

**SUGGESTED STUDENT DISCIPLINE RULES (Long Version)<sup>1</sup>**  
**Student Misuse of Electronic Communication Devices in**  
**Junior High and High Schools**  
Center for Education Policy and Law  
University of San Diego  
October 2010

Electronic communication devices (ECDs) include computers, pagers, cell phones, smartphones, portable game units, graphing calculators, and similar electronic equipment. Many of these devices enable users to communicate directly or through internet social networking sites such as Facebook, MySpace, and Twitter.

The following rules govern student use of ECDs at school and school activities. School activities include going to and from school, being on campus, attending lunch on or off campus, and attending school-sponsored/related activities on or off campus.

**Use of School ECDs**

Student use of computers and similar ECDs owned by the school is subject to the conditions set forth in the Acceptable Use Policy that all students and parents must sign indicating that they have read it and agree to comply with its terms.

**Use of Student ECDs at School or School-Sponsored/Related Activities**

When ECDs are misused, students will be subject to disciplinary action including, but not limited to, verbal or written warnings, denial of the privilege of participating in extracurricular and athletic activities, suspension from school, expulsion from school, and taking away the ECD. When ECDs are taken away by school personnel, the ECD will be retained until the end of the school day and then returned to the student. Depending upon the seriousness of the offense, further possession of the ECD at school may be denied for a time period determined by the school administration.

Students who misuse ECDs in any of the following ways may face discipline:

- **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.

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<sup>1</sup>Note: These rules are developed in the context of federal and California law. Whether they are appropriate for other states depends upon the law in those states. 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 competent professional should be sought.

- 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, blogging and posting on social networking sites.
- Harassment. 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 is known as harassment.
  - Harassment because of a person's race, color, religion, ancestry, national origin, gender, sexual orientation, medical condition, or disability is illegal in California 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 a serious intent to harm or assault students or school personnel.

### **Searches of Student ECDs by School Personnel**

Students must turn over the ECDs in their possession at school or school-sponsored/related activities to school personnel upon request. Failure to do so will be grounds for disciplinary action. School security, law enforcement, or both may be contacted at the discretion of school personnel.

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 the rules set forth above. The search will be limited to the context within which the alleged misuse occurred.

### **Use of Student ECDs Away from School**

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 affected, then such use will subject students to disciplinary action.

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 may also be subject to discipline if the messages, photos, or videos reach school grounds.

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 *significant disruption of school activities* or *significant interference with the rights of others* at school or school-sponsored/related activities.

- Significant 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 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 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 this set of student discipline rules governing the use of electronic communication devices in my possession. Failure to follow these rules will result in disciplinary action and restriction or denial of my right to possess and use such devices at school and school-sponsored/related activities.

\_\_\_\_\_  
Name of Student (print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

Please return this form to the school office no later than \_\_\_\_\_