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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

OFFICE OF THE GENERAL COUNSEL

Memo

To Board of Education

From Dr. Tony Smith, Superintendent
Jacqueline Minor, General Counsel

Board Meeting Date August 10, 2011

Subject BP 5131 -- Students, Conduct

Action Requested Approval of modifications to Board Policy 5131 to include a policy prohibiting cyberbullying.

Background Currently, BP 5131 does not include a policy prohibiting cyberbullying. Cyberbullying is bullying through email, instant messaging, chat rooms, cell phones or other forms of information technology. The National Crime Prevention Council reports cyberbullying is a problem that affects almost half of American teens. The California School Boards Association and the Federal Department of Education encourage Districts to enact policies to counter the growing problem.

Discussion Technology has given students new and more anonymous ways to bully their peers and in some cases adults, raising concerns of emotional harm to both students and staff. Cyberbullying can occur both on and off campus and substantially impacts school attendance and the educational program. The modifications proposed in the Board Policy provide guidelines for student's use of District communications, discipline and steps for investigating allegations of cyberbullying.

Recommendation Approval by the Board of Education of the recommended changes in BP 5131

Fiscal Impact N/A

Attachments Redlined Copy of Board Policy 5131

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5131
Students

Conduct

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful towards their teachers, other staff, students and volunteers.

(cf. 5131.1 - Bus Conduct)
(cf. 5137 - Positive School Climate)

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 and shall receive regular instruction regarding these rules. In addition, parents/guardians and students may be provided information about early warning signs of harassing/intimidating behaviors as well as prevention and intervention strategies.

Prohibited student conduct includes but is not limited to:

1. Behavior that endangers staff and/or students

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5142 - Safety)

2. Behavior that disrupts the orderly classroom or school environment

(cf. 5131.4 - Campus Disturbances)

3. Harassment of students or staff, including bullying cyberbullying, intimidation, hazing, or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering.

Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, harmful texts, sounds, or images on the Internet, social networking sites or other digital technologies using a telephone, cellular phone, computer or other wireless communication device. Cyberbullying also includes obtaining unauthorized access to another person's electronic account.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying/Bullying

Cyberbullying on campus to bully or harass other students or staff member is prohibited. Discipline will be imposed in accordance with Board policy and administrative regulations in the event that a student harasses, including by cyberbullying, another student or staff member.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Students are to be educated about the dangers of cyberbullying, what to do if they or someone they know is being bullied and the consequences of such conduct. This instruction shall be given in either the classroom or other school setting and promote communication, social skills and appropriate use of technology.

School staff and parents should also be educated to recognize warning signs of harassing and cyberbullying behavior and effective prevention and intervention strategies.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

Off-campus cyberbullying is prohibited and a student may be disciplined for off campus conduct that substantially impacts school attendance or the educational program.

The investigation of cyberbullying shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance or the targeted student's educational performance.

Use of District Communications and Computer Systems

Students have no expectation of privacy with regards to the use of the district's communications, broadband, computer or Internet systems.

Students on campus and using the district's Internet system are prohibited from viewing inappropriate material. The District shall install on district computers technology protection

measures that block or filter Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and social networking sites. Students should be supervised when they are using the district's online services. Classroom teachers, computer lab teachers, library and media teachers and other staff overseeing student use of the district's online services should supervise students' online activities.

(cf. 1220 – Citizen Advisory Committees)

(cf. 6163.4 – Student Use of Technology)

4. Damage to or theft of property belonging to the district, staff or students

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

5. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Profane, vulgar or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 6163.4 - Student Use of Technology)

8. Inappropriate dress

(cf. 5132 - Dress and Grooming)

9. Tardiness and unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

10. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Possession of Cellular Phones and Other Electronic Signaling Devices

Students may possess or use electronic signaling devices, including but not limited to pagers, beepers and cellular/digital telephones, provided that such devices do not disrupt the educational program or school activity. Electronic signaling devices shall be turned off during class time and at any other time directed by a district employee. If disruption occurs, the employee may direct the student to turn off the device and/or confiscate the device until the end of the class period, school day or activity.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Enforcement of Standards

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline, including but not limited to suspension, expulsion or transfer to alternative programs in accordance with Board policy and administrative regulation. In addition, when the conduct involves intimidation, harassment, or other endangerment of a student or employee, the Superintendent or designee shall provide appropriate assistance as necessary for the victim and the offender or make appropriate referrals for such assistance.

- (cf. 1020 - Youth Services)
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 5138 - Conflict Resolution/Peer Mediation)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6020 - Parent Involvement)
- (cf. 6164.2 - Guidance/Counseling Services)
- (cf. 6182 - Opportunity School/Class/Program)
- (cf. 6184 - Continuation Education)
- (cf. 6185 - Community Day School)

Legal Reference:

EDUCATION CODE

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion

48908 Duties of students

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

417.25-417.27 Laser scope

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

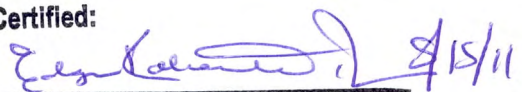
WEB SITES

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>

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

8/25/04

Certified:



Edgar Rakestraw, Jr., Secretary
Board of Education