

## ***Controlling Visitors: How to Maintain Order and Keep Students Safe***

**By: Betsey A. Kruse  
Thomas A. Mickes  
Mickes Goldman O'Toole, LLC  
MARE, March 2009**

You have seen it before: a parent is upset at the way their child's coach is coaching, and they let him know about it. They yell and scream, threaten the coach, disrupt the game, and in your opinion, go too far. This is not the first time you have seen the parent act this way. In fact, you have given this parent multiple warnings about their behavior. Now you feel that something needs to be done. Pursuant to Board of Education Policy, you inform the parent that due to their disruptive conduct, they are prohibited from entering district grounds or attending district activities for six months. Naturally, the parent is upset and lets you (and anyone else who will listen) know that you are violating their rights by banning them from district property. This raises the question: *does* a parent/school district patron have a right to access school district property?

The answer, in general, is no – members of the public do not have an unfettered right to access public schools. The Supreme Court of the United States has recognized that the, “First Amendment does not guarantee access to property simply because it is owned or controlled by the government.” Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 46 (1983) (citing United States Postal Service v. Greenburgh Civic Ass'n, supra, 453 U.S. 114, 129 (1981)).

Schools are generally considered non-public forums, and therefore, access can be restricted, provided that the restrictions are reasonable and are not an effort to suppress viewpoints. Embry v. Lewis, 215 F.3d 884 (8th Cir. 2000). Accordingly, as long as restrictions to school district access are reasonable and content neutral, the district has the right to control disruptive behavior in its schools, and at school activities, by banning parents/patrons from district property if necessary. The key is to fairly and reasonably implement such restrictions to access.

If a visitor to your school or to a school activity displays physical or violent behavior, the first step is to immediately contact law enforcement. The superintendent, principal, or district designee also has the right to request that the visitor leave district property immediately. Then, if the conduct so warrants, and when the timing is appropriate depending on the gravity of the situation, notify the visitor that they are banned from school premises and district activities for up to (1) year, or a time prescribed in your Board policies. For visitors who are creating a disruption, but whose behavior does not rise to the level of physical behavior or conduct warranting an immediate ban, warn this visitor in writing, and with a copy to local law enforcement, that further disruptions may lead to a ban. If their behavior does not improve, rely on your Board policies to limit his/her access to prevent further distractions to the school environment. Law enforcement will arrest violators for criminal trespass if you give them advance notice.

The district may also control the time and manner of visits by parents and patrons during the school day. The first step in maintaining the safety of your students during the school day is to insist that all visitors follow district rules. If a parent or patron visits during the school day, they need to sign-in and follow all policies regarding visits to the school, regardless of whether or not the parent is a regular visitor to the school, or if the teacher already knows that they are coming to visit. If you feel a parent is visiting too often and their visits are creating a distraction to the learning environment, try at first to work with the parent to minimize surprise visits. Request that the parent call you when they plan to come by the school to visit their child. Or, set parameters for when their visits can occur (ie. one visit per month) and clearly articulate these parameters to the parent.<sup>1</sup>

When the decision has been made to ban a parent or patron from the district and district activities, provide notice of this decision: (1) either verbally or by first-class mail, and (2) by certified mail with return receipt requested. The notice should contain: (1) a description of the conduct warranting the restriction, (2) the proposed time period for which admission to district events or property will be denied, and (3) instructions or district Board Policy regarding the procedure for requesting a time to address the Board of Education regarding the ban. Also, depending on the nature of the conduct, it may be appropriate to inform the parent/patron that if he/she wishes to access school grounds for a legitimate purpose, such as to attend their child's parent-teacher conference, or to pick their child up from school, they should contact the superintendent to discuss the matter.

The key in implementing bans or restrictions to district property is consistency and reasonableness. If other disruptive parents/patrons only received a thirty day ban from district premises for similar conduct, only issue a 30 day ban for this parent/patron. By implementing consistent restrictions, the district will limit the chance that a parent/patron will claim that they were discriminated against because they received a harsher restriction than others.

If the parent/patron wishes to address the Board of Education about their restricted access or ban from district grounds, provide the parent/patron a copy of your Board Policy relating to the procedure for requesting an audience before the Board of Education. Ensure that the parent/patron follows the proper procedures to be placed on the Board agenda. Also, the parent/patron may be interested in providing a written statement for the Board to consider in lieu of addressing the Board in person.

The Board of Education is charged by statute with the responsibility of "making all needful rules and regulations for the organization, grading and government in the school district", and therefore has the power to uphold or amend the terms of the ban. RSMo § 171.011. When the patron addresses the Board, the Board members should not make promises to the patron regarding the ban or give affirmations. Rather, the Board should take

---

<sup>1</sup> Restrictions or limitations from the classroom as discussed in this section should not be applied to parents exercising their right to an independent educational evaluation under the IDEA.

the matter under advisement and then make the determination that is fair and in the best interest of maintaining order and safety in its schools.

In conclusion, a parent or patron of a school district does not have an unfettered right to access school district property. A school district can regulate parent/patron visits and attendance at district activities if such visits disrupt the learning process, or if the behavior exhibited by the patron/parent is inappropriate. When implementing a ban to district property or restrictions on parent/patron visits, the district should act fairly, consistently, and provide adequate notice of the ban and its parameters. By taking consistent and judicious action against visitors who act inappropriately, the district will send the message that it does not tolerate patron/parent behavior that disrupts the learning environment or threatens the safety of its students.