

Student Conduct

BP 5131(a)

The Governing Board 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, while going to or coming from school, while at school activities, and while on district transportation. (cf. 5131.1 - Bus Conduct) (cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district 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 (cf. 0450 - Comprehensive Safety Plan) (cf. 5131.7 – Weapons and Dangerous Instruments) (cf. 5142 - Safety)
2. Conduct that disrupts the orderly classroom or school environment. Education Code 48900 provides that bullying, including bullying via an electronic act as defined in Education Code 32261, is one of the grounds for suspension and expulsion. Education Code 32261 defines an electronic act” as the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, such as a telephone, wireless telephone other wireless communication device, camera, computer or pager.(cf. 5131.4 - Student Disturbances)
3. Harassment or bullying of students or staff, including, but not limited to, cyberbullying, intimidation, 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, in accordance with the section entitled "Bullying/Cyberbullying" below

Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. (cf. 5145.3 - Nondiscrimination/Harassment) (cf. 5145.7 - Sexual Harassment) (cf. 5145.9 - Hate-Motivated Behavior)

4. 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)

Penal Code 417.27 prohibits students from possessing laser pointers on school premises, unless the pointer is used for valid instructional or other school-related purposes, as provided in item #5 below. Penal Code 417.27 states that exhibiting a laser scope which projects a laser light on objects at a distance, whether or not attached to a firearm, may be a misdemeanor if intended to cause a person fear of bodily harm.

5. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment. (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar, or abusive language (cf. 5145.2 - Freedom of Speech/Expression)
7. 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. Inappropriate attire (cf. 5132 - Dress and Grooming)
9. Tardiness or unexcused absence from school (cf. 5113 - Absences and Excuses) (cf. 5113.1 - Truancy)
10. Failure to remain on school premises in accordance with school rules (cf. 5112.5 - Open/Closed Campus)
11. 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)

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

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, or denial of the privilege of participation in extracurricular or cocurricular activities 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. 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. 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.

12. Possession/Use of Cellular Phones and Other Mobile Communications Devices

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 health-related purposes. (Education Code 48901.5)

Students may possess or use on school campus personal electronic signaling devices

including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day.

The law regarding the search of students' cellular phones, personally owned computers, or other personal communications devices is still developing. When a student brings an electronic device onto school grounds, it may be searched by school officials, but the search is subject to the same legal standards as a search of other student property, such as a backpack or purse; see BP/AR 5145.12-Search and Seizure.

In accordance with BP/AR 5145.12 - Search and Seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures. (cf. 5145.12 - Search and Seizure)

13. Bullying/Cyberbullying

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct. (cf. 5137 - Positive School Climate) (cf. 5138 - Conflict Resolution/Peer Mediation) (cf. 6164.2 - Guidance/Counseling Services)

The district may provide students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. (cf. 1220 - Citizen Advisory Committees) (cf. 6163.4 - Student Use of Technology)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information. (cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development) (cf. 5136 - Gangs)

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7-Sexual Harassment.

Districts have the authority to monitor students' use of the district's Internet system and to conduct individual searches of students' accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12-Search and Seizure and BP/AR 6163.4-Student Use of Technology.

A California federal district court (J.C. v. Beverly Hills Unified School District) held that a district may discipline a student for off-campus conduct that (1) impacts school activities or that is brought to the attention of school authorities and (2) causes, or is foreseeably likely to cause, a substantial disruption of school activities. In this case, the court found that the district would be able to discipline a student for a video recorded off campus, not using district equipment, and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students). According to the court, "substantial disruptions" must be more than the ordinary personality conflicts, hurt feelings, or embarrassment that occurs among middle school students.

Although this case is unpublished and cannot be used as precedent, this decision, as well as other decisions from courts across the country, underscore the difficulty for districts in disciplining a student for off-campus conduct. Such discipline must balance the need to protect a student from psychological harm against another student's right to freedom of speech. Districts should proceed cautiously, consult with legal counsel, and focus and document, with specific examples, how the speech significantly disrupted, or was likely to significantly disrupt, school activities and the targeted student's educational performance.

Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.