

When Can Schools Ban a Parent or a Third Party from School Property and School Events?

Education Law Notes

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The Second Circuit Court of Appeals recently addressed the issue of whether a school district can ban a parent from school property during the school day and/or during on-site sporting events based on the parent's prior conduct. The Court found that a principal had the right to ban an unruly parent from school property during the school day based on the parent's previous interactions with the principal, but found that sporting events both on and off school property are limited public forums and thus banning a parent from a sporting event that is open to the public might run afoul of the First Amendment unless the ban is reasonable and viewpoint neutral.

The Court was ruling on a motion for summary judgment, which means the Court is required to accept the parent's version of all disputed facts. Based on the facts as alleged by the parent, the Court found that the parent was entitled to a trial on the issue of whether the ban from sporting events was reasonable and viewpoint neutral.

A school may ban unruly parents or third parties from school property during the school day

The Court found that a school principal has the authority and responsibility for assuring that "parents and third parties conduct themselves appropriately on school property" and that school officials have a responsibility to prevent "the kind of boisterous and threatening conduct that would interrupt the peace and quiet and disturb the tranquility required for the academic aspects of a school's function." The Court thus found that a parent does not have a general and unlimited First Amendment right to access school property and that schools may ban unruly parents from the school property during the school day. The Court thus found that a school district can properly ban people, including parents, from school property during the school day in order to maintain order at the school.

Sporting Events held on school grounds that are open to the public create a limited public forum

The ban in this case also extended to all school events, except for attendance at school graduation. The Court, however, found that sporting events were different than all other school functions and that a ban of the parent from attending sporting events to which the public was invited could run afoul of the First Amendment depending on whether the ban was reasonable and/or whether it was based on the parent's expressed viewpoints.

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In distinguishing sporting events from the regular school day, the Court noted that sporting events were open to the public and that they were events in which “the audience is encouraged not to be quiet but instead to engage in raucous and sustained noise.” The Court further opined that people attending the games were “expected to engage in expressive activity, chanting and cheering for whichever team they favor.” The Court, therefore, found that “[p]eace, quiet, and tranquility are not characteristics of, or normally associated with, sports contests.” The Court thus found that such sporting events were limited public forums, and therefore, a school can only regulate access to sporting events if the restrictions are reasonable and viewpoint neutral. Based on the facts as alleged by the parent, the Court found there was sufficient evidence to send the case to trial on that issue.

Many districts face the issue of a parent or third party who is disruptive or threatening to staff or students. The Court made it clear that a school has the right to limit such parent from being at the school during the school day. As to sporting events, and other events that are open to the public, however, a school would need to meet a higher burden before excluding such a person from those events. While a school obviously has the right to exclude a person when there is a “clear and present danger of disruptions such as disorder, riot, obstruction of the event, or immediate threat to public safety” any other exclusions must be reasonable and viewpoint neutral.

To access the full case, please click [here](#), or copy and paste the following link into your browser:

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