

Students

CONDUCT

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, going to or coming from school, at school activities, or using District transportation.

Behavior is considered appropriate when students are respectful towards their teachers, other staff, other students, and volunteers. Specific criteria for other appropriate behavior is included in each school's Parent Handbook and School Safety Plan.

(cf. 0450 – Comprehensive Safety Plan)
(cf. 5131.1 – Bus Conduct)

The Superintendent/designee shall ensure that each school develops standards of conduct and discipline 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. Conduct that disrupts the orderly classroom or school environment.
3. 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 (EEO, Title IX))
(cf. 5145.7 – Student Harassment)

Students

CONDUCT (continued)

4. Willful defiance of staff's authority.
5. Damage to or theft of property belonging to students, staff, or the District.

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 (including personal electronic devices brought to school for personal and/or instructional purposes).

(cf. 3515 – Recovery for Property Loss or Damage)
(cf. 5131.5 – Vandalism and Graffiti)

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

(cf. 5131.6 – Alcohol and Other Drugs)
(cf. 5131.62 – Tobacco)

7. 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/designee.

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

(cf. 5145.2 – Freedom of Speech/Expression: Publications Code)

9. Plagiarism or dishonesty on school work or tests.

10. Use of a cellular/digital telephone, tablet, laptop, 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 a camera, video, or voice-recording function shall not be used in any manner which infringes on the privacy rights of any other person.

Students

CONDUCT (continued)

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)

(cf. 6162.54 – Test Integrity/Test Preparation)

(cf. 6162.6 – Use of Copyrighted Materials)

11. Inappropriate attire.

(cf. 5132 – Dress and Grooming)

12. Tardiness or unexcused absence from school.

(cf. 5113 – Absences and Excuses (includes truancy)

(cf. 5113.1 – Perfect Attendance)

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

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware 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.

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 Board Policy/Administrative Regulation 5145.12, Students, 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.

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 cocurricular activities or other

Students

CONDUCT (continued)

privileges in accordance with Board policy and administrative regulation. The Superintendent/designee shall notify local law enforcement as appropriate.

(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)

(cf. 5127 – Promotion 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-Guardian Involvement)

(cf. 6159.4 – Behavioral Interventions for Special Education Students)

(cf. 6164.5 – Student Success Teams)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours that 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 policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

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 pupils

UNITED STATES CODE, TITLE 42

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

Students

CONDUCT (continued)

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

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

WEB SITES

California Department of Education, Safe Schools and Violence Prevention Office:

www.cde.ca.gov/lv/ss

CSBA: www.csba.org

Center for Safe and Responsible Internet Use: www.cyberbully.org

National School Boards Association: www.nsba.org

National School Safety Center: www.schoolsafety.us

U.S. Department of Education: www.ed.gov

Policy

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California