Policy 5131: Conduct **Status:** ADOPTED

Original Adopted Date: 9/22/2020 | **Last Reviewed Date:** 9/22/2020: 8/12/2025

The Board of Trustees 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 using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board 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 for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)

9. Prohibiting the Use of Digital Communication Devices

Purpose

The Governing Board recognizes that mobile communication devices are a part of today’s world, however, excessive use can be linked to distractions from learning, increased cyberbullying, anxiety, depression, and other mental health issues. The State of California, County of Fresno and Selma Unified School District emphasize the importance of focusing on students’ academic success and well-being by reducing digital distractions.

I. Definitions

Digital Communication Devices: Includes personal cell phones, smartphones, smartwatches, tablets, headphones/earbuds, and any other personal electronic devices capable of sending or receiving calls, text messages, data, or accessing the internet.

II. General Use Guidelines

A. Digital communication devices must be turned off and kept out of sight at all times during regular school hours and after school programs.

B. Use of digital devices may be permitted with staff authorization only for emergency use or educational purposes.

C. Student communication with outside of school contacts such as individuals on the student's emergency card, other family members and outside organizations may still be accomplished through classroom or office landline phones.

III. Authorized Exceptions for Mobile Communication Devices:

Students shall not be prohibited from possessing or using a digital communication device under the following circumstances:

1. In an emergency or perceived threat of danger.
2. With explicit permission from a teacher or administrator, subject to reasonable limitations.
3. When determined necessary for the student's health and well-being by a licensed physician or mental health clinician.
4. As required by the student's Individualized Education Program (IEP).

IV. Progressive Discipline Procedures

Failure to follow this policy will result in the following consequences:

Offense	Action Taken
1st Offense	Device is held until the end of the day. Incident is documented. School contacts parent/guardian.
2nd Offense	Device is held until retrieved by a parent/guardian. Incident is documented. School contacts parent/guardian for item to be retrieved.
3rd Offense	Device is held until a scheduled conference takes place with parent/guardian. Administration will schedule a conference to be held with student and parent. Student may receive added progressive discipline for defiance.

Refusal to surrender a device when asked by school personnel may result in an office discipline referral, detention, home suspension, and/or added progressive discipline for defiance depending on the severity of the defiance.

V. Liability Disclaimer

The district is not responsible for lost, stolen, or damaged digital communication devices brought onto campus or to any school-sponsored activity. Students bring such devices at their own risk.

---

10. Plagiarism or dishonesty on school work or tests

11. Wearing of any attire that violates district or school 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 principal 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 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.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	**Description**
5 CCR 300-307	Duties of students
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Ed. Code 200-262.4	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

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

Management Resources	**Description**
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

Cross References

Code	Description
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1313	Civility
1313	Civility
1313-E PDF(1)	Civility
1330.1	Joint Use Agreements
3513.4	Drug And Alcohol Free Schools
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4219.21	Professional Standards
4219.21-E PDF(1)	Professional Standards
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
5000	Concepts And Roles

5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5127	Graduation Ceremonies And Activities
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint
5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming

5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
6116	Classroom Interruptions
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6144	Controversial Issues
6145	Extracurricular And Cocurricular Activities

6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6145.5	Student Organizations And Equal Access
6145.5	Student Organizations And Equal Access
6145.8	Assemblies And Special Events
6153	School-Sponsored Trips
6153	School-Sponsored Trips
6159.4	Behavioral Interventions For Special Education Students
6162.54	Test Integrity/Test Preparation
6163.4	Student Use Of Technology
6163.4-E PDF(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education