

Students

BP 5131 (a)

CONDUCT

The Board of Education believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using District transportation.

(cf. 0450 – Comprehensive Safety Plan)

(cf. 5131.1 – Bus Conduct)

(cf. 5137 – Positive School Climate)

(cf. 6145.2 – Athletic Competition)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with District Board policies and administrative regulations. Students and parents/guardians shall be notified of District and school rules related to conduct.

Prohibited student conduct includes, but it not limited to:

1. Conduct that endangers students, staff or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 – Weapons and Dangerous Instruments)

(cf. 5142 – Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption *to the school program*

(cf. 5131.10 – Bullying)

(cf. 5131.2 – Bullying)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 – Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 – Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff or the District

(cf. 3515.4 – Recovery for Property Loss or Damage)

(cf. 5131.5 – Vandalism and Graffiti)

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CONDUCT (continued)

The District shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar or abusive language

(cf. 5145.2 – Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 – Alcohol and Other Drugs)

(cf. 5131.62 – Tobacco)

(cf. 5131.63 – Steroids)

8. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose *with prior permission of the principal or designee* (Penal Code 417.27)

~~Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.~~

9. Use of a cellular/digital telephone *cell phone, smart watch*, pager, or other mobile communications device during instructional time *or in an authorized manner in violation of district policy*

(cf. 5131.8 - Mobile Communication Devices)

(cf. 6163.4 - Student Use of Technology)

~~Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.~~

~~No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)~~

10. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 – Academic Honesty)

(cf. 6162.54 – Test Integrity/Test Preparation)

(cf. 6162.6 – Use of Copyrighted Materials)

11. ~~Inappropriate~~ *Wearing of any attire that violates district or school dress codes, including gang-related apparel*

CONDUCT (continued)

(cf. 5132 – Dress and Grooming)
 (cf. 5136 – Gangs)

12. Tardiness and unexcused absence from school

(cf. 5113 – Absences and Excuses)
 (cf. 5113.1 – Truancy)
 (cf. 5113.11 – Attendance Supervision)
 (cf. 5113.12 – District School Attendance Review Board)

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 – Open/Closed Campus)

Employees are expected to ~~provide appropriate supervision to~~ enforce standards of conduct and, ~~when~~ if they observe or receive a report of a violation of these standards, to ~~immediately~~ *appropriately* intervene or call for *seek* assistance. ~~As necessary, the~~ If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her *a* supervisor or *the principal or designee*. ~~administrator for further investigation.~~

When a school official suspects that a search of a student or his/her *a student's* belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in *an unauthorized manner*, ~~any unethical or illegal activity~~, a district employee may confiscate the device. The employee shall store the ~~item~~ *device securely until it is returned to the student or turned over to the principal or designee, as appropriate.* ~~in a secure manner until an appropriate time.~~

Students who violate District or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or co-curricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

~~(cf. 1020 – Youth Services)~~
 (cf. 1400 – Relations Between Other Governmental Agencies and the Schools) (cf. 5020 – Parent Rights and Responsibilities)
 (cf. 5127 – Graduation Ceremonies and Activities) (cf. 5138 – Conflict Resolution/Peer Mediation)
 (cf. 5144 – Discipline)
 (cf. 5144.1 – Suspension and Expulsion/Due Process)
 (cf. 5144.2 – Suspension and Expulsion/Due Process [Students with Disabilities]) (cf. 6020 – Parent Involvement)
 (cf. 6145 – Extracurricular and Co-curricular Activities)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6184 – Continuation Education) (cf.
6185 – Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal References:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32280-32289 Comprehensive safety plan
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension or expulsion
51512 Prohibition use of electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce
313 Harmful matter
417.25-417.27 Laser scope
647 Use of camera or other instrument to invade person's privacy; misdemeanor
653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

~~2000h-2000h-6 Title IX, 1972 Education Act Amendment~~

20 USC 1681-1688 Title IX, 1972 Education Act Amendment

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
LaVine v. Blaine School District, (2000, 9th Cir.) 257 F. 3d 981
Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
New Jersey v. T.L.O., (1985) 469 U.S. 325
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

CONDUCT (continued)

CSBA: <http://www.csba.org>

~~California Cybersafety for Children: <http://www.cybersafety.ca.gov>~~

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ss>

~~Center for Safe and Responsible Internet Use: <http://cyberbully.org>~~

Center for Safe and Responsible Internet Use: <http://www.ewa.org/organization/center-safe-and-responsible-internet-use>

National School Boards Association: <http://www.nsba.org> National

School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

Policy amended: May 26, 2020

Policy amended: September 6, 2018

Policy amended: August 9, 2012

Policy amended: August 12, 2010

Policy amended: March 5, 2009

Policy amended: September 16, 2004

Policy adopted: June 7, 2001

CONDUCT**Use of Electronic Signaling Devices (cellular telephones, pagers, radios, etc.)**

Middle school and high school students only are permitted to have in their possession an electronic signaling device that operates through the transmission or receipt of radio waves, which may include, but not be limited to, cellular telephones (which may or may not be capable of transmitting digital photographic images), pagers, radios, etc. Such devices shall remain deactivated and put away in the student's backpack, purse, pocket, etc., and their use strictly prohibited during any instructional time, including "0" and 7th periods and extended day programs.

The District specifically recognizes that inappropriate use of telecommunications devices capable of taking and/or transmitting digital photographic images can result in an invasion of privacy and cause unwarranted disruption. Consequently, students must turn off and/or not use this "camera feature" on any cellular telephone or other electronic signaling device at any time on campus during school hours. Additionally, students may also be prohibited from using any camera feature of an electronic device not during regular instructional hours when such use disrupts a school-sponsored activity.

Exceptions to these rules shall be made during an emergency affecting the school or community or with prior written consent for health reasons as directed by a licensed physician or surgeon.

Any inappropriate use of a telecommunication device can result in confiscation by District staff and appropriate discipline of a student.

The district does not assume liability if such devices are damaged, lost or stolen.

(cf. 5144 – Discipline)