

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION**Students
CONDUCT**

The County Superintendent and County Board 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 County Superintendent transportation.

The County Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with County Superintendent and County Board policies and administrative regulations. Students and parents/guardians shall be notified of school, and County Superintendent and County Board 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 County Superintendent or County Board
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 for a valid instructional or other school-related purpose with prior permission of the lead site administrator or designee (Penal Code 417.27)
9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of County Superintendent or County Board policy
10. Plagiarism or dishonesty on school work or tests

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11. Wearing of any attire that violates school, or County Superintendent or County Board dress codes, including gang-related apparel
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

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 lead 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 applicable written policy.

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

Students who violate school, or County Superintendent or County Board rules and regulations may be subject to discipline. The County Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, County Superintendent and County 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 County Superintendent or County Board property, or substantially disrupts school activities.

Adopted: 04/16/1998

Amended: 10/15/2020

Legal ReferenceEducation Code

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

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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 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 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

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

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

California Department of Education Publications

Bullying at School, 2003

Website

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

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

Center for Safe and Responsible Internet Use:

<http://www.ewa.org/organization/center-safe-and-responsible-internet-use>

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

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