



Can a School Ban Someone from School Property?

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Imagine this scenario: A parent has a disagreement with her children's school, and the dispute has escalated to the point that the parent's conduct on school property has become increasingly disruptive. The parent has verbally assaulted school staff and made veiled threats, which have interrupted the staff's ability to perform their jobs and upset many staff members. Can the school ban the parent from entering school property?

Or imagine this: a graduate of the school enters the high school building and, as a "prank," vandalizes school property. The school informs the graduate that he is banned from school property. The graduate objects, insisting that the school is a public building and that he has a right to enter a member of the public. Can the school ban the graduate from accessing the school building?

The answer in both situations is, most likely, yes. Michigan's federal courts have recognized that "a school may ban a person, including a parent, from going onto school property in order to preserve order in the educational process or to protect students from potential harm without violating any fundamental right to go onto or access school property." *Meija v. Holt Public Schools*, Case No. 5:01-CV-116 (W.D. Mich., March 12, 2002); see also *Gaines-Hanna v. Farmington Public School District*, Case No. 04-74910 (E.D. Mich. April 20, 2007). The *Meija* court acknowledged that although parents have a right to "direct and control" their children's education, that does not mean that parents have an unfettered right to enter school property.

These decisions are consistent with the United States Supreme Court's holding that a school district, like a private property owner, "may legally preserve the property under its control for the use to which it is dedicated." *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 390 (1993). The fact that property is owned by the government does not mean that the property is automatically open to the public. *United States v. Kokinda*, 497 U.S. 720, 725 (1990). Even *students* do not have an absolute right to access school property, if they pose an ongoing threat of disruption of their educational process.

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See *Goss v. Lopez*, 419 U.S. 565, 582 (1975). That said, the removal of a student from school property implicates due process rights and other legal obligations, and schools must make sure that such removal comports with Michigan and federal law.

If your school is facing a contentious situation that could result in banning someone from school property, be sure to consult with legal counsel to ensure that the removal is legally justified and that proper procedures are followed. Feel free to call the author, Laura Genovich, with questions about this topic.