Information Sheet – 10/19/2021 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.1

FR: Celli Coeville

DATE: October 7, 2021

RE: New Board Policy, Civility, BP 1313, Consider for Adoption

New Board Policy BP 1313, Civility, addresses the importance of civility to the effective operation of the district, included its role in creating a positive school climate and enabling a focus on student well-being, learning, and achievement. This policy includes First Amendment free speech considerations, behavior that constitutes civil behavior, practices that promote civil behavior, and authorization to educate or provide information to students, staff, parents/guardians, and community members to assist in the recognition, development, and demonstration of civil behavior. This policy also includes material regarding behavior that is disruptive, hinders the orderly conduct of district operations or programs, or creates an unsafe learning or working environment, as well as the prohibition of, and consequences for, behavior which is discriminatory, harassing, or intimidating.

Recommended Action: Approve BP 1313, Civility, as presented

Policy 1313: Civility **Status:** ADOPTED

Original Adopted Date: 06/01/2021 | **Last Reviewed Date:** 06/01/2021

CSBA NOTE: The following policy is optional and may be revised to reflect district practice.

The Governing Board recognizes the impact that civility has on the effective operation of the district, including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The Board believes that each person should be treated with dignity and respect in their interactions within the school community.

CSBA NOTE: The First Amendment of the U.S. Constitution and Article 1, Section 2 of the California Constitution provide strong protection as to speech related to district business.

In addition, pursuant to Government Code 54954.3 and the court's decision in Baca v. Moreno Valley Unified School District, the Governing Board must not prohibit public criticism of district policies, procedures, programs, services, acts, omissions, or employees, even if the speech is clearly defamatory. See BB 9323 - Meeting Conduct. Pursuant to Government Code 54957.9 and the court's decisions in Norse v. City of Santa Cruz and City of San Jose v. Garbett, the Board is authorized to remove persons who willfully disrupt or disturb a meeting, provided that the action actually interferes with the proceedings of the meeting or poses a credible threat of violence that would place reasonable persons in fear for their safety or the safety of others.

Compared to community members, districts have greater authority to regulate the speech of district employees when they are acting in the scope of their employment with the district. Furthermore, court decisions have found that the First Amendment rights of public school students in the school setting are not necessarily the same as the rights of adults in other settings and must be applied in light of the special circumstances of the school environment. In Hazelwood School District v. Kuhlmeier, the U.S. Supreme Court ruled that when a school has not, by policy or practice, opened up a school-sponsored activity for unrestricted use by students, the school may limit student expression as long as its decision is reasonably related to "legitimate pedagogical concerns." See BP/AR 5145.2 - Freedom of Speech/Expression.

Districts should consult legal counsel before placing restrictions on employee, student, or community member speech/expression in an effort to maintain civility.

The Board understands that the First Amendment provides strong protection for speech. However, the Board expects that all speech and expression will comport with norms of civil behavior on district grounds, in district facilities, during district activities or events, and in the use of district electronic/digital systems and platforms.

CSBA NOTE: The following optional paragraph reflects traits included in the definition of civil behavior provided by the National Council for the Social Studies Connected.

Civil behavior is polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.

The Board and district staff shall model civil behavior as an example of behavior that is expected throughout the district. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints. Such practices may be incorporated into governance standards adopted by the Board or Superintendent and/or professional standards or codes of conduct for employees as specified in district policies and regulations.

Students, staff, parents/guardians, and community members should be educated in the recognition, development, and demonstration of civil behavior. The Superintendent or designee may incorporate related concepts in the curriculum, provide staff development activities, and/or communicate this policy to the school community.

Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption; hinders the orderly conduct of district operations, the educational program, or any other district program or activity; or creates an unsafe learning or working environment. The Superintendent or designee may respond to disruptive, violent, or threatening behavior in accordance with law and as specified in BP/AR 3515.2 - Disruptions.

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying,

and/or hate violence, or behavior that is in any other way unlawful, is prohibited and is subject to discipline in accordance with law and as specified in district policy and regulations.

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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
CA Constitution Article 1, Section 2	Freedom of speech and expression - https://simbli.eboardsolutions.com/SU/vSxJBJa0Iq0CDQS0OaxOsQ==
CA Constitution Article 1, Section 28(c)	Right to Safe Schools - https://simbli.eboardsolutions.com/SU/4uKslshNFWJwiWPc9Z3j2hmaA==
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Ed. Code 200-264	Educational equity
Ed. Code 32210	Willful disturbance of public school or meeting
Ed. Code 32211	Threatened disruption or interference with classes
Ed. Code 32212	Classroom interruptions
Ed. Code 32280-32289.5	Comprehensive safety plan
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 44810	Willful interference with classroom conduct
Ed. Code 44811	Disruption of classwork or extracurricular activities
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 48907	Exercise of free expression; rules and regulations
Ed. Code 49330-49335	Injurious objects
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54957.9	Disorderly conduct of general public during meeting; clearing of room
Pen. Code 243.5	Assault or battery on school property
Pen. Code 415.5	Disturbance of peace of school
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Civil rights; crimes
Pen. Code 626-626.11	School crimes
Pen. Code 627-627.10	Access to school premises
Pen. Code 653.2	Electronic communication devices, threats to safety
Pen. Code 653b	Loitering about schools or public places

Federal References	Description
U.S. Constitution	Amendment 1, Freedom of speech and expression

Management Resources References	Description
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, 2018

Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Court Decision	Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719
Court Decision	Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562
Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Court Decision	Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966
CSBA Publication	Professional Governance Standards for School Boards
CSBA Publication	Superintendent Governance Standards
Nat'l Policy Board For Educational Administration	Professional Standards for Educational Leaders, October 2015
Website	National Policy Board for Educational Administration - https://simbli.eboardsolutions.com/SU/GPslshkam3pWnYNsfBf6iWslshmQ==
Website	National School Safety Center - https://simbli.eboardsolutions.com/SU/DT4ecTE5xOmkiuXpIMccKw==
Website	Center for Safe and Responsible Internet Use - https://simbli.eboardsolutions.com/SU/SYNvZCFDU9rOyHBP2bWINA==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	National Council for the Social Studies - https://simbli.eboardsolutions.com/SU/3cNbEIvx93Aslshf4rspplusG6gA==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUuIsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==