

Neah-Kah-Nie School District 56

Code: KGB-AR
Adopted:
Readopted:

Exclusion from District-owned Property

1. Purpose

- a. In furtherance of maintaining a safe environment for public employees and visitors, and pursuant to the powers and authority of the Board of Directors, the following policy addresses exclusion from property owned or controlled by the Neah-Kah-Nie School District.

2. Exclusion from District Owned or Controlled Property

- a. A person is subject to immediate exclusion from a District owned or controlled building or property if that person is observed to be engaged in any of the following types of conduct:
 - i. Disorderly
 - ii. Riotous or violent or threatening
 - iii. Unreasonably loud or disruptive
 - iv. Disorderly or riotous assemblies
 - v. Disruption of lawful meetings, events or work
 - vi. Obstructing access to school services
 - vii. Abusive language or conduct
 - viii. Visible intoxication
 - ix. Violation of District policies intended to maintain a safe, orderly and efficient work environment in public buildings, including policies regarding violence in the school or workplace and anti-harassment policies.
 - x. Conduct that is otherwise disruptive to the efficient functioning of government affairs.
 - xi. There is probable cause to believe the person is engaged in criminal activity.
- b. A person in violation of this policy may be excluded for a period of up to one year. During the exclusion period, the person may enter a specific District property, with prior notice to the Superintendent or designee, to conduct necessary official business during normal business hours. Conduct of necessary official business shall require having a prearranged and verifiable meeting with a school employee or official.
- c. All exclusion orders shall be in writing and shall state the basis for the order and appeal information. The notice shall be served personally or mailed to the person by certified mail if a mailing address is available.
- d. The exclusion notice will be recorded and kept on file by the Superintendent or designee.
- e. The exclusion will remain in effect for the specified period unless it is modified or rescinded due to an appeal (see Section 3).
- f. If a person who receives a notice of exclusion remains or returns to excluded properties without compliance with section 2b, that person may be subject to arrest on criminal trespass charges.

- g. For the purpose of this policy, the person in charge of District property and buildings is the Superintendent or designee.
- h. The Superintendent or designee is authorized to issue the exclusion notice.

3. Appeal

- a. Any exclusion from a District property may be appealed by filing a notice of appeal within five days after being served with the notice of exclusion. If a person accepts certified mailing, the date of acceptance of the mailing shall be the date of service for calculation of this appeal period. If the addressee does not accept service within 10 days of mailing, the 10th day shall start the running of the five-day notice for filing an appeal. The notice of appeal shall be mailed to the Office of the Superintendent, and will be considered timely only if postmarked or received within the five-day period.
- b. The Office of the Superintendent will arrange for a hearing on the issue in front of the school board at the next scheduled meeting more than 5 days after receiving the request. The review shall be informal and shall be held in executive session under ORS 192.660(2)(b) as the appeal is considered a complaint against the Superintendent.
- c. The Board shall consider any evidence and argument that the Board considers relevant to whether the Superintendent's decision regarding exclusion is consistent with this policy or any applicable law. This may include affidavits or declarations from involved persons.
- d. The Board Chair shall communicate the consensus of the Board in writing within five days of the hearing and this result shall be final.

END OF POLICY

Legal Reference(s):

Cross Reference(s):