Department of Defense Education Activity

ADMINISTRATIVE INSTRUCTION

NUMBER 2051.02
Date: April 17, 2012

GENERAL COUNSEL

SUBJECT: Student Rights and Responsibilities

References: See Enclosure 1.

1. PURPOSE. This Administrative Instruction replaces DoDEA Manual 2051.2 (Reference (a)), and Director of Department of Defense Education Activity (DoDEA) Memorandum (Reference (b)), under the authority of DoD Directive 1342.20 (Reference (c)), to update policy and responsibilities for students' rights for all students enrolled in schools under the Department of Defense Education Activity (DoDEA), including both Department of Defense Domestic Dependent Elementary and Secondary Schools (DDESS) and Department of Defense Dependents Schools (DoDDS).

2. APPLICABILITY. This Administrative Instruction applies to:

a. The Office of the Director, DoDEA; the Director, DDESS, and DoDDS, Cuba (DDESS/DoDDS-Cuba); the Director, DoDDS, Europe (DoDDS-E); the Director, DoDDS, Pacific, and DDESS, Guam (DoDDS-P/DDESS-Guam) (hereafter collectively referred to as "DoDEA Area Directors"); and all DoDEA Area and District Superintendents, School Principals, Teachers, and Support Staff.

b. All students enrolled or participating in, or traveling to or from school programs or activities, including home-schooled students who use or receive auxiliary services and/or attend courses/classes/activities in DoDEA schools or settings.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoDEA policy that:

a. The following rights are retained by students:

(1) Right to a public education of high quality, including the opportunity to participate in school activities, in accordance with Executive Order 13160 (Reference (d)), Director of Department of Defense Education Activity Memorandum (Reference (e)), DoDEA Administrative Instruction 2500.14 (Reference (f)), and DoD Instruction 1342.12 (Reference (g)), without regard to race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent.

(2) Right to expect a safe school environment that is conducive to learning and free from undue interference in the pursuit of their education, including freedom from discrimination, harassment (including sexual harassment), bullying (including cyberbullying), drugs and alcohol, and other unwanted conduct, consistent with References (d) – (g) and DoDEA Director Memorandum "Safe and Drug Free Schools" (Reference (h)).

(3) Rights of freedom of speech, expression of views, and assembly under Amendment I of U.S. Constitution (Reference (i)); freedom from unwarranted search and seizure under Amendment IV of Reference (i); and due process under Amendment V of Reference (i). These rights shall be recognized, respected, and balanced with the responsibility of DoDEA schools to maintain an environment conducive to learning and free from disruption.

(4) Right to fair and appropriate discipline in accordance with DoDEA Regulation 2051.1 (Reference (j)).

b. Students shall treat teachers, administrators, and other school staff with courtesy, fairness, and respect; and teachers, administrators, and other school staff shall treat students with courtesy, fairness, and respect.

c. This Administrative Instruction shall not be construed to limit the authority of DoDEA or its employees to maintain order and discipline in accordance with Reference (j).

d. Schools allow equal access to school facilities by student sponsored noncurriculum related activities if a school allows any such student group access to school facilities in accordance with the standards set forth in Enclosure 4.

e. This Administrative Instruction creates no rights or remedies other than those already in law or other regulation, and does not establish a basis independent of such other law or regulation and may not be relied upon by any person, organization, or other entity to allege a denial of any rights or remedies in any administrative, judicial or other forum.

5. RESPONSIBILITIES. See Enclosure 2.

6. EFFECTIVE DATE. This Administrative Instruction is effective beginning School Year 2012-2013

Marilee Fitzgerald
Director

Enclosures:

1. References
2. Responsibilities
3. Student Rights And Responsibilities And Related School Duties
4. Standards for Disallowing Student Expressive Rights

Glossary

ENCLOSURE 1

REFERENCES

(a) DoDEA Manual 2051.2, "Student Responsibilities and Privileges," February 26, 1997 (hereby canceled)

(b) Director, Department of Defense Education Activity Memorandum, "Equal Access to DoDEA School Facilities by Noncurriculum Related Student Groups," May 7, 2008 (hereby canceled)

(c) DoD Directive 1342.20, "Department of Defense Education Activity (DoDEA)," October 19, 2007

(d) Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted Education and Training Programs," June 23, 2000

(e) Director, Department of Defense Education Activity Memorandum, "Executive Order 13160 Guidance: Ensuring Equal Opportunity in Federally Conducted Education and Training Programs," March 18, 2003

(f) DoDEA Administrative Instruction 2500.14, "Nondiscrimination and 504 Accommodation on the Basis of Disability in DoDEA Conducted Education Programs and Activities," April 29, 2009

(g) DoD Instruction 1342.12, "Provision of Early Intervention and Special Education Services to Eligible DoD Dependents," April 11, 2005

(h) Director of Department of Defense Education Activity Memorandum 10-E-001, "Safe and Drug Free Schools," October 26, 2010.

(i) United States Constitution, Amendments I, IV, and V

(j) DoDEA Regulation 2051.1, "Disciplinary Rules and Procedures," April 4, 2008, as amended

(k) DoDEA Regulation 2050.9, "Department of Defense Education Activity Family Advocacy Program Process and Procedures for Reporting Incidents of Suspected Child Abuse and Neglect," January 27, 1998

(l) DoDEA Regulation 4800.1, "Department of Defense Education Activity Safety Program," March 6, 2001

(m) Section 4 of title 4, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DODEA. The Director, DoDEA, shall oversee the implementation of this Administrative Instruction.

2. AREA DIRECTORS, AREA SUPERINTENDENTS, AND DISTRICT SUPERINTENDENTS. The DoDEA Area Directors, Area Superintendents, and District Superintendents shall ensure that district and school policies and procedures reflect the policies and procedures in this Administrative Instruction.

3. DODEA SCHOOL PRINCIPALS. The DoDEA School Principals, under the authority, direction, and control of the cognizant DoDEA District Superintendent shall:

a. Comply with the policies and procedures in this Administrative Instruction.

b. Ensure current school policies and procedures are aligned with this Administrative Instruction, and establish new policies and procedures, as necessary, to implement the guidance contained herein.

c. Ensure students and parents are provided notice (e.g., through a student handbook, or by publication on the school web site) each school year of school policies, regulations, and procedures including the following:

(1) School's student dress code.

(2) Academic and behavioral (disciplinary) requirements that students must meet to participate in school-sponsored extracurricular activities or to hold a leadership position in a curriculum-related club, team, or student organization.

(3) General standards of access to school facilities and support (i.e., reasonable time, place, and manner in which an activity may be held) based on matters other than the philosophical, religious, or political content of the student activity.

(4) Notice of the school's authority to conduct random and periodic searches of school property and to seize contraband items belonging to students, and notice of the school's authority to search student possessions and person when there is reasonable suspicion that the student is in possession of items prohibited by Reference (j).

(5) Notice regarding the presence of surveillance equipment. Furthermore, students may be disciplined based on evidence gathered through surveillance equipment.

d. Respect students' rights while recognizing the need for taking disciplinary action when necessary.

e. Ensure that staff maintain accurate attendance records which will be used by Administration to notify parents when excessive or unexcused absences occur, and ensure that the school documents excused absences in writing.

f. Ensure that students are disciplined in a fair and appropriate manner.

g. Operate and maintain a safe school environment that is conducive to learning.

h. Promptly investigate and respond to incidents or complaints involving students made by students, parents, teachers, or DoDEA staff members. Such complaints may include, but are not limited to, incidents of discrimination, harassment (including sexual harassment), intimidation, hazing, bullying (including cyberbullying), or retaliation.

i. Ensure that no retaliation is taken against a student for raising concerns, reporting claims, or filing complaints alleging discrimination or harassment (including sexual harassment, intimidation, hazing, or bullying (including cyberbullying)) based on race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent or for testifying, assisting, or participating in any matter in an investigation or other proceeding raising such claims. A student who is found by the Administration to have made an intentional false claim, complaint, etc. may be disciplined in accordance with Reference (j).

j. Establish and render decisions regarding a student's eligibility (as determined by school policy) to participate or to hold a leadership position in said activity when a student has been involved in inappropriate conduct.

k. Select, from a list of applicants, and in accordance with any extra-duty compensation requirements, school staff to serve as sponsors/advisors of school-sponsored student activities and ensure that such sponsors supervise all activities of said extracurricular activity.

l. Curtail, or disallow student expressive rights under this Administrative Instruction, including student speech and dress, student participation in organizations, and student or organizational access to school facilities, if the student or organization engages in conduct that the principal determines has met or is likely to meet the standards described in Enclosure 4.

m. Decide whether to allow a limited open forum to operate on the campus. Nothing in this Administrative Instruction requires the principal to establish a limited open forum; however, if a school has at least one noncurriculum related student group, it must either discontinue its practice of allowing such groups access to school facilities, or provide equal access to all other noncurriculum related student groups.

4. DODEA SCHOOL EMPLOYEES. DoDEA school employees shall:

a. Comply with the policies and procedures in this Administrative Instruction.

b. Respect a student's rights while recognizing the need for taking disciplinary action when necessary.

c. Promptly report to the principal, or designee, the following:

(1) Incidents or complaints by students or parents, including complaints about discrimination or harassment (including sexual harassment), based on race, sex, color, national origin, disability, religion, age, sexual orientation; or status as a parent, intimidation, hazing, bullying (including cyberbullying), or retaliation against persons who report or participate in the investigation of such incidents herein.

(2) Violations of any reporting obligation vested in DoDEA school employees by law or regulation, such as the reporting of suspected child abuse or injuries as required by DoDEA Regulation 2050.9 (Reference (k) and DoDEA Regulation 4800.1 (Reference (l)).

5. DODEA STUDENTS. DoDEA students shall:

a. Actively participate in the educational process, to include school-sponsored activities in and outside of the classroom, as appropriate.

b. Comply with the policies and procedures in this Administrative Instruction.

c. Comply with the standards for student behavior outlined in school policy and procedures.

d. Refrain from conduct or behavior that is disruptive or causes, or might reasonably be predicted to cause, disruption at school, on school-provided transportation, and at school-sponsored and school-supervised activities on or off campus. Also refrain from interfering with the education of other students or the orderly operation of the school.

e. Respect the rights and human dignity of other students and all school employees, which includes refraining from discrimination or harassment (including sexual harassment), based on race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent; intimidation; hazing; or bullying (including cyberbullying); or retaliation.

f. Attend school and classes regularly and punctually, except when excused.

g. Make a conscientious effort in all classes.

h. Participate in and take advantage of educational opportunities provided by DoDEA schools.

i. Assist school employees in operating a safe school by abiding by the laws of the United States, the local military installation, the host nation, and DoDEA policies, regulations, and procedures, and by complying with the directions of principals, teachers, educational assistants, and other authorized school employees when the student is properly under the authority of school employees.

j. Properly maintain school property.

k. Not endanger themselves, other students, school employees, or the public by possessing materials or objects that are potentially hazardous and/or prohibited by law in the United States, the military installation, or the host nation.

l. Dress in a manner that complies with the school's dress code policy.

m. Bring to the attention of a school employee behavior or activities that may endanger the safety and well-being of themselves or others.

n. Accept the consequences of their actions, including discipline, in accordance with Reference (j).

ENCLOSURE 3

STUDENT RIGHTS AND RESPONSIBILITIES AND RELATED SCHOOL DUTIES

1. EQUAL ACCESS FOR STUDENT-SPONSORED NONCURRICULUM RELATED GROUPS. If the principal permits a school to operate a limited open forum by maintaining a practice of allowing any single noncurriculum related student group access to school facilities, the principal shall ensure that all noncurriculum related student groups (including activities of a religious nature) are permitted equal access to meet on school premises and use school facilities during noninstructional time. Access to groups may be disallowed in accordance with Enclosure 4.

a. Students may:

(1) Initiate and organize noncurriculum related student groups that are open to all students upon approval of the group by the principal, or designee, if the student group is able to obtain a voluntary faculty or school employee to monitor the student activity to ensure compliance with applicable school policies. A student initiated group that is unable to find a faculty member or other school employee to volunteer for this purpose will not be permitted access to or use of school facilities.

(2) Meet only during noninstructional time; student attendance and participation shall be voluntary.

(3) Invite nonschool persons to attend meetings as long as the nonschool person does not direct, conduct, control, or regularly attend meetings. Nonschool persons shall follow the school's established procedure for gaining access to school facilities.

(4) Have equal access during noninstructional time to school facilities and equipment, including the use of bulletin boards, the public address system, and copiers, subject to reasonable limitations of time and expense as determined by the principal, or designee.

b. Principals or designees, and school employees shall not:

(1) Deny the use of school facilities to a noncurriculum-related student group if at least one such group has been allowed access to school facilities.

(2) Sponsor any noncurriculum related student groups.

(3) Participate in a religious meeting of a noncurriculum related student group.

(4) Compel any faculty member or other school employees to serve as a faculty monitor.

(5) Expend appropriated funds beyond incidental costs.

(6) Impose a minimum size limit on student groups.

(7) Allow a student activity at which attendance of the students is not completely voluntary.

(8) Allow a student activity that violates any of the standards prescribed in Enclosure 4 of this Administrative Instruction.

c. For the purpose of this section only, the following definitions apply:

(1) noncurriculum related student groups. Student-led groups not directly related to a school's curriculum because of one of the following:

(a) The subject matter of the group is not actually taught, or will not soon be taught, in a regularly offered course at the school.

(b) The subject matter of the group does not concern the school's body of courses as a whole.

(c) Participation in the group is not required for a particular course.

(d) Participation in the group does not result in academic credit.

(2) noninstructional time. Time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. Schools that permit the use of facilities during lunch and recess periods shall make this time available to all noncurriculum related student groups.

(3) nonschool persons. Persons who are not students, employees, or authorized volunteers of the school.

2. FREEDOM OF EXPRESSION

a. Speech

(1) Students:

(a) May express their individual views in a respectful manner that does not violate the standards in Enclosure 4 of this Administrative Instruction.

(b) Shall respect the rights of fellow students to hold and express an individual or different viewpoint.

(c) Shall refrain from the use of vulgar or plainly offensive, obscene, or sexually explicit language, symbols, caricatures, drawings, or any other visual, auditory, or sensory

expression in any media.. that detracts from a positive learning environment, is inconsistent with the goal of maintaining an atmosphere of mutual respect, or undermines the mission of the school.

(2) School employees shall encourage tolerance of different viewpoints that do not violate the standards of Enclosure 4 and respect for each student's right to his or her opinion. However, such expressive rights may be curtailed in accordance with Enclosure 4.

b. School-sponsored Publications, Productions, and Other Media

(1) Newspapers, yearbooks, and literary magazines, and school-sponsored productions, such as school plays, shall be approved by the principal or designee.

(2) Principals or designees may edit content or prevent dissemination of publications if the content or activity violates any of the standards described in Enclosure 4 of this Administrative Instruction.

(3) As with other school-sponsored activities, principals or designees shall identify for each publication/production a faculty member or advisor who shall:

(a) Establish, with the input of the student editorial staff, publication requirements and guidelines.

(b) Ensure that a variety of viewpoints are represented, and that students have the opportunity to express their views within the requirements and guidelines of the activity.

c. Non-school Sponsored Publications, Productions, and Other Media

(1) Students may distribute or display non-school sponsored publications or materials in accordance with school guidelines established by the principal or designee.

(2) Principals or designees shall:

(a) Establish the time, place, and manner of distribution or display based on reasonable content-neutral guidelines. Distribution or display may include designating a bulletin board, wall space, or other area that may be used to post non-school sponsored materials.

(b) Edit or prevent the distribution or display of publications or materials that violate the standards prescribed by Enclosure 4 of this Administrative Instruction.

(c) Inform students of the reason if distribution or display is edited or prevented.

d. Dress Code

(1) Students shall not be prohibited from self-expression in their style of dress or grooming unless it violates the school's dress code or the standards prescribed by Enclosure 4 of this Administrative Instruction.

(2) Student exemption to a school's dress code policy may be requested by a parent for a sincerely held religious or philosophical belief, disability, medical reason, or due to financial hardship. Principals or designees may require a written request at the beginning of each school year stating the basis for the exemption.

(3) Students may be subject to discipline, in accordance with Reference (j), for violating the dress code, particularly for repeat offenses, and for refusing to cooperate with teacher or administrator requests to bring the student into compliance with the dress code

e. Patriotic Exercise

(1) Students shall:

(a) Have a daily opportunity to participate in patriotic exercises, such as reciting the Pledge of Allegiance under section 4 of title 4, United States Code (Reference (m)), and saluting the U.S. flag. However, they may not be compelled to participate if they or their parents object, and may decline to do so.

(b) Not be disciplined or stigmatized for participating or abstaining from participating in patriotic exercises, but may be disciplined for conduct that disrupts or interferes school activities or the educational environment in accordance with Reference (j).

(c) Respect and not interfere with the rights of others who wish to participate in patriotic exercises.

(d) Respect the customs and flags of all nations.

3. RELIGIOUS EXPRESSION

a. Students shall:

(1) Ensure that they do not violate the rights of other students when exercising their own religious expression under Amendment I of Reference (h).

(2) Show proper respect for the religious or nonreligious beliefs of other individuals.

b. School employees shall ensure that:

(1) Religion, religious beliefs or practices, and/or prayer are neither encouraged nor discouraged and that organized prayer is not offered as part of daily school activities.

(2) School-sponsored courses, activities, or events neither encourage nor discourage religion or religious practice.

(3) Students are not coerced to participate in student-initiated religious activities.

c. Students may:

(1) Engage in independent religious discussion to the same degree that they may engage in other types of permissible speech. The freedom to engage in religious expression in school does not include the right to compel other students to participate in religious discussion.

(2) Observe religious practice in school, such as private prayer, saying grace before meals and wearing yarmulkes and head scarves, so long as the practice does not violate the standards prescribed in Enclosure 4 of this Administrative Instruction.

(3) Express their beliefs about religion in the form of homework, artwork, presentations, and other written and oral assignments, free from discrimination by school faculty or other students based on the religious content of their submissions. Such assignments and submissions shall be assessed by curricular standards or other relevant instructional criteria. This expression is subject to the standards in Enclosure 4.

4. SEARCH AND SEIZURE

a. General / Non-individualized Searches

(1) Principals may conduct a general search of school property (e.g., desks, lockers, storage spaces, school computers, including data and internet access records), on a periodic or random basis.

(2) The search shall be conducted by the principal in the presence of another school employee, who will serve as a witness. When practicable, teachers will not be used to perform search functions.

(3) The school affords students and parents adequate prior notice of its general search policy, by alerting students and parents of the search policy each school year. This is done by issuing a memorandum, by publishing and distributing a student handbook containing the notice, or by publishing such a notice on the school website.

(4) General searches of school spaces and property may be conducted in cooperation with the appropriate installation authorities or military police, including dogs trained to detect the presence of contraband.

b. Individualized / Reasonable Suspicion / Targeted Searches. Principals may conduct a targeted search of a student's personal belongings, including bags and the interior of student vehicles on school property; and in a student's desk, locker, storage space, school computer, or other property of the school when there is reasonable suspicion to believe the student possesses a prohibited item. Prohibited items include illegal drugs, weapons, or other items that are evidence of misconduct (as defined in DoDEA Regulation 2051.1 (Reference (j))) in violation of federal, state, or local law, or DoD (or any military installation thereof), or DoDEA policy, rule, or regulation. Such items shall be confiscated.

(1) Targeted searches may be conducted whenever the student is involved in a school-sponsored or school-supervised activity or event so long as there is reasonable suspicion to conduct the search.

(2) A targeted search of the student's person shall only be conducted under exigent circumstances. When possible, a targeted search of the student's person shall be conducted in a private room, or non public area, conducted by a school official of the same sex as the student being searched, and witnessed by one additional school employee of the same sex as the student. When practicable, teachers will not be used to perform search functions.

(3) Reasonable efforts to locate the student and to notify the parent shall be made prior to a targeted search, or as soon as is practicable under the circumstances. The principal, or designee, shall advise the student and parent of the circumstances justifying the search and seizure.

(4) Evidence found during a general search, or a dog sniff, that alerts authorities to potential contraband, may provide reasonable suspicion sufficient to conduct an individualized search.

c. Surveillance

(1) Schools may use video surveillance in public locations of school property to monitor school grounds and on school-provided transportation.

(2) Principals or designees shall post in a visible place, notification regarding the presence of surveillance equipment and that students may be disciplined based on evidence gathered through surveillance equipment.

d. Seizure

(1) Illegal drugs, weapons, or other items prohibited by or constituting evidence of misconduct under Reference (j), that belong to or are found in the possession of any student and are found during a general or targeted search, shall be confiscated (seized). Appropriate discipline will be imposed for possession of the seized evidence in accordance with Reference (i).

(2) Unless possession of confiscated items is illegal or dangerous, the confiscated items shall be returned to the rightful student-owner or to the student-owner's parent as soon as is practicable and safe, or otherwise, a receipt for its retention shall be issued until such time as it may be returned.

(3) The confiscation of items shall not be considered a disciplinary action, but is accomplished to preserve health and safety or to provide evidence incidental to the exercise of a disciplinary action.

5. STUDENT COMPLAINTS

a. A student with a complaint about misconduct or other inappropriate conduct, including a violation of this Administrative Instruction, may report the complaint to any school employee with whom they feel comfortable making such a report (e.g., teacher, counselor, psychologist, coach, administrator).

(1) Students may personally, or through a representative, file a written complaint for a violation of this Administrative Instruction or of discrimination or harassment based on race, sex, color, national origin, religion, age, sexual orientation, status as a parent, or disability, or retaliation.

(2) Any school employee who receives a complaint by a student or parent that involves misconduct or other inappropriate conduct, including a violation of this Administrative Instruction, shall promptly notify the principal or designee and assist as necessary in the investigation of the complaint.

b. Principals or designees shall:

(1) Establish and publicize procedures by which a student who alleges a complaint can report such incidents.

(2) Promptly report a complaint involving an allegation of child abuse to the local Family Advocacy Program in accordance with Reference (k).

(3) Investigate and attempt to resolve complaints, when not inconsistent with b. (2), above.

(4) Ensure confidentiality to the maximum extent possible about the complaint, any resulting investigation, resolution, and any other information pertaining to the complaint.

(5) Follow proper protocol if the nature of a complaint requires communication of the complaint information to other officials.

ENCLOSURE 4

STANDARDS FOR DISALLOWING STUDENT EXPRESSIVE RIGHTS

The principal shall deny or curtail student expressive rights, including access to facilities, described in this Administrative Instruction, when the principal determines that a student or student group has or is likely to:

1. INTERFERE WITH ORDERLY CONDUCT. Materially and substantially interfere with the orderly conduct of educational activities within the school or threaten good order or discipline on school premises.

2. ENDANGER HEALTH, SAFETY, OR WELL-BEING OF OTHERS. Threaten or advocate practices that endanger the health, safety, or well-being of students, school staff, or any other persons.

3. BE PERCEIVED TO ADVOCATE MISCONDUCT. Be reasonably perceived to advocate misconduct, including, but not limited to, student drug, alcohol, and/or tobacco use; violence, or harassment, or discrimination based on race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent.

4. ENGAGE IN INAPPROPRIATE LANGUAGE OR CONDUCT. Employ language or conduct that is vulgar, plainly offensive, obscene, or sexually explicit; or engages in speech that is knowingly or recklessly false, defamatory, libelous, or slanderous.

5. ENGAGE IN INAPPROPRIATE SCHOOL PERFORMANCES. Engage in performances for the school as a whole and employ activities or speech that the principal, or designee, deems to be inappropriate for the intended audience (e.g., because of mature or adult subject matter).

6. DISCRIMINATE. Discriminate or advocate discrimination, or deny attendance at meetings, based upon race, color, sex, gender, gender preference, national origin, disability, religious preference, marital status, or political affiliation.

7. VIOLATE LAWS AND POLICIES. Violate any federal, state, or local law, or DoD or DoDEA regulation or policy.

GLOSSARY

bullying. Physical, verbal, psychological, or written intimidation or harassment towards another individual. This includes, but is not limited to, conduct or words that are threatening, taunting, hazing, name calling, insulting, cursing, gesturing, coercing, manipulating, humiliating, or abusive.

cyberbullying. Bullying/harassment through the use of electronic communications, or using electronic communications to convey a message in any form (text, image, audio, or video) that discriminates, harasses, or intimidates an individual. Includes but is not limited to, the use of computers, mobile phones, other electronic devices, or Internet, social networking sites, and instant messaging.

defamatory. Tending to disgrace or lower public opinion about an individual or to harm an individual's reputation (i.e., the confidence, esteem, respect, or goodwill in which others hold a person).

harassment. Words, conduct, or action (usually repeated or persistent) that demeans, annoys, alarms, or causes emotional distress in a person, and serves no legitimate purpose. It is often used in connection with conduct, based on status protected by References (d) and (e) (i.e., race, sex, gender, age, sexual orientation, marital status, religion, disability).

incidental costs. Lighting, heat, power, and other expenses necessary for the daily operation and use of school facilities.

libelous. Pertaining to false written statements or words about an individual that tend to harm an individual's reputation or lower public opinion about the individual.

reasonable suspicion. Information sufficient to induce an ordinary, prudent, and cautious individual under circumstances to believe there is a moderate chance of finding evidence of misconduct.

sexual harassment. Unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

slanderous. Pertaining to a false oral statement about an individual that tends to harm an individual's reputation or lower public opinion about the individual.

student. An individual enrolled full or part-time in any DoDEA school or program.

substantial disruption. A disruption that creates a significant likelihood of harm to persons and/or property, or materially interferes in the normal and routine conduct of classes, school activities, or operation of the school. When determining whether there is a substantial disruption, the following factors should be taken into account:

History of disruption at the school or during school activities and its causes.
Whether the activity in question would be likely to lead students to act in a disruptive manner.

Whether the activity in question is similar to an activity that has proven disruptive in a similar environment.