

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5131

ADOPTED: 12/09/02

CLASSIFICATION: Students

**REVISED: 05/29/12
09/25/23**

SUBJECT: Conduct

The Ventura County Board of Education and County Superintendent believe 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 transportation of the Ventura County Office of Education (VCOE).

The County Superintendent or designee shall ensure that each VCOE school and program develops standards of conduct and discipline consistent with VCOE policies and administrative regulations. Students and parents/guardians shall be notified of VCOE and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that disrupts the orderly classroom or school environment
2. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, or terroristic threats
3. 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
4. Damage to or theft of property belonging to VCOE, staff, or students
5. Use of cell phone, smart watch, pager, or other mobile communication device during instruction time or in an unauthorized manner in violation of VCOE policy
6. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose, including employment, with prior permission from the site administrator or designee
Obscene acts or use of profane, vulgar or abusive language
7. Plagiarism or dishonesty in school work or tests

8. Wearing of any attire that violates VCOE or school dress codes, including gang-related apparel
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 substances
12. Willful defiance of staff's authority

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, site administrator, 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.

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

Students who violate VCOE or school rules and regulations may be subject to discipline, including, but not limited to, suspension, 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 County 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 VCOE property, or substantially disrupts school activities.

Legal References:

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289.5 School safety plans

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Teachers' duty concerning conduct of students

48900-48925 Suspension and expulsion
51512 Prohibition against electronic listening or recording device in classroom
without permission

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 20

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

COURT DECISION

Lavine v. Blaine School District, (2001, 9th Cir.) 257 F.3d 981
New Jersey v. T.L.O. (1985) 469 U.S. 325
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088
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