

Students CONDUCT

BP 5131 (a)

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 on district transportation.

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, 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 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
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district
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 substances
8. Possession or use of a laser pointer, 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 smartphone or other mobile communication device ~~or~~ in an unauthorized manner
10. Plagiarism or dishonesty in school work or on tests
11. Wearing of any attire that violates district or school dress codes, including gang related apparel

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12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules
14. Other conduct prohibited by Education Code 48900-48915-48915

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 administrator for further investigation.

When a school official 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 Board Policy and Administrative Regulation 5145.12 - Search and Seizure.

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.

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.

State

5 CCR 300-307: Duties of students

Civ. Code 1714.1: Liability of parent or guardian for act of willful misconduct by a minor

Ed. Code 200-270: 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

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

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BP 5131 (c)

Federal

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

Management Resources

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

Policy Adopted: 5/14/25

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California