

# MODESTO CITY SCHOOLS

## Board Policy

BP 5131

### STUDENTS

#### Conduct

The Governing Board believes that all students have the right to be educated in a safe and 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) (N/A)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5137 - Positive School Climate) (N/A)*

*(cf. 6145.2 - Athletic Competition) (N/A)*

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.

The Board will annually adopt the student code of conduct prior to its timely dissemination to the public.

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) (N/A)*

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 to the school program

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*(cf. 5131.2 - Bullying) (N/A)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior) (N/A)*

3. Conduct that disrupts the orderly classroom or school environment

*(cf. 5131.4 - Student Disturbances) (N/A)*

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) (N/A)*

*(cf. 5131.5 - Vandalism and Graffiti) (N/A)*

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

*(cf. 5145.2 - Freedom of Speech/Expression) (N/A)*

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco) (N/A)*

*(cf. 5131.63 - Steroids) (N/A)*

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)

9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy

*(cf. 5131.8 - Mobile Communication Devices)*

*(cf. 6163.4 - Student Use of Technology)*

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10. Plagiarism or dishonesty on school work or tests

*(cf. 5131.9 - Academic Honesty) (N/A)*

*(cf. 6162.54 - Test Integrity/Test Preparation) (N/A)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

11. Wearing of any attire that violates district or school dress codes, including gang-related apparel

*(cf. 5132 - Dress and Grooming) (N/A)*

*(cf. 5136 - Gangs) (N/A)*

12. Tardiness or unexcused absence from school

*(cf. 5113 - Absences and Excuses) (N/A)*

*(cf. 5113.1 - Chronic Absence and Truancy) (N/A)*

*(cf. 5113.11 - Attendance Supervision) (N/A)*

*(cf. 5113.12 - District School Attendance Review Board) (N/A)*

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

*(cf. 5112.5 - Open/Closed Campus)*

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's 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)*

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When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

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. 1400 - Relations Between Other Governmental Agencies and the Schools) (N/A)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5127 - Graduation Ceremonies and Activities) (N/A)*

*(cf. 5138 - Conflict Resolution/Peer Mediation) (N/A)*

*(cf. 5144 - Discipline) (N/A)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process) (N/A)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (N/A)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities) (N/A)*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students) (N/A)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6164.5 - Student Success Teams) (N/A)*

*(cf. 6184 - Continuation Education)*

*(cf. 6185 - Community Day School) (N/A)*

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*

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#### *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*

*20 USC 1681-1688 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 (2001, 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://www.ewa.org/organization/center-safe-and-responsible-internet-use>*

*National School Safety Center: <http://www.schoolsafety.us>*

*U.S. Department of Education: <http://www.ed.gov>*

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ADOPTED: February 11, 2020