

SUGGESTED STUDENT DISCIPLINE RULES RELATED TO ELETRONIC COMMUNICATION DEVICES (Long Version)¹

March 2013

Dear Parents and Guardians,

We recognize that electronic communication devices are an important part of our everyday world and are increasingly being used in teaching and learning. However, we do not want these devices to interfere with the students' learning environment. Please read the following discipline rules with your student and return the form with your signatures. Thank you.

1. Students must follow school rules when using any of the following electronic communication devices (ECDs) regardless of whether the ECD is school-owned or not:
 - Cell phones
 - Computers
 - Pagers
 - iPads and other tablets
 - iPods and iPod touch
 - Portable game units
 - Other mechanisms that enable users to communicate electronically person-to-person or through internet social networking sites such as Facebook, MySpace, and Twitter.

2. School rules governing ECD use apply when students are:
 - Attending class
 - Socializing in hallways and elsewhere on school grounds when school is in session
 - Using school media centers, restrooms, locker rooms, gyms, and other school facilities
 - Going to and from school
 - Eating lunch on campus
 - Attending school-sponsored activities off campus, such as field trips, dances
 - Attending school-related activities off campus, such as football away games
 - Off campus if their use of ECDs causes material disruption at school and/or substantially interferes with the rights of other students or school personnel as described in section 3 below.

¹Note to Administrators: These rules are developed in the context of federal and California law. It may be appropriate to have both teachers and students review these rules to see if they are understandable or should be reworded to make them so. These rules are suggestive only and are not intended to take the place of expert advice and assistance from a lawyer. If specific legal advice or assistance is required, the services of a legal professional should be sought.

3. The following may result in student discipline at any of the above activities:
- Refusal to Turn Off an ECD. Students in possession of an ECD must turn it off when directed by a teacher, administrator, coach, counselor, or other school personnel.
 - Damaging an ECD. Students who damage an ECD owned by the school, another student, or school personnel may be subject to discipline.
 - Cheating. Students may not use ECDs in or out of the classroom to get or give answers to tests, to copy information available on the internet and submit it as the student's own work, or to engage in any similar form of electronic cheating.
 - Cyberbullying. *Bullying* means threatening another person by words (name-calling, dissing, shunning) or by physical force (pushing, shoving, restraining).
 - *Cyberbullying* refers to bullying that is done electronically through ECDs and that causes physical or emotional harm to the victim, or disrupts school activities. This form of bullying may either be sent directly to the victim or indirectly through messages sent to others. This includes, but is not limited to, emailing and other electronic forms of messaging and blogging and posting on social networking sites. Cyberbullying includes the following:
 - Burn pages that target a student or group of students causing fear of harm or property damage; substantial harm to physical or psychological health, substantial interference with academic performance; or substantial interference with the ability to participate in school services, activities, or privileges
 - Knowingly creating a credible impersonation of another student without that student's consent with the purpose or having the effect of bullying
 - Creating a false profile of a fake student or creating a false profile using the likeness of an actual student, with the purpose or having the effect of bullying
 - Harassment. Harassment means spoken, written, or graphic attacks against someone made in person or through the use of ECDs that materially disrupt classwork, cause substantial disorder, or create a hostile educational environment for school personnel or students.
 - Harassment because of a person's race, color, religion, ancestry, national origin, gender, gender expression, sexual orientation, medical condition, or disability is illegal under federal and California law and absolutely prohibited.
 - Disruption of School Activities. Disruption of school activities occurs:
 - If instruction or educational activities are significantly interrupted,

- Students and educational personnel are denied access to or cannot focus on classroom or out-of-classroom activities, or
 - Continuous disciplinary measures are necessary to maintain order and protect persons and property from harm.
- Sexting. Sexting means taking, sending, forwarding or asking to receive messages, photos, or videos of persons who are partially or completely undressed or are pretending to or actually performing a sexual act.
 - Threats. Students may not use ECDs to communicate an intent to harm or assault students or school personnel.
4. When a student misuses a school-owned or student-owned ECD, the school may do the following, as long as the severity of the school's action matches the seriousness of the student's misuse of the ECD:
- Warn the student, verbally or in writing
 - Confiscate the ECD. Depending upon the offense and who owns the ECD, the school may keep the ECD for the remainder of the school day or longer
 - Deny the student the privilege of participating in co-curricular, extracurricular and athletic activities in accord with student discipline procedures
 - Contact the student's parents, school security, or the police
 - Suspend or expel the student from school in accord with student discipline procedures
 - School administrators and school security may conduct searches of student ECDs when there is reasonable cause to believe that the search will reveal evidence of a violation of one or more of any school or district rule or policy, including but not limited to the rules set forth above. The extent of the search will be restricted to the time frame and circumstances within which the alleged misuse occurred.
5. Normally, students have the same rights as any other person outside of school to exercise free speech through the use of their own ECDs. However, if the interests of the school are significantly affected, then such use may subject students to disciplinary action regardless of whether the ECD is school-owned or student-owned.

Students who use ECDs outside of school to cyberbully, harass, or threaten other students or school personnel will be subject to school discipline. Sexting that originates outside of school also may be subject to discipline if the messages, photos, or videos reach school grounds or cause material disruption or substantial interference with the rights of others as set forth below.

Students will face disciplinary action for off-campus use of ECDs in their possession if they *reasonably knew or should have known* that the off-campus ECD communication would appear on campus and if the effects cause *material disruption of school activities* or *significant interference with the rights of others* at school or school-sponsored/related

activities. These conditions will be determined pursuant to an appropriate due process hearing.

- Material disruption is evident if:
 - Instruction or educational activities are interrupted,
 - Students and educational personnel are denied access to or cannot focus on classroom or out-of-classroom activities, or
 - Continuous disciplinary measures are necessary to maintain order and protect persons and property from harm
- Significant interference with the rights of others is evident if:
 - The ability of students to participate and learn in a safe schooling environment is limited by psychological harm, physical harm, or threat of psychological or physical harm;
 - The ability of school personnel to carry out their responsibilities is limited through intimidation sufficient to cause psychological harm, physical harm, or threats of psychological or physical harm; or
 - There is reasonable fear of damage to school property or the property of students and school personnel.

I have received a copy of these Student Discipline Rules governing my use of electronic communication devices (ECDs). I understand that failure to follow these rules may result in discipline and affect my right to use ECDs while at school and at school-sponsored or related activities both on and off campus.

Name of Student (print)

Date

Signature

Date

Signature of Parent/Guardian

Date

Please return this form to the school office no later than _____.