

JOHNSON CITY CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

I. Introduction

The Johnson City Central School District Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, administrators, support staff, other district personnel, parents and other visitors are essential to achieving this goal.

The district has expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this Code of Conduct (“Code”).

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function. This code is not all-inclusive of the district’s policies regarding safety and behavior. However, to the extent that this code is in conflict with other policies and regulations of the district, the terms and provisions of this Code shall govern.

II. Definitions

For purposes of this code, the following definitions apply:

- “Disruptive student” means an elementary school student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom or interferes with a bus driver’s ability to safely operate a school bus.
- “Parent” means parent, guardian or person in parental relation to a student.
- “Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such persons involve direct student contact (Education Law §§11[4] and 1125[3]).
- “School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public middle school or high school, or in or on a school bus, as defined in Vehicle and Traffic Law §142, Education Law § 11[1], as amended.

- “School Bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- “School function” means any school-sponsored extracurricular event or activity.
- “Violent student” means a student under the age of 21 whom:

1. Commits an act of violence upon a school employee, or attempts or evidences an intent to do so.

2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts or evidences intent to do so.

3. Possesses, while on school property or at a school function, a weapon.

4. Displays, while on school property or at a school function, what appears to be a weapon.

5. Threatens, while on school property or at a school function, to use a weapon.

6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 USC §921 as amended for purposes of the Gun-Free Schools Act. It also means for purposes of this code only unless otherwise specified as a weapon under 18 USC §921, any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, **blade or bladed object, any type of knife**, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from

performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

“Harassment” means the creation of a hostile environment by conduct, with or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; the harassing behavior may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (identity or expression) (Education Law §11[7]).

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality (Education Law §11[5]).

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression (Education Law §11[6]).

“Hazing” is a form of harassment which involves committing an act against a student or coercing a student into committing an act that creates a risk of or causes emotional, physical, psychological harm to a person, in order for the student to be initiated or affiliated with a student or other organization, or for any other purpose. Consent or acquiescence is no defense to hazing: i.e., the implied or expressed consent of a person or persons to hazing shall not be a defense to discipline under this policy.

“Bullying” is a form of harassment that consists of inappropriate and often persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and or badgering of others.

Bullying occurs when someone purposely says or does mean or hurtful things to another person who has a hard time defending oneself or is in an otherwise vulnerable position.

“Cyber-bullying” refers to any harassment/bullying, on or off school property, which occurs via the internet, cell phones or other electronic devices.

III. Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law and to provide students with a safe school climate focused on positive behavior. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and receive an explanation of those rules in an age appropriate manner on at least an annual basis from school personnel.

B. Student Responsibilities

All Johnson City School District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Comply with directions given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to incidents or disciplinary issues.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

IV. Student Dress Code

All students are expected to attend to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process or the extracurricular event or activity.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, tank tops, spaghetti straps, plunging necklines (front and/or back), garments which expose the midriff, extremely short skirts or shorts, and see-through garments are not appropriate.
3. Ensure that under-garments are completely covered with outer clothing.
4. Not include the wearing of bulky or long outdoor coats or apparel in the classroom.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Not include the wearing of head coverings in school/classroom/halls except for a medical or religious purpose.
7. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, weight, natural origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and if necessary or practical, replacing it with a non-offensive item. Any student who refuses to do so shall be subject to discipline. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

V. Prohibited Student Conduct

The Johnson City Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights, safety and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to encourage and promote the students' ability to grow in self-discipline.

The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they violate other adopted policies and regulations of the district, or when they:

A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:

1. Using language or gestures or engaging in activities or actions that is profane, lewd, vulgar, threatening, or abusive.
2. Making unreasonable noise.
3. Harassment, bullying, or intimidating students or school personnel (see also Anti-Bullying/Harassment, Hazing and Sexual Harassment policies);
4. Running in hallways.
5. Obstructing vehicular or pedestrian traffic.
6. Engaging in any willful act which disrupts the normal operation of the school community.
7. Trespassing/Loitering. Students are not permitted on any school grounds, other than the one they regularly attend, without permission from the administrator in charge of the building.
8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

9. The display and/or use by students of electronic devices shall be prohibited from the time of the first bell until the end of the regular school day. Such devices must be turned off and stored out of sight during the school day. *The district is not responsible for stolen, lost or damaged personal electronic devices.*

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

1. Failing to promptly comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for missing or leaving class or school without permission.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to promptly and respectfully comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual contact.

D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting or evidencing intent to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting or evidencing intent to do so.
3. Possessing or selling a weapon, or any object that resembles one. [Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.]
4. Displaying what appears to be a weapon, or any object that resembles one.
5. Using or threatening to use any weapon or any object that resembles one.
6. Possession, use, or sale of fireworks, or other dangerous or prohibited objects or contraband;
7. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property,

including graffiti or arson.

8. Intentionally damaging or destroying school district property.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
2. Lying to school personnel.
3. Stealing the property of other students, school personnel or any other person lawfully on school property or attending schools function.
4. Extortion (taking money or property from a person or school through coercion)
5. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm or are intended to harm the reputation of the person or the identifiable group by demeaning them.
6. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative or harmful manner.
7. Harassment or illegal discrimination, which includes the use of race, color, weight, creed, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation or disability as a basis for treating another in a negative manner (Reference policies on Sexual Harassment, Anti-Bullying, Hazing);
8. Bullying;
9. Cyber-bullying;
10. Intimidation, which includes engaging in actions, threats, or statements that put an individual in fear of bodily harm;
11. Sexting;
12. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team or any student initiated group.

13. Selling, distributing, using or possessing obscene material.
14. Using vulgar or abusive language, cursing or swearing.
15. Possession, use, being under the influence, distribution, transfer or sale of:
Tobacco, tobacco products, or look-alikes (not limited to cigarettes, cigars, pipes or using chewing or smokeless tobacco), alcohol, drugs or other controlled substances (not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs”), drug paraphernalia or synthetic cannabinoid products;
16. Inappropriately using, sharing, selling or exchanging prescription and over-the-counter drugs.
17. Gambling
18. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner or indecent behavior with another person.
19. Possessing or distributing pornographic material.
20. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911 or discharging a fire extinguisher.

F. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while riding on district buses or buses under contract to the district to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting and indecent behavior will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

1. Cheating, plagiarism, copyright/trademark violations or assisting another in such conduct;
2. Violation of the Board of Education policies: Student Publications #5220, Student Internet Protection Policy #8640;
3. Improperly altering documents or records.

H. Engage in off-campus misconduct that endangers the health and safety of students or staff within the school or substantially disrupts the educational process. Examples of such misconduct include, but are not limited to:

1. Cyber bullying (i.e. inflicting willful and repeated harm through the use of electronic text.)
2. Threatening or harassing students or school personnel over the phone, or any electronic medium.
3. Using message boards to convey threats, derogatory comments or post pornographic pictures of students or school personnel.
4. Sexting

VI. Reporting Violations

All students are expected to promptly report violations of the code of conduct and other district or building-level policies to a teacher, guidance counselor, building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted.

All students are expected to promptly report instances of bullying (verbal, physical, cyber-bullying), harassment, discrimination or hazing on school property or at a school function immediately to proper school personnel.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation and has verified its occurrence. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VII. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action when necessary will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record, if any.
4. The availability and effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate and relevant.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lesser penalty than subsequent violations.

In instances where an infraction results in a disciplinary response (eg., out-of-school suspension) and the student is identified as having a disability, a referral to the Committee on Special Education may be necessary. Discipline will be administered consistent with the requirements of the Code for disciplining students with a disability or presumed to have a disability.

A. Penalties

Students who are found to have violated the district's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Verbal warning — any member of the district staff
2. Written warning — bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, superintendent;
3. Written notification to parent — bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, assistant principal, principal, superintendent;

4. Detention — teachers, assistant principal, principal, superintendent;
5. Suspension from transportation — director of transportation, principal, Superintendent;
6. Removal from classroom/recess by teacher — teachers, principal
7. In-school suspension — principal, superintendent
8. Suspension of other privileges — principal, superintendent
9. Short-term (five days or less) suspension from school — principal, superintendent,
10. Long-term (more than five days) suspension from school — principal, superintendent, board of education
11. Permanent suspension from school — superintendent, board of education.

B. Disciplinary and Remedial Consequences

The district emphasizes the creation and maintenance of a positive learning environment for all students. Measured, balanced, and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education is needed to maintain the desired learning climate. Remedial responses which may be utilized include:

1. Peer support groups; corrective instruction or other relevant learning or service experience;
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored;
5. Student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent discrimination and harassment. Environmental remediation strategies may include:

1. Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying and harassment;

2. School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
3. Adoption of research-based, systemic harassment prevention programs;
4. Modification of schedules;
5. Adjustment in hallway traffic and other student routes of travel;
6. Targeted use of monitors;
7. Staff professional development;
8. Parent conferences;
9. Involvement of parent-teacher organizations; and
10. Peer support groups.

C. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

A full summary of all disciplinary actions and required procedures are described in detail in the full length Code of Conduct document and is available in the school office by request.