Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

Administrative Letter A097

Parent Disruption of School

Administrative Letter #97 Parent Disruption of School - Approved 11/06/2014; Updated 07/07/2017

DATE: Reviewed and Updated July 2017 – Lyle Cox

FROM: Lyle Cox, Human Resource Director

SUBJECT: Parent Disruption of School

Parent Restrictions that may be implemented on School Premises

The following references are provided to answer questions with respect to a parent's right to "hang out" at school. Some schools have reported concerns with parents continually returning to the school to visit or attend lunch with their child. The law and District Policy provide some solid direction in this matter.

1. District Policy 1421 (discussing workplace violence) addresses disorderly behavior and states "Nonemployees who violate this policy will not be allowed to engage in school district related activities or to conduct business with the school district." (Policy 1421, paragraph 3.8)

2. Even if the parents are not behaving disorderly, the law states that where a person enters or remains without authorization on school property and has been asked to leave and doesn't, that person can be charged with trespass. (Utah Code 53A-3-503)

3. Last, a case out of Texas is instructional on this issue. In it, a parent went to observe her child's class and refused to leave when directed to leave by the teacher and other school authorities. In that case, the court noted "An exhaustive review of the case law pertaining to the constitutional right of parents to direct the education of their children discloses no holding even remotely suggesting that this guarantee includes a right to access to the classes in which one's child participates."

See, e.g., Swanson v. Guthrie [6 F.Supp.2d 602) Indep. Sch. Dist. No. 1-L, 135 F.3d 694, 699-700, 702 (10th Cir.1998); see also Nowak & Rotuna, supra§ 14.28; cf. Mount Sinai Union Free Sch. Dist. v. Board of Educ. Port Jefferson Pub. Schs., 836

F.Supp. 95, 101 (E.D.N.Y.1993) (dismissing claims for lack of standing) (observing plaintiffs' failure to offer "relevant authority supporting their position that students or their parents have the constitutionally protected right to be taught by a teacher of their choice")."

NOTE that Utah Code 53G-6-803 (what was S.B. 122-Parent's Right to Education) does allow a parent to **request to visit** and observe a classroom, but the law does not give parents the right to hang out with their kids during lunch or at other times.

4. Lastly, a school is a nonpublic public forum and is not open to anyone at any time, like a park or a public street. School officials can determine who comes on school premises (provided that determination is even-handed and fairly applied) and can determine when to NOT allow visitors, including parents.