Policy 5131: Conduct

Status: ADOPTED

Original Adopted Date: 08/20/2008 | Last Revised Date: 03/12/2014 | Last Reviewed Date: 03/12/2014

The West Contra Costa Unified School District Board of Education, hereinafter referred to as the Board, is committed to equal opportunity for all individual in education within a safe school environment that allows all students equal access and opportunities to all of the District's programs and activities, including academic programs, educational supports, services and enrichment activities.

The Board is committed to providing a safe educational environment and positive school climate to all students. In the West Contra Costa Unified School Districts, all students have the right to be educated in a positive and safe environment that is free from disruption.

Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with District programs while on school grounds, while going to or coming from school, while at school activities on or off school grounds, while on district transportation, or while otherwise in a District program or activity.

The Superintendent or designee shall ensure that each school site develops standards of student conduct and discipline in compliance with District policies and administrative regulations. Students and parents/guardians shall be notified of District and school standards of 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;

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual and gender-based harassment, hate-motivated behavior, cyberbullying, or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm or substantial disruption;

3. Conduct that disrupts the orderly classroom or school environment;

4. Willful defiance of staff's authority. School sites will develop standards that define defiance in a clear and nondiscriminatory way that minimizes discretion, and will establish safeguards to ensure standards are enforced in a nondiscriminatory manner;

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 or campus or to a school activity and are lost, stolen, or damaged;

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

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

8. Possession or use of laser pointers on school premises, 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 for a valid instructional or school-related purpose, a student shall obtain permission from the

principal or designee;

9. Cell phones, or other personal digital devices shall be turned off in class and at all times when students are under the supervision of school staff unless such use is necessary to accommodate::
    - When possession or use of a smartphone is required in a pupil's individualized education program;
    - In the event of emergency or in response to a perceived threat of danger;
    - When a teacher or administrator of the school, district, county office of education or charter school grants permission to a pupil to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator;

    - When a licensed physician and/or surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil and use of which is limited to purposes related to the health of the pupil. (Education Code 48901.5)

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.

This section does not authorize monitoring, collecting or otherwise accessing any information related to a pupil's online activities.

The Superintendent shall periodically seek funding to purchase or lease devices or systems that support the creation of phone-free environments.

The Superintendent or designated representative may establish administrative regulations to enforce personal device bans, addressing areas such as staff, family, and student communications; consequences for repeated violations; and procedures for the safekeeping of devices.

10. Plagiarism or dishonesty in school work or on tests;

11. Inappropriate attire. School sites will adopt clear and fair standards to notify students of what is considered inappropriate;

12. Tardiness or unexcused absence from school; and

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 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, the employee shall refer the matter to their supervisor or administrator for further investigation.

When a school official suspects that a search of a student or their 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 - 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 or other interventions 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 co-curricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline in accordance with law, Board policy, and administrative regulation for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

Policy Reference Disclaimer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
~~AB 3216~ (Replace with updated ed code)	
Ed Code 48901.7	Suspension or Expulsion (Phone-Free Cell Phone Act)
5 CCR 300-307	Duties of students
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 51512	Prohibition against electronic listening or recording device in classroom without permission
Pen. Code 288.2	Harmful matter with intent to seduce
Pen. Code 313	Harmful matter
Pen. Code 417.25-417.27	Laser scope or laser pointer
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices; threats to safety

State	Description
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving

Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex

Management Resources	Description
California Department of Education Publication	Bullying at School, 2003
Court Decision	Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038
Court Decision	Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503
Court Decision	Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675
Court Decision	Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	LaVine v. Blaine School District (2000, 9th Cir.) 257 F.3d 981
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools
Website	CSBA
Website	U.S. Department of Education

Cross References	Description
0440	District Technology Plan
0440	District Technology Plan

0450	Comprehensive Safety Plan
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4131	Staff Development
4219.21	Professional Standards
4231	Staff Development
4319.21	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus

Cross References	Description
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5127	Graduation Ceremonies And Activities
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.9	Academic Honesty
5132	Dress And Grooming
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
6116	Classroom Interruptions
6142.8	Comprehensive Health Education
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition

6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events

Cross References	Description
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6159.4	Behavioral Interventions For Special Education Students
6162.54	Test Integrity/Test Preparation
6163.4	Student Use Of Technology
6163.4-E PDF(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6184	Continuation Education