

CONDUCT

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with District 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.
2. Conduct that disrupts the orderly classroom or school environment.
3. Harassment or bullying of students or staff members, including, but not limited to, cyberbullying, intimidation, 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, in accordance with the section entitled "Bullying/Cyberbullying" below.
4. Damage to or theft of property belonging to students, staff members, or the District.
5. Possession or use of a laser pointer, 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, students shall first obtain permission from the Principal or designee. The Principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.
6. Use of profane, vulgar, or abusive language.
7. Plagiarism or dishonesty on school work or tests.
8. Inappropriate attire.
9. Tardiness or unexcused absence from school.
10. Failure to remain on school premises in accordance with school rules.
11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

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 a school employee witnesses an act of discrimination, harassment, intimidation, or bullying, he or she is required to take immediate steps to intervene when safe to do so. 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.

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, or denial of the privilege of participation in extracurricular or cocurricular activities 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, or Administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff members, or District property, or substantially disrupts school activities.

Possession/Use of Cellular Phones and Other Mobile Communications Devices

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 health-related purposes. (Education Code 48901.5)

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests. Students may not use such devices in the classroom without authorization from the classroom teacher. All such devices must be turned off and stored away from the view of the student and others, except when medically necessary.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee may direct the student to turn off the device and/or may confiscate it. If the school employee finds it necessary to confiscate the device, he/she may return it at the end of the class period or school day, or per established school rules published in student handbook or District Summer Update.

No student shall use an electronic device with a video or voice recording function or camera in a manner which infringes on the privacy rights of other students or individuals. Confiscated devices shall be stored by school district employees in a secure manner. Students are responsible for their personal electronic devices. The District shall not be responsible for the loss, theft, or destruction of any device brought on to school property.

In accordance with BP/AR 5805 - Search and Seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures when they have reasonable suspicion that the search will uncover evidence that the student is violating the law, Board Policy, Administrative Regulation, or other rules of the District or the school.

Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to and from a school-related activity.

A student who violates this Policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board Policy and Administrative Regulation.

Bullying/Cyberbullying

Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

The District prohibits bullying as defined in Administrative Regulation 5642. This includes, but is not limited to, discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code Section 422.55 and Education Code Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Persons wishing to anonymously report bullying may do so by calling 1-800-924-7233, or sending an email to Director of Administrative Services, Dr. Jennifer Williams, at jwilliams@fjuhsd.net. Persons may also complete the form provided in the Uniform Complaint Procedure, AR 1312.1(g) and (h) located on the District's Web site at www.fjuhsd.net and leave the form with the site Principal's secretary or mail the form directly to Dr. Williams at 1051 W. Bastanchury Road, Fullerton, CA 92835. Although anonymous complaints will be investigated, anonymous complaints will not receive the written report to which they would otherwise be entitled under the Uniform Complaint Procedure.

Education Code 48900, Section (r), states: "it is a suspendable offense to engage in an act of bullying." Bullying includes any severe or pervasive conduct that has the effect of:

- a. placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property;
- b. causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- c. causing a reasonable pupil to experience substantial interference with his or her academic performance.
- d. causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school."

Education Codes 48900.2 and 48000.3

Education Code 48900.2, Sexual Harassment, and Education Code 48900.3, Acts of Hate Violence, state: "Harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile education environment is prohibited."

The District may provide students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates

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students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying.

School staff members shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Students may also report bullying through the District's ***We-Tip Hotline*** at (800) 924-7233. Complaints of bullying shall be investigated and resolved in accordance with the District's Uniform Complaint Procedure.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff members, or to threaten District property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the Principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with District Policies and Regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Hazing

Under no circumstances will hazing in any form be permitted. Any student who engages in hazing on school premises or off campus but within a school/District sponsored activity [Education Code 48900(s)] in any manner shall be subject to discipline in accordance with District Policies and Administrative Regulations 5700.1 and 5642.

FJUHSD Administrative Regulation 5700.1 and 5642

Hazing includes any method of initiation or pre-initiation into any student organization or any pastime or amusement engaged in with respect to such organization or body which causes or is likely to cause bodily danger, bodily injury, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any former, current, or prospective student or other person attending any school. For the purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events. Also prohibited is any conspiracy to engage in hazing or any act likely to cause bodily danger, physical harm, or personal degradation or

disgrace resulting in physical or mental harm.

Education Code 48900 Section (q)

48900. A pupil shall not be suspended from school or recommended for expulsion, unless the Superintendent or the Principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization 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 degradation or 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.

California Penal Code 245.6

(a) It shall be unlawful to engage in hazing, as defined in this section.

(b) "Hazing" means any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.

(c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.

(d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

For the purposes of this document, hazing will be defined as follows:

"Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization.

The term includes:

(a) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(b) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity;

(c) any coerced activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance;

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(d) any activity that intimidates or threatens the student with ostracism, that subjects the student to mental stress, shame, or humiliation, which may adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and

(e) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Personal Hazing Offense:

A person commits an offense if the person:

- (1) engages in hazing;
- (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- (3) recklessly permits hazing to occur; or
- (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the Assistant Principal of Student Affairs or other appropriate official of the institution.

Consent is not a defense. It matters not that the person against whom the hazing was directed consented or acquiesced in the hazing activity.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

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

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

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders
CODE OF REGULATIONS, TITLE 5
300-307 Duties of pupils
UNITED STATES CODE, TITLE 42
2000h-2000h6 Title IX, 1972 Education Act Amendments
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)

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
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites,
School

Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

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>

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