

## BP 5131 **Conduct**

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. **The Board further believes that positive student conduct relies upon school personnel building relationships with students and their families, using trauma-informed practices within a Multi-Tiered System of Supports (MTSS), and eliminating inequality and bias in the use of punitive consequences. All members of the school community** ~~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)

### **(cf. 5144 - Discipline)**

The Superintendent or designee shall ensure that each school develops standards of conduct, ~~and~~ discipline, **and interventions & supports** consistent with 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 is 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

(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~~

~~3. 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)

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.

~~4. 6. Obscene acts or use of profane, vulgar, or abusive language **that causes harm**~~

(cf. 5145.2 - Freedom of Speech/Expression)

~~5. 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 a laser pointer, unless for a valid instructional or other school-related purpose  
(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.~~

~~6. 9. Use of a cellular/digital telephone, or other mobile communications device during instructional time~~

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](#))

~~7. 10. Plagiarism or dishonesty on school work or tests~~

(cf. [5131.9](#) - Academic Honesty)

(cf. [6162.54](#) - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

**8. ~~11~~-Inappropriate attire as restricted by BP/AR 5145.2 - Freedom of Speech/Expression (i.e., attire that contains expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school). (Education Code [48907](#))**

(cf. ~~5132 - Dress and Grooming~~)

**9. ~~12~~-Tardiness or unexcused absence from school**

(cf. [5113](#) - Absences and Excuses)

(cf. [5113.1](#) - Chronic Absence and Truancy)

**10. ~~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 **and support** to ~~enforce standards of conduct~~ **reinforce expectations** and, if they observe or receive a report of a ~~violation of these standards-negative~~ **conduct**, to immediately ~~intervene~~ **provide interventions and support** or call for assistance. **Every teacher shall supervise and reinforce positive student conduct on the way to and from school, on the playgrounds, or during recess.** If an employee believes a matter has not been resolved, he/she/**they** shall refer the matter to his/her/**their** supervisor or administrator for further investigation.

**Before determining the appropriate response to a student's conduct, school personnel are expected to check in AERIES and/or with school counselors, social worker, psychologist, or administrator to see if the behavior may be disability-related conduct and if support provisions are outlined in IEP or 504 plan. Additionally, school personnel shall recognize that repeated conduct issues may be indicative of an underlying disability or physical, emotional, or cognitive condition, in which case referral to a student study team or professional assessment may be appropriate. (34 Code of Federal Regs 300.530-537; Education Code 48915.5)**

When a school official suspects that a search of a student or his/her 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 any unethical or illegal activity,~~ a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time. **If a student is suspected of having used a permitted device in an unethical or illegal activity, a district employee may request the device from the student and contact the parent/guardian to discuss the conduct.**

~~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.~~

**Students who struggle to meet district conduct expectations or follow school rules and regulations may be referred to interventions and supports. This also applies to 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. Punitive responses to student conduct, such as suspension, expulsion, or denial of participation in extracurricular or co-curricular activities or other privileges, should only be used when when it can be documented that other restorative, non-punitive means of correction have failed to bring about proper conduct or when a student's presence causes a danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law.**

(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 Cocurricular 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 nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against 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 or laser pointer

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 students

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

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

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

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

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

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 SAN MATEO-FOSTER CITY SCHOOL DISTRICT

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