

## TYLER COUNTY POLICY: JV

### ASSEMBLY AND PETITION

Both constitutions guarantee freedom to assemble peaceably, discuss topics, and to communicate those topics whether orally or in writing, and by Article III of the West Virginia Constitution. The principal, however, may designate the time and place of assemblies, to avoid interference with class or the normal operation of the school.

Along with the right to assemble peaceably, students have the right to circulate petitions to be presented to school officials. However, students have a responsibility when circulating petitions to respect the orderly process of the school and to respect the rights of others.

Students also have the right to recite the Pledge of Allegiance and to salute the flag. However, if a student is opposed to the pledge or salute, he or she has the right to abstain from these ceremonies. Any student who chooses not to participate must respect the rights of those who do participate and must remain respectfully silent during the ceremony.

The following steps shall be taken in the event of any disruption of the normal operation of the schools through an unauthorized assembly:

1. The principal or designee will notify the Superintendent immediately, and may also alert the proper authorities, if deemed necessary.
2. The principal or designee will direct students participating in any disruptive demonstration to immediately go to their regularly scheduled assignment. Refusal to comply will warrant arrest procedures for "disturbing the peace".
3. The principal or designee will direct non-student demonstrators and other unauthorized persons to remove themselves from school property. In the event such persons do not comply, the Superintendent or designee may request law enforcement officers to remove them from the premises.
4. At no time, while any disruptive demonstration is in process, is the Superintendent, or any school personnel, authorized to enter into negotiations on the issues with the protestors, either orally or in written form.
5. After normal educational processes are resumed, the Superintendent and/or principal should establish communications with representatives of the protesting group to discuss possible resolutions of the conflict problem.
6. Students and/or employees participating in a disruptive demonstration on school grounds will be subject to disciplinary action, including suspension.
7. Students who urge and stimulate other students to engage in a boycott or acts of violence and disruption on school property, but who do not engage in those activities themselves, will also be subject to appropriate disciplinary action, including suspension.

REFERENCE: Jenkins V. Louisiana State Board of Education, 506 F 2d 992 (5th Cir., 1975); United States Constitution, First and Fourteenth Amendments; WV State Board Policy 4373: Expected Behavior in Safe and Supportive Schools; Constitution of West Virginia, Article III, S 7.

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