

**CONDUCT**

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful towards their teachers, other staff, students and volunteers.

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5137 - Positive School Climate)*

The Superintendent or designee shall develop standards of conduct and discipline consistent with district policies and administrative regulations.

Students and parents/guardians shall be notified of school rules related to conduct and shall receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors, such as bullying, as well as prevention and intervention strategies.

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 to the school program

*(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 the district, staff or students

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

**CONDUCT (Continued)**

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 substances

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

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Steroids)*

8. Possession or use of laser pointers, unless used 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 communications 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)*

10. Plagiarism or dishonesty in school work or on tests

*(cf. 5131.9 - Academic Honesty)*

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

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

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

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

*(cf. 5132 - Dress and Grooming)*

*(cf. 5136 - Gangs)*

12. Tardiness or unexcused absence from school

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5113.11 - Attendance Supervision)*

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

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.

## CONDUCT (Continued)

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.

### Students

*(cf. 5145.12 - Search and Seizure)*

When a student uses any prohibited device, or uses a permitted device 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 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.

*(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)*

Students who violate school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.

*(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 Co-curricular 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)*

## CONDUCT (Continued)

Students also may be subject to discipline, in accordance with law, Board policy, or 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.

### *Legal Reference:*

#### EDUCATION CODE

32050 Hazing

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

#### CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

#### PENAL CODE

417.25-417.27 Laser scope

#### CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

#### 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

*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

CSBA: <http://www.csba.org>

California Department of Education, Office: <http://www.cde.ca.gov/lr/ss/safe-and-responsible-internet-use>

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

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

Policy  
adopted: January 27, 2010  
Revised: December 18, 2019

**MOUNTAIN UNION ELEMENTARY SCHOOL DISTRICT**  
Montgomery Creek, California