

Students

CONDUCT

The County 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, while going to or coming from school, while at school activities, and while on school transportation. (cf. 5131.1 – Bus Conduct)

The County Superintendent of Schools or designee shall ensure that each school site develops standards of conduct and discipline consistent with County Board policies and administrative regulations. Students and parents/guardians shall be notified of County Office of Education 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. 5 131.7 – Weapons and Dangerous Instruments)
2. Conduct that disrupts teaching, learning and/or a positive school environment. (cf. 5131.4 – Student Vandalism)
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.
4. Damage to or theft of property belonging to students, staff, or the County Office of Education. (cf. 5131.4– Vandalism and Graffiti)
5. Possession or use of a laser pointer, unless used for valid instructional or other school-related purpose, including employment. (Penal Cole 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. 6162.6 – Use of Copyrighted Materials)
8. Inappropriate attire. (cf. 5132 – Dress and Grooming)

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9. Tardiness or unexcused absence from school. (cf. 5113 – Absences and Excuses, 5113.1 – Truancy)
10. Failure to remain on school premises in accordance with school rules.
11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs. (cf. 5131.6 – Alcohol and Other Drugs, 5131.62 – Tobacco)

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 County Office of Education or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of a privilege of participation in extracurricular or cocurricular activities in accordance with County Board policy and administrative regulation. The County Superintendent of Schools or designee shall notify local law enforcement as appropriate. (cf. 1400 – Relations Between Other Governmental Agencies and the Schools, 5144 – Discipline, 5144.1 – Suspension and Expulsion/Due Process, 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities), 6145 – Student Activities)

Students also may be subject to discipline, in accordance with law, County 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 County Office of Education property, or substantially disrupts school activities.

Possession/Use of Cellular Phones and Other Mobile Communication 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,

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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.

Students are required to turn in all electronic signaling devices during all testing and if required by classroom rules.

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.

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)

Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to and from a school-related activity.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with County Board policy and administrative regulation.

Bullying/Cyberbullying

The County Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

Cyberbullying includes the transmission of communications, posting or 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 – Freedom of Assembly, 5145.7 – Sexual Harassment)

The County Office of Education 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, 5300 – Student Use of Technology)

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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, 4331 – professional growth programs)

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 or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten County Office of Education 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.

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 County Board 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 County Superintendent of School or designee also may file a complaint with the Internet site or service to have the material removed.

*Legal Reference:*EDUCATION CODE

200-262.4	<i>Prohibition of discrimination</i>
32262	<i>Bullying</i>
35181	<i>Governing board policy on responsibilities of students</i>
35291-35291.5	<i>Rules</i>
44807	<i>Duty concerning conduct of students</i>
48900-48925	<i>Suspension or expulsion, especially:</i>
48908	<i>Duties of students</i>
51512	<i>Prohibition against electronic listening or recording device in classroom without permission</i>

CIVIL CODE

1714.1	<i>Liability of parents and guardians for willful misconduct of minor</i>
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Legal Reference: (continued)

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; punishment
653.2 Electronic communication devices, threats to safety

VEHICLE CODE

- 23124 Use of cellular phone provisional license holders

CODE OF REGULATIONS TITLE 5

- 300-307 Duties of pupils

UNITED STATES CODE TITLE 42

- 2000h-200h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE TITLE 47

- 245 Universal service discount (e-rate)

COURT DECISIONS

- JC v Beverly Hills Unified School District 2009 (CV 08-03824 SVW)
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, (1985) 478 U.S. 675
Tinker v Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Cyberbullying Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying in School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off campus Student Conduct the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle: 2006

WEB SITES:

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/lr/ss>

Center for Safe and Responsible Internet Use: <http://www.cyberbullying.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

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Policy

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October 5, 2011