

CVUSD

Board Policy

BP 5131

Conduct

Students

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.

(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 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. 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
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.

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 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.

9. Use of a cellular/digital telephone, pager, 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)

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)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

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, 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 an 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 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.

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 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 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.

GUIDELINES FOR ADMINISTERING DISCIPLINE TO STUDENTS WHO HAVE VIOLATED STANDARDS OF STUDENT BEHAVIOR

Standards of student behavior within the Conejo Valley Unified School District shall be enforced at the discretion of the administration within the general guidelines as set forth below.

These guidelines reflect a spectrum of possible action that shall be appropriate for a specific violation of law or District/school regulations. Within the minimum to maximum actions indicated in the guidelines, the administration shall determine the most effective action based upon knowledge of the facts of the incident and the concept of progressive discipline as an appropriate educational experience.

The listing of minimum and maximum actions does not imply or require that a "step-by-step" progression of increasing severity be employed by an administrator in dealing with a violation. Disciplinary action shall be dependent upon the situation and the previous behavior record of the student.

The schedule of actions possible with an infraction of regulations is:

- 1. Conference regarding violation and a warning.*
- 2. In-school probation or suspension from a specific class and/or activity.*
- 3. Detention (or volunteer service in lieu of detention).*
- 4. Parent conference.*
- 5. Parent/teacher conference.*
- 6. Saturday Work/Study Program.*
- 7. Suspension.*
- 8. Transfer to another school.*
- 9. Transfer to another specialized program or continuation school.*
- 10. Expulsion from the District.*
- 11. Withhold grades, diploma, and/or transcripts.*

The following represents samples of violations that may occur in the schools. The asterisk () indicates mandatory immediate Law Enforcement Agency notification. The double asterisk (**) indicates that recommendation for expulsion is required by the Education Code under certain circumstances. The number in the area of Disciplinary Action refers to the schedule of actions listed above.*

Recommended
Disciplinary Action

	<i>Minimum Action</i>	<i>Maximum Action</i>
a.	<i>1. Caused, attempted to cause, or threatened to cause physical injury to another person, or 2. Willfully used force or violence on the person of another, except in self defense.</i>	7 10
b.	<i>Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.</i>	7 10**
c.	<i>Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, as defined in Section 11007 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.</i>	7 10**
d.	<i>Unlawfully offered, arranged, or negotiated to sell any substance, as listed in Chapter 2, commencing with Section 11053 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind and then either sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented the liquid, substance, or materials as a controlled substance, alcoholic beverage, or intoxicant.</i>	7 10**
e.	<i>Committed or attempted to commit robbery or extortion.</i>	7 10**
f.	<i>Caused or attempted to cause damage to school property or private property. As used in this section, school property includes, but is not limited to, electronic files and databases.</i>	7 11
g.	<i>Stolen or attempted to steal school property or private property. As used in this section, school property includes, but is not limited to, electronic</i>	7 11

files and databases.

<i>h.</i>	<i>Possessed or used tobacco, or any products containing tobacco.</i>	<i>3</i>	<i>10</i>
<i>i.</i>	<i>Committed an obscene act or engaged in habitual profanity or vulgarity.</i>	<i>1</i>	<i>8</i>
<i>j.</i>	<i>Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.</i>	<i>7</i>	<i>10</i>
<i>k.</i>	<i>Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.</i>	<i>1</i>	<i>9</i>
<i>l.</i>	<i>Knowingly received stolen school property or private property.</i>	<i>1</i>	<i>10</i>
<i>m.</i>	<i>Possessed an imitation firearm, which is defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.</i>	<i>9</i>	<i>10</i>
<i>n.</i>	<i>Committed or attempted to commit a sexual assault; or committed a sexual battery.</i>		<i>10**</i>
<i>o.</i>	<i>Harassed, threatened or intimidated a pupil who is a complaining witness or eyewitness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness or both.</i>	<i>7</i>	<i>9</i>
<i>p.</i>	<i>Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.</i>	<i>7</i>	<i>10</i>
<i>q.</i>	<i>Engaged in or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization</i>	<i>7</i>	<i>10</i>

or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal disgrace resulting in physical or mental harm to a former, current, or prospective pupil For purposes of this subdivision, “hazing” does not include athletic events or school-sanctioned events.

r. *Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.* 7 10

t. *A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision 48900(a).* 7 10

EC 48900.2

Committed sexual harassment sufficiently severe or pervasive to have negative impact on the victim’s academic performance, or to create an intimidating, hostile, or offensive educational environment. (This section does not apply to students in kindergarten through third grade.) Information regarding reporting procedures and available remedies may be obtained from the Assistant Superintendent, Instructional Services. 7 10

EC 48900.3

Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in subdivision (e) of Section 33032.5 (EdC 48900.3). (This section does not apply to students in kinder-

garten through third grade.)

EC 48900.4

<i>Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected affect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school district personnel or pupils by creating an intimidating or hostile educational environment. (EdC 48900.4)</i>	<i>7</i>	<i>10</i>
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EC 48900.7

<i>Made terroristic threats against school officials or property, or both.</i>	<i>7</i>	<i>10</i>
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EC 48901.5

<i>Possessed or used any electronic signaling device in violation of Regulation 457. (EdC 48901.5)</i>	<i>7</i>	<i>9</i>
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Reference CVUSD BP 453.6 (6/81, 4/84, 11/85, 1/87, 1/93, 10/95, 9/97, 11/05, 2/03)

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>

CSBA (11/08 3/10) 3/12

CVUSD 6/12