized employee must warn the individuals that their continued presence on said property will be considered trespassing and that they are directed to leave. Individuals who fail to comply with the directive to leave will subject themselves to criminal prosecution on the charge of trespass. If an individual refuses to leave the school property after having been warned, the authorized employee should seek police assistance by calling 9-911 or 9-(410) 313-2200.
  
  - III. When a person is deemed to be threatening, violent, disorderly, disruptive or otherwise appears to violate the provisions of this policy, and/or is using or attempting to utilize the property without permission or prior approval, the authorized person will inform the violator of this policy and of the likelihood that continuation of the illegal or inappropriate conduct will cause the provisions of this policy to be implemented.
  
  - IV. In order to assure the effective administration of the schools and to safeguard students and employees, Maryland law prohibits certain conduct and provides criminal penalties including imprisonment and monetary fines for an individual who:
    - A. Trespasses on any school property
    - B. Fails or refuses to leave school property after being requested to do so by a person authorized to deny access
    - C. Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flowers on school property
    - D. Willfully disturbs or otherwise willfully prevents the orderly conduct of activities, administration, or classes at a school
    - E. Molests or threatens with bodily harm any student, employee, or other individual lawfully on school property, on a school bus, or at a school sponsored event off school property
    - F. Threatens with bodily harm any employee at home by any means, including in-person, by telephone, or by electronic means if the threat arises out of the scope of the employee's employment.

- V. When an individual commits one of the offenses noted above, the building administrator may take several actions. In taking administrative action, the building administrator should consider that the individual may be the parent of a student at the school who may at times have legitimate school business to conduct at the school. School staff should encourage the involvement of individuals who are legitimate, non-disruptive school visitors. If the individual is a current HCPSS student who has not been suspended or expelled from the property, the administrator should consult Policy 9200, Discipline, and the Student Code of Conduct.
- VI. Administrative action can include the following:
- A. Conferencing with the individual to explain the need for a safe and secure school environment and the expectation of non-disruptive conduct.
  - B. Issuing a warning letter to the individual summarizing the incident and providing written notice that disruptive behavior cannot occur and will not be tolerated.
  - C. Issuing the individual a letter summarizing the disruptive behavior and any prior discussions or warnings and warning them that any further incidents will lead to the issuance of a denial-of-access letter.
  - D. Issuing a denial-of access letter to individuals who are not parents of students enrolled at the school.
  - E. Issuing a denial-of-access letter to individuals who are parents of students enrolled at the school. Denial-of-access letters should address the manner in which the individuals may continue to discuss legitimate school issues regarding their child, to the extent that it will not (in the administrator's judgment) create a disturbance to school activities through one or more of the following:
    - 1. Requiring advance permission prior to coming to school;
    - 2. Requiring the individual to have all communications and/or visits directed to one specified individual;
    - 3. Requiring that an administrator always be present during any meetings with teachers or staff;
    - 4. Requiring that any contact with the school be undertaken by another parent or legal guardian;
    - 5. Requiring the parent to communicate only through email, letters, or other written communication to the school.
    - 6. Calling the police department or school resource officer if the building administrator believes that school staff, students or others are threatened or help is needed to restore the order and safety of the school;
    - 7. Filing criminal charges against the individual with the approval of the Assistant Superintendent, School Administration; and
    - 8. Taking any other reasonable restrictions/accommodations which would permit parent communication while preserving the order and the safety of the school.

- VII. When a decision has been made to deny further access to school property, whether or not criminal charges have been brought, the building administrator will mail letters by both regular and certified mail to the violator, or to the parent(s) of any student(s) involved. The letter should include the following:
- A. The date(s) of the incident(s)
  - B. The incident(s) causing the action
  - C. The appropriate laws, policies, and/or codes that apply
  - D. The clear directive not to enter school property or be liable for trespass
  - E. The time period during which the notice is in effect (including an expiration date) if appropriate or a statement that it is in effect until further notice
  - F. An invitation to further discuss the matter with the building administrator
- VIII. An individual who receives a denial-of-access letter may appeal to the building administrator's immediate supervisor. Decisions of the administrator's supervisor may be appealed to the Superintendent's designee.
- IX. A copy of the letter is to be sent to the Coordinator of Security, and in the case of an HCPSS student from another school, to the principal of the student's assigned school.
- X. The Coordinator of Security shall maintain a list of all individuals who have been denied access to school property via a denial-of-access letter and will notify the appropriate building administrator when the term of the denial has expired.
- XI. The Coordinator of Security will serve as the liaison to the HCDP in matters related to implementation of this policy, including informing the HCDP of individuals who have been denied future access to school property.
- XII. When a HCPSS student is determined to be trespassing, the administrator of the student's assigned school will take appropriate disciplinary action in accordance with Policy 9200, Discipline, and the Student Code of Conduct.
- XIII. When a HCPSS employee is determined to be trespassing, the employee's immediate supervisor will take appropriate disciplinary action in accordance with Policy 7030, Employee Discipline.

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