

ASBA
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**We Hope You Enjoy Your Stay:
Parents & Community Members
Interacting on Your Campus and
When It Becomes A Problem**

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**Who do you consider a
Visitor?**

“Visitor” per Policy KI

Persons other than school personnel or students.

“General Public” per Policy KFA

Anyone who is not a student, faculty member, staff member or employee.

Who is a Visitor?

- A member of the public
- A parent or guardian
- An adult sibling of a student
- An attorney or advocate for a student
- An outside service provider or evaluator for a student

Who is a Visitor?

- Representatives of federal, state or local governmental agency
- Law enforcement authorities
- Board members
- Other _____

What Are Your District's Expectations for Visitors / the General Public?

Expectations for Visitors per Policy KI & Regulation KI-R

- No weapons on school grounds
- Present no safety threat
- Principal approval of visit / activities
- Report to school office on arrival
- No disruption to teaching activities
- Comply with directions of school officials, District security offices, law enforcement

Expectations for Visitors per Policy KFA

Prohibited behaviors:

- Interference with or disruption to District activities
- Threats of physical injury to employees or students
- Threats of damage to property
- Forceful or unauthorized entry or occupation of District property

Expectations for Visitors per Policy KFA

Prohibited behaviors:

- Illegal use, possession or distribution of drugs, alcohol, tobacco or other illegal contraband
- Speech that is offensive or inappropriate in a limited public forum
- Failure to comply with lawful directions of District officials or security officers or law enforcement

Expectations for Visitors per Policy KFA

Prohibited behaviors:

- Knowing violation of District rules and regulations
- Violations of federal, state or local laws
- Violations of District Policy and regulations
- Carrying or possessing a weapon (unless authorized by law or a school administrator)

Expectations for Visitors per Policy KFA

Prohibited behaviors:

- Visiting or auditing a class or other activity without the Principal's approval
- Conducting activities on school grounds without the Principal's approval
- Failing to leave the premises when directed to do so

Expectations for Visitors per Policy KFA

Prohibited behaviors:

- Failing to confine oneself to the specific part of the facility designated for the activity
- Disorderly conduct
- Possession or use of medical marijuana

RELEVANT ARIZONA LAWS

Relevant AZ Civil Statutes

- **15-341:** The Governing Board shall manage and control District property
- **15-507:** It is unlawful to abuse a teacher or school employee on school grounds or while engaged in work duties

Relevant AZ Criminal Statutes

- **13-1204:** Aggravated assault
- **13-1502:** Criminal trespass – remaining on property after a reasonable request to leave has been made
- **13-1604:** Criminal damage to school district buildings, structures or places used as a school

Relevant AZ Criminal Statutes

- **13-2905:** Loitering – remaining in or about a school or school grounds after a reasonable request to leave is made
- **13-2911:** Interference with or disruption of an educational institution

Relevant AZ Criminal Statutes

- **13-2917:** Public nuisance - Selling, transferring, trading or disseminating obscene items within 2000 ft of a school
- **13-3102:** Misconduct involving weapons
- **13-3411:** Drug offenses. Drug free school zones

Scenario 1: Parent

- Parent enters elementary school by side gate at start of school day
- Finds teacher and starts yelling at teacher
- When AP intervenes, starts cursing and threatening in front of students
- Parent balls fist at AP
- Students are afraid and some cry
- Not a first time incident of improper conduct

Scenario 2: Advocate or Outside Service Provider

- Parent tells teacher that Principal has approved having the family's advocate observe the child in class once a week for the next 3 weeks
- Teacher assumes truth
- 3 weeks later, District receives letter from parent with all of the problems with the way teacher is teaching the student

Other Scenarios

- Parent sends continual stream of demanding and nasty emails to teachers
- Parent ignores rules re: student drop offs in morning, placing student in danger due to lack of supervision
- Parents or advocates are horrible to staff in Section 504, IEP or other meetings

What Options Have You Exercised When Visitors Behave Badly?

Legal / Policy Options When Visitors Behave Badly

- Verbal notice of concern, with follow up communication to visitor
- Written warning, with direction for future conduct
- Written warning, with restrictions to be imposed

Legal / Policy Options When Visitors Behave Badly

- Trespass order
- Injunction Against Harassment
- Injunction Against Workplace Harassment
- Law enforcement involvement
- Other: _____

Tips: Verbal Notice, with Follow Up Letter to Visitor

- Ensure you have a clear understanding of what has occurred
- Provide visitor with verbal notice of alleged misconduct, an opportunity to respond and expectations for future
- Send visitor a letter (on stationery) that documents the verbal conversation

Tips: Written Warning with Direction for Future Conduct

- Ensure you have clear understanding of what has occurred
- Provide visitor with verbal notice of alleged misconduct, opportunity to respond and expectations for future
- Involve District level administration and determine if site or District administrator should send letter

Tips: Written Warning with Direction for Future Conduct

Written Warning should include:

- Purpose of letter
- Specific facts giving rise to the letter
- Review of relevant policies, regulations, laws implicated by visitor's misconduct
- Expectations for future conduct
- Warning of consequences if visitor fails to comply

Tips: Written Warning with Direction for Future Conduct

Examples of lawful directives:

- Review and comply with Policies and Regulations (enclose with letter)
- Place concerns in writing to designated site administrator, NOT teacher(s)
- Make an appointment to see site administrator (don't demand immediate access unless a true emergency)
- Sign in at front office

Tips: Written Warning with Restrictions to be Imposed

- Follow approach for written warnings with directions for future conduct
- Add to the letter the specific restrictions that are being imposed

Tips: Written Warning with Restrictions to be Imposed

Examples of lawful restrictions when good cause exists:

- Limit access to front office area unless permission to move elsewhere is granted
- Restrict access to parking lot during drop off and pick up times

Tips: Written Warning with Restrictions to be Imposed

Examples of lawful restrictions when good cause exists:

- Prohibit direct communication with teachers / staff negatively impacted by visitor's behavior; site administrator responsible for communicating with visitor

Reducing Legal Liabilities

- Ensure all incidents of misconduct are documented! Date, time, place, specific details of what occurred
- Document disruption / harm to campus
- Document that visitor had opportunity to provide response to allegations

Reducing Legal Liabilities

- Be sure that your actions are authorized by Board Policy and Regulations
- Treat similar situations similarly to avoid claims of discrimination or retaliation
- Ensure that parents can continue to be involved in child's education, even with restrictions

Reducing Legal Liabilities

- Generally, permit a parent to attend events to which all parents are invited
- Provide for lifting of restrictions if parent complies for a period of time

Reducing Legal Liabilities

- Keep records of all letters sent to parents (may need if a parent files a complaint with federal or state agencies alleging discrimination or retaliation)
- Do not unilaterally prohibit nasty parents or advocates from attending meetings for students with disabilities – seek legal counsel!

Tips: Trespass Order

- Involve District level administrators!
- Generally, order will come from a District level administrator / Superintendent
- Due to significance of restriction, reserve for very serious infractions by visitors

Tips: Injunction Against Harassment

- Initiated by a person, not an employer
- Harassment means a series of acts over any period of time that is:
 - directed at a specific person
 - that would cause a reasonable person to be seriously alarmed, annoyed or harassed AND

Tips: Injunction Against Harassment

- the conduct in fact seriously alarms, annoys or harasses the person AND
- serves no legitimate purpose

Reducing Legal Liabilities

If employee lets site administrator know of intent to file for an injunction -

- Notify the Superintendent's office
- Work with your supervisors to determine the proper response to this information
- Have an authorized administrator consult legal counsel

Reducing Legal Liabilities

Considerations:

- Are there other options that are less “drastic” that may stop the harassment
- May the employer discourage the employee from seeking injunctive relief
- Impact on student schedule or school day / impact on relationships between school and parent

Tips: Injunction Against Workplace Harassment

- Initiated by an employer or employer's authorized agent
- The law specifically includes school districts in definition of "employer"

Tips: Injunction Against Workplace Harassment

- Harassment means:
 - a single threat or act of physical harm or damage OR
 - a series of acts over any period of time that would cause a reasonable person to be seriously alarmed or annoyed

Reducing Legal Liabilities

- Notify Superintendent/designee of request to file for an Injunction
- DO NOT file without permission of your supervisors
- Have authorized administrator consult legal counsel

Reducing Legal Liabilities

Risks to be considered:

- ASSRT will not pay for District's attorney's fees to represent District
- Heightened tensions with defendant
- First amendment or other "defenses" may be raised
- May trigger legal action by defendant against the District

Law Enforcement Involvement

Contact law enforcement authorities when the visitor has engaged in conduct that is or appears to be illegal or otherwise seriously jeopardizes the health, safety or welfare of the school community

Visitors to Governing Board Meetings

Scenario 3: Public Conduct at Board Meetings

A community member –

- Makes nasty and accusatory statements toward a Board member or administrator
- Ostentatiously holds a large camera and points it specifically at one Board member throughout the meeting
- Holds up signs and yells out during the meeting, drowning out the Board members

Relevant AZ Civil Statute

- **38-431.01:** Meetings shall be open to the public. Permits the public to:
 - Attend and listen
 - Speak if permitted to do so (e.g. “Call to the Public”)
 - Record the meeting as there is no active interference with the meeting

Expectations for Visitors Per Policy BEDH, Public Participation at Board Meetings

- Complete speaker card
- Wait to be recognized
- Adhere to time limits
- Avoid personal attacks and use “K” Policies instead

Legal/Policy Options When Visitors Behave Badly

After the call to the public, Board members may:

- Respond to criticism directed at the Board.
- Ask a staff member to review a matter.
- Ask that the matter raised by the public be placed on a future agenda.

Tip: Include on the Agenda information about what the Board can / cannot do in response to the public.

Legal/Policy Options When Visitors Behave Badly

- Warn the visitor that disruptive behavior is not permissible. Direct the visitor to cease the behavior. Create a record of warnings given to the person.
- With good cause, law enforcement can remove a dangerous/disruptive person.

Special Legal Considerations Relating to Public Conduct at Board Meetings

- A visitor has certain Constitutional rights to free speech during Board meetings (“forum analysis”)
- Are limitations on speech content-neutral and serving a legitimate public interest in a limited forum (civility standards)?

Special Legal Considerations Relating to Public Conduct at Board Meetings

- The 1st Amendment permits citizens to seek “redress of grievances” – an avenue for citizens to communicate with their elected officials
- Beware of claims of “retaliatory arrest” for a visitor’s exercise of lawful speech (vs. conduct)

Closing

- Review Board Policies and Regulations to be sure they best serve your needs. Consider revisions to KI-R
- Strive for consistency across the District in handling of bad behavior by visitors
- Involve the Superintendent and legal counsel when taking action to exclude or seriously restrict visitor access

Disclaimer

The information contained herein and provided during the related presentation is NOT intended as legal advice or opinion relative to specific matters, facts, situations or issues.

Please seek legal advice as needed from your School or School District's attorney.

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