ROME
CITY SCHOOL DISTRICT

ROME CITY SCHOOL DISTRICT

CODE OF CONDUCT

2026-2027



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www.romecsd.org

CODE OF CONDUCT

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2026-2027 ROME CITY SCHOOL DISTRICT
CODE OF CONDUCT

I. INTRODUCTION

A. The Rome City School District establishes this Code of Conduct for the Maintenance of Public Order on School Property and at School Functions to govern the conduct of students, teachers and other school personnel, and visitors. This Code of Conduct has been developed consistent with the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the implementing Commissioner's Regulations and in collaboration with students, teachers, administrators and parent organizations, school safety personnel and other school personnel.

B. The district has a long-standing set of 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.

C. 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").

D. Dignity for All Students Act (DASA) legislation was put into effect in response to what is believed to be declining civility in America. Because schools are seen as the new "town center" in most communities, it is hoped that they will reverse this trend, encouraging positive social behavior of children, teens, and all adults who work, attend, or visit schools, or whose behavior impacts students. The purpose of the Code is to clearly define expectations and the district's response to violations of it.

II. DEFINITIONS

For purposes of this Code, the following definitions apply:

"**Alcohol and other Substance Use/Abuse**" means the transfer, possession, distribution, consumption, being under the influence, or sale of Illegal Substances, look-a-likes, alcoholic beverages, drug paraphernalia, prescribed medication or non-prescription or over-the-counter medication (other than in accordance with school procedures through the nurse's office) on school property, on a school vehicle or at a school function.

"**Cyberbullying**" means "harassment" or "bullying," as defined in this Code, where such harassment or bullying occurs through any form of electronic communication. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. Cyberbullying involving district students may occur both on campus and off school grounds and may involve student use of the district internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras,

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personal computers, electronic tools.

"**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.

"**Discrimination**" means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"**Disruptive student**" means an elementary (K-6) or secondary (7-12) 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.

"**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 person involve direct student contact.

"**Firearm**" as defined in 18 U.S.C. § 921 for the purposes of the Gun Free Schools Act means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. This term does not include an antique firearm.

"**Gender**" means a person's actual or perceived sex and includes a person's gender identity or expression.

"**Harassment**" and "**Bullying**" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition includes acts of harassment or bullying that occur:

a. on school property; and/or

b. at a school function; or

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c. off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Such conduct shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), sex or any other legally protected status.

For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. "Emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes, but is not limited to, name-calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications ("cyberbullying"), anonymous notes, etc.

- Physical bullying includes, but is not limited to, poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.

- Social or relational bullying includes, but is not limited to, excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

Bullying may also involve the following characteristics:

a. Power imbalance - occurs when a bully uses his/her physical or social power over a target

b. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity

c. Threat of further aggression - the bully and the target believe the bullying will continue

d. Terror - when any bullying increases, it becomes a systematic violence or harassment used to intimidate and maintain dominance

"**Hazing**" is a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors

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include, but are not limited to, the following general categories:

a. Humiliation: socially offensive, isolating or uncooperative behaviors

b. Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs

c. Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

"**Illegal substances**" include, but are not limited to inhalants, marijuana/cannabis, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids, any substances commonly referred to as designer drugs and look-alikes (including but not limited to synthetic cannabinoids), prescription or over-the-counter drugs, or any product which, when misused, will result in an impaired or altered state, when possession is unauthorized, or such are inappropriately used or shared with others. Illegal substances also include any paraphernalia related to these substances.

"**Material Incident of Harassment, Bullying and/or Discrimination**" means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

"**Parent**" means parent, guardian or person in parental relation to a student.

"**Restorative Justice**" means a structured process used to address incidents of harm within the school community. It focuses on: accountability for behavior, understanding the impact of actions, repairing harm to individuals and the community, and restoring relationships when appropriate.

Participating in Restorative Justice procedures is voluntary for participants and is used in conjunction with, not in place of, disciplinary consequences required under the Code of Conduct and New York State Education Law.

"**Restorative Practices**" are proactive and preventative approaches that intentionally promote community building, foster a sense of belonging, and deepen mutual understanding.

"**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.

"**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 the District, or on a school bus, as defined in this Code.

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"**School function**" means any school-sponsored extracurricular event or activity. For the purposes of this policy, a "school function" shall include but not be limited to offsite athletic events, school dances, plays, musical productions, field trips or other school sponsored trips.

"**Sexual Orientation**" means a person's actual or perceived heterosexuality, homosexuality, or bisexuality.

"**Tobacco Product**" means any vaping or nicotine-containing or devices and accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any simulated tobacco products that imitate or mimic tobacco products.

"**Under the Influence**" means if a student has used any quantity of an illegal substance or alcohol within a time period reasonably proximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function and /or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

"**Violent Pupil**" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts 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 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 for purposes of the Gun-Free Schools Act. It also includes but it not limited to any other gun, airsoft gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, pocket knife, pen knife, or other knife, box cutters, cane sword, electronic dart gun, throwing star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, look-alike or fake ("toy") weapons, or other device, instrument, material or substance ("Other Item") that can cause physical injury or death when such Other Item is brandished or used to threaten or cause physical injury or death.

III. BILL OF RIGHTS AND RESPONSIBILITIES OF STUDENTS

A. Rights

1. Students of this district shall have the rights afforded to students under the provisions of the Federal and State constitutions and the laws of the State of New York.

2. Students of this district shall have the right to a free education.

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3. Students of this district shall have the right to due process.

4. Learn in an environment free of bullying, discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status;

5. Participate equally in all school activities regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex or any other legally protected status;

6. Have complaints about school-related incidents investigated and responded to.

7. Students of this district shall have the right to decide whether they wish to participate in some restorative responses, including mediations.

B. It shall be the responsibility of the students to:

1. Be aware of and obey school rules and regulations.

2. Accept responsibility for their own actions.

3. Respect the rights of others, including the right to secure an education in an environment that is orderly and disciplined.

4. Attend school regularly and punctually.

5. Take advantage of the academic opportunities offered at school.

6. Support and participate in school activities.

7. Maintain habits of personal cleanliness and hygiene.

8. Respect school property and individual property during the school day and at all school functions.

9. Strive for mutually respectful relationships with teachers and administrators recognizing their role in matters of behavior and discipline.

10. Contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all.

11. Be informed regarding student rights and responsibilities and comply with all rules and regulations of this policy.

12. Act and speak respectfully about issues/concerns.

13. Use non-sexist, non-racist and other non-biased language.

14. Respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

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15. Use communication that is non-confrontational and is not obscene or defamatory.

16. Report acts of bullying, discrimination, harassment and other inappropriate actions that hurt others.

C. The above bill of rights and responsibilities shall be publicized and explained to all students on an annual basis. The manner and extent of the publication shall be determined by the Superintendent or his/her designee and it will be signed by both student and parent.

IV. THE ROLE OF TEACHERS, ADMINISTRATORS, OTHER SCHOOL PERSONNEL, THE BOARD, PARENTS AND SPECTATORS

A. Role of Teachers and Staff

1. In recognition of their charge in educating the children of our community, it shall be the responsibility of the teachers and staff to:
    a) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, with the intent of strengthening students' self-concept and promote confidence to learn.
    b) Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
    c) Guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others.
    d) Participate in the establishment of school rules and regulations regarding student behavior; explain these rules to students and require observance of them.
    e) Enable students to discuss their problems by listening to students, remaining open-minded, and consulting and acting on student recommendations for problem solving.
    f) Be fair, firm and consistent in enforcing school rules in buildings, school buses, on the school campus and at school functions as defined by Section II Definitions.
    g) Give positive reinforcement for acceptable behavior.
    h) Demonstrate, by word and personal example, respect for law and order and self-discipline.
    i) Refer to a counselor or administrator any student whose behavior requires special attention.
    j) Seek to develop close cooperative relationships with parents for the educational benefit of the student by keeping open communication with parents and by sending communications home promptly.
    k) Encourage students to maintain high standards of behavior on and off the playing field by demonstrating good sportsmanship.
    l) Address issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
    m) Address personal biases that may prevent equal treatment of all students in the

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school or classroom setting.

n) Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a school employee's attention to the Building Administrator and/or Dignity Act Coordinator in a timely manner.

B. **Role of School Counselors and School Social Workers**

1. Confront issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

2. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

3. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the school counselor's or school social worker's attention to the Building Administrator and/or Dignity Act Coordinator in a timely manner.

4. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, with the intent of strengthening students' self-concept and promote confidence to learn.

5. Lead and/or participate in restorative actions/responses with students and adults

C. **Role of Administrators**

1. As the educational leaders of the school, administrators set the disciplinary climate. It shall be their responsibility to:

a) Create the best teaching/learning situation possible, exercising all authority assigned by the Superintendent and School Board.

b) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, with the intent of strengthening students' confidence and promoting learning.

c) Evaluate the programs of instruction in the schools to achieve meaningful educational programs.

d) Assist staff in evaluating their own procedures and attitudes in relation to the interactions within their classrooms.

e) Receive teacher or counselor referrals of students with behavior problems and/or other issues impeding their educational process; confer with these students; communicate with their parents and set up cooperative procedures for bringing about modification of the student's behavior in conjunction with other teachers and professional staff.

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f) Utilize all appropriate supporting staff and outside agencies to help parents and students identify problems and seek solutions.

g) Provide the opportunity for students and staff to approach the administrator(s) directly for the addressing of any grievances.

h) Enforce all decisions affecting students, parents and staff in a fair, firm and consistent manner.

i) Seek to maintain open lines of communication between the school and the student's home.

j) Assume responsibility for the dissemination and enforcement of the District's discipline policy to staff, students and parents to ensure that all cases are addressed and resolved.

k) Comply with pertinent laws and regulations governing hearings, suspensions and students' rights.

l) Enable students to discuss their problems by listening to the students, remaining non-judgmental, and considering student recommendations in the decision-making process.

m) Facilitate and encourage the professional development of teacher and staff members and support in-service programs.

n) Establish in writing the administrative chain-of-command in the school building(s) in the short and long term absences of the school(s) administrator(s).

o) Assist site staff in encouraging/promoting fair play and sportsmanship at all athletic events.

p) Address issues of bullying, discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

q) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

r) Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the administrator's attention to the Dignity Act Coordinator in a timely manner.

s) Lead and/or participate in restorative actions/responses with students and adults

D. **Role of Parents**

1. To achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, it shall be the

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responsibility of parents to:

a) Send their child to school as required by the New York State Education Law.

b) Require their child to be on time for school and attend regularly.

c) Make certain that all absences are properly excused according to district policy.

d) Provide for the child's health, personal cleanliness and suitable grooming and dress.

e) Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for their actions.

f) Teach their child respect for the law, for the authority of the school and for the rights and property of others.

g) Know, understand and support the rules their child is expected to observe at school, be aware of the consequences for any violation(s) of these rules and to accept legal responsibility for their child's action.

h) Participate and encourage their child's participation in restorative actions as appropriate

i) Instill in their child a desire to learn by providing a place that is conducive for study and ensuring completion of homework assignments.

j) Demonstrate an enthusiastic and supportive attitude toward school and education by becoming familiar with their child's school, its staff, curriculum and activities and by attending parent teacher conferences and school functions.

E. **Role of Board of Education**

1. The Board of Education's primary task is to establish District policy.
2. The responsibilities of the Board of Education shall be to:

a) Adopt and support a clearly defined Code of Conduct.

b) Budget for and provide an adequate number of qualified personnel to support the student population, by providing sufficient building space, so that the conditions within the school(s) are conducive to a positive learning environment.

c) Listen and react to the views of the total community.

d) Employ qualified personnel who are understanding, sensitive to, and genuinely interested in, young people.

e) Provide time for regularly scheduled in-service training for all school employees.

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f) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

F. **Role of Spectators and Visitors**

1. Spectators are an important part of the games and are encouraged to conform to accepted standards of good sportsmanship. It shall be their responsibility to:

a) Demonstrate respect for officials, coaches, players, and other spectators.

b) Be positive and direct all energies to encourage your team.

c) Demonstrate self-control and respect for others at all times.

d) Respect the integrity and judgment of the officials and coaches.

e) Do not use crude or abusive language with players, opponents, officials, or spectators (ethnic and/or racial comments).

f) Promote good sportsmanship, by setting a positive example.

g) Approach competition as a healthy and constructive exercise, not as a life and death struggle that requires victory at any price.

h) Recognize that the participants in individual or team sports are young men and women with human frailties and limitations, who are capable of making mistakes.

i) Report any concerns to proper authorities. Note, at many school sponsored contests there is a designated site supervisor.

V. STUDENT DRESS CODE

The purpose of the Student Dress Code of Rome City Public Schools is to foster an environment that is sanitary, safe and conducive to teaching, learning, and student growth and achievement and to promote the values of self-respect and respect for others. These minimum standards of dress and grooming apply to all students (PK-12) in the public schools of the Rome City School District, unless a specific exemption is granted by the superintendent. Any request for an exemption shall be made to the superintendent.

A. A student's dress, grooming and appearance, including jewelry, make-up and nails, shall be safe, appropriate and not disrupt or interfere with the educational process.

B. Any undergarment including underwear is to be completely covered with outer clothing at all times. Exposure of the chest, gluteal area, or excessive exposure of the abdominal area is not permitted. In addition, students may not wear clothing through which these areas of the body are visible and/or through which undergarments are visible.

C. Garments and/or jewelry that are sexual in nature, vulgar, obscene, libelous or that denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or

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disability are prohibited. Garments and/or jewelry that promote and/or endorse the use of drugs, alcohol or tobacco, or those that may tend to provoke violence or disruption in school shall not be worn.

D. Gang related paraphernalia, jewelry, tattoos or other insignias are not allowed.

E. The following items have potential to cause disruption or threat to a safe and positive school environment and are prohibited.

1. Hats and other headgear, caps, visors, sunglasses, sweatshirt hoods**,** doo-rags or bandanas while on campus during the school day except for medical or religious purposes, or unless otherwise permitted by school administrators. *Note: At the 9-12 level, hats and other headgear may be permitted under clear, written rules (e.g., can only be worn during passing times and at lunch, face must not be covered) established by the building principal. Additionally, all students are expected to follow hat and other head covering rules established by their individual teachers.*

2. Chains hanging from the neck, belt, pocket or attached to wallet.

3. Jewelry or accessories that contain any type of sharp object or may otherwise be an injury or safety risk.

F. A student's Physical Education attire must comply with Dress Code requirements.

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 an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. 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.

Nothing in this Dress Code will be construed to limit the ability of students to dress and/or groom themselves in a way that allows them to express their gender identity, or to discipline students for doing so. Nothing in this Dress Code will be construed to limit the ability of students to wear certain protective hairstyles (including but not limited to braids, locks and twists) or to wear their hair in a particular texture, or to discipline students for doing so.

VI. STUDENT CONDUCT AND DISCIPLINE

A. Acceptable and appropriate conduct by students shall be consistent with the student responsibilities outlined in this Code of Conduct.

Teachers and staff members shall use realistic, positive discipline techniques which reward and enforce positive behavior. The District shall formally recognize responsible student behavior in forums such as the National Honor Society induction ceremony, academic awards assemblies and certificates for responsible attendance. The District encourages the development of additional methods of recognition.

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B. Unacceptable and inappropriate behavior include the following:

1. **Insubordinate Conduct.** Examples include, but are not limited to the following:

   a) Neglect of safety rules
   b) Violation of bus rules
   c) Violation of classroom rules
   d) Violation of dress code
   e) Late to class
   f) Late to school
   g) Cut scheduled class
   h) Engaging in scholastic dishonesty
   i) Unauthorized use of cell phone
   j) Forgery
   k) Tampering/Changing official documents
   l) Failing to be in one's assigned area
   m) Leaving school without permission
   n) Cutting detention
   o) Using school equipment/devices without permission.
   p) Stealing/Possession/Sale of stolen goods
   q) Grand larceny
   r) Attempting to take/Forcing to take property
   s) Engaging in scholastic dishonesty/conspiracy

2. **Disorderly Conduct**. Examples include, but are not limited to, the following:

   a) Act of horseplay, physical conduct
   b) Litter/Graffiti, such as writing on a desk
   c) Engaging in public displays of affection
   d) Horseplay with physical aggression
   e) Reckless driving on school property
   f) Indecent exposure
   g) Posting/Distributing violent material
   h) Posting/Distributing libelous material or statements

3. **Disruptive Conduct**. Examples include, but are not limited to the following:

   a) Engaging in rude and disrespectful behavior
   b) Inappropriate language
   c) Defiance/Refusing to follow directions
   d) Disturbance outside the classroom
   e) Disruption of the educational process
   f) Use of profanity and obscenity
   g) Posting/Distributing material on school premises
   h) Minor altercation
   i) Interference of school duties of school personnel
   j) Engaging in sexual conduct on school property
   k) Defying authority that disrupts the educational process

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l) Using verbal, written, or electronic communications that include slurs against a protected class
m) Engaging in gang related behavior
n) Inciting a riot

4. **Violent Conduct** is acts of violence, weapon possession, and destruction of property. Examples of violent conduct include, but are not limited to, the following:

a) Bringing prohibited equipment/items to school
b) Misusing or damaging property
c) Possession of live ammunition on school premises
d) Possession and/or use of explosives
e) Possession/Using a pellet or BB gun
f) Reckless endangerment/Actual injury
g) Physical aggression or behavior causing minor injury
h) Assault (physical harm)
i) Planning/Participating in group violence
j) Vandalism with property damage of $250 or less
k) Vandalism with property damage of $250 or more
l) Homicide

5. **Conduct that endangers the health, safety and morals of others**. Examples include, but are not limited to, the following:

a) Possession of over-the-counter medications without a prescription
b) Possession of pornography not including children
c) Bringing/Allowing unauthorized person to school
d) Behavior dangerous to others
e) Threatening other students
f) Threatening other students through virtual or electronic means (cyber)
g) Threatening a teacher or support staff
h) Threatening a teacher or support staff through virtual or electronic means (cyber)
i) Distribution of over-the-counter medications
j) Verbal/Written/Electronic harassment of a student in a protected class
k) Verbal/Written/Electronic harassment of a student through virtual or electronic means (cyber)
l) Gambling
m) Extortion
n) Giving false/misleading information
o) Distribution of pornography not including children
p) Making sexually suggestive comments
q) Use of tobacco/nicotine products in school
r) Possession of tobacco/nicotine products in school
s) Distribution of tobacco/nicotine products in school
t) Tampering with a fire alarm
u) Pulling a fire alarm
v) Starting a fire on school property

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w) Making a bomb threat
x) Under the influence of illegal substances on school property
y) Possession of illegal substances or prescriptions
z) Distribution of illegal substances on school property
aa) Under the influence of alcoholic beverages on school property
bb) Possession of alcoholic beverages on school property
cc) Distribution of alcoholic beverages on school property
dd) Possession, Use, Transfer, or Sale of a weapon found in a security check
ee) Possession, Use, Transfer, or Sale of a weapon
ff) Engaging in coercion, threatening violence
gg) Engaging in sexual aggression/forcing another
hh) Intimidating/Bullying behavior
ii) Intimidating/Bullying behavior through virtual or electronic means (cyber)
jj) Threatening or Stalking a student or staff member
kk) Possession/Distribution of pornography involving a child

VII. STUDENT CELL PHONE/ELECTRONIC DEVICE USAGE

Per Rome City School District Board of Education Policy 5695 and Education Law 2803, student use of internet-enabled devices is prohibited during the school day on school grounds, unless an exception exists, such as an IEP or Section 504 Plan. Violations may result in disciplinary action, the loss of privileges, and/or legal action.

VIII. GUN FREE SCHOOLS

A. In accordance with the Gun-Free Schools Law (20 U.S.C.A. Section 3351), the Gun-Free Schools Act of 1994 (20 U.S.C.A. Section 8921), New York State Education Law Section 3214(3), and this Board policy, the punishment for violation of Section V subsection (B(2)(h) shall be a suspension from attendance upon instruction for a period of not less than one calendar year, unless the Superintendent shall determine to modify such punishment. The Superintendent's determination shall be on a case-by-case basis.

B. The term "firearm" does not include an antique firearm that has no means of operating. The term "destructive device" means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge or more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that "destructive device" shall not mean any device not designed or redesigned for use as a weapon.

C. The superintendent shall refer a pupil who has been determined to have violated this Code of Conduct where a gun is involved as follows:

1. If the pupil is under 16 years of age, to a presentment agency for a juvenile delinquency proceeding: except a pupil 14 or 15 years of age who qualifies for juvenile offender status in accordance with the Family Court Act, Article 3.

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2. If the pupil is 16 years of age or older, or 14 or 15 years of age who qualifies for juvenile offender status, to the appropriate law enforcement agency.

IX. PROCEDURE IN THE EARLY IDENTIFICATION AND RESOLUTION OF DISCIPLINARY INFRACTIONS

A. Restorative practices are proactive and preventative approaches that intentionally promote community building, foster a sense of belonging, and deepen mutual understanding. These systems are embedded in the Rome City School District's culture and work to proactively prevent violations of the Code of Conduct.

B. Pupil service personnel, administrators, teachers and others shall report students who are having problems or appear to be having problems regarding matters covered in the Code Of Conduct to the building principal. Parents also are invited to advise the building principal of concerns the parents may have regarding their children pertaining to the Code.

C. Students are expected to report to teachers or to the building administrator any student who appears to be having discipline problems. Students are expected to cooperate in any conference regarding the discipline of that student.

D. When the building principal is aware of, or has received a report from pupil service personnel, administrators, teachers, students or parents, the building principal must conduct an inquiry.

E. If the building principal, after such inquiry, considers there is a basis for concern, the principal shall arrange to have a meeting with the parents and/or guardians and appropriate staff members to review the matter and create a plan to resolve the discipline problems.

F. The purpose of the procedure is to identify early possible problems and to resolve these disciplinary problems. The district shall assign such support personnel to assist the parties, considering the resources available at any given time.

X. RESTORATIVE RESPONSES TO VIOLATIONS OF CODE OF CONDUCT

Students who violate this Code may be subject to restorative responses as the facts may warrant, including but not limited to any of the measures listed below:

- peer support groups;
- corrective instruction or other relevant learning or service experience;
- mediations
- restorative conversations and restorative conferences
- conflict circles and reentry circles
- supportive intervention;
- behavioral assessment or evaluation;
- behavioral management plans, with benchmarks that are closely monitored; and/or
- student counseling and parent conferences.

Beyond these individual-focused restorative responses, school-wide or environmental repair may also be utilized. These strategies may include but are not limited to:

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- school and community surveys or other strategies for determining the conditions contributing to the relevant behaviors;
- adoption of research-based prevention programs;
- modification of schedules;
- adjustment in hallway traffic and other student routes of travel;
- targeted use of monitors;
- staff professional development;
- involvement of parent-teacher organizations

XI. RESPONSES TO STUDENT CODE OF CONDUCT INFRACTIONS

The purpose of all discipline is to teach students appropriate and constructive behaviors that enable them to be successful in school and to get along productively within the greater society.

This portion of the Rome City School District Code of Conduct divides types of misconduct into four levels, ranging from "A" to "D", of increasingly egregious infractions. Each level contains categorical examples of infractions, intended to be descriptive rather than exhaustive.

Each level also has a description of procedures school officials will follow in administering discipline. A non-exhaustive range of "restorative actions" is provided and intended to assist educators and other district staff members to influence students to engage in more positive behaviors and make more wholesome choices for themselves. Some interventions may be used to aid and support students so that they may regain a sense of safety. When used consistently, restorative actions help improve student behavior, reduce repeated misbehaviors, and contribute to a more positive school environment.

Finally, a range of "disciplinary responses" (or consequences) is suggested and in some cases required for Rome City School District staff members to utilize students who violate the Code of Conduct. Consequences such as suspensions or detentions should not be viewed as preventative in nature, but rather as a means to contain misbehavior. The listed sanctions are advisory and, as a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, District personnel may impose any level of discipline, even for the first violation, that is proportionate to the misconduct at issue. In all instances selection and implementation of consequences must take into account a number of factors, including: age, development, and maturity levels of the parties involved; degree of harm incurred (physical and/or emotional); nature and severity of the offense; disciplinary history of the offender and continuing patterns of behavior; relationship between the parties involved; and the context in which the alleged incidents occurred.

Within the four disciplinary levels, described below, violations are sorted under one or more of three broad categories that are necessary within a positive culture. Healthy, productive school environments are safe, respectful, and promote responsibility. Infractions are further described as follows:

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Level A infractions constitute minor or first time violations of school and classroom rules that cause minimal harm and disruption. However, such infractions are still intolerable within any productive, safe, and respectful environment, and like all misconduct are best handled quickly. Level A infractions are addressed by the teacher or staff member who either observed or experienced the misbehavior firsthand or to whom a report of student misconduct has been made. Staff members must document occurrences of the infraction, restorative actions taken, and consequences administered.

Examples of Level A behaviors include, but are not limited to:

Insubordinate Behavior/Conduct

1. Neglect of safety rules
2. Violation of bus rules
3. Violation of classroom rules
4. Violation of dress code
5. Late to class
6. Cut scheduled class
7. Engaging in scholastic dishonesty
8. Unauthorized use of cell phone

Disorderly Conduct

1. Act of horseplay, physical conduct
2. Litter/Graffiti, such as writing on a desk
3. Engaging in public displays of affection

Disruptive Conduct

1. Engaging in rude and disrespectful behavior
2. Inappropriate language
3. Defiance/Refusing to follow directions
4. Disturbance outside the classroom
5. Disruption of the educational process

Level B infractions are frequent and/or serious enough to disrupt the learning climate of the school or classroom and affect students' ability to learn. Because of the frequency and/or seriousness of these misbehaviors, the administrator assumes more of the responsibility for corrective action. Persisting Level A infractions are included within this category.

Examples of Level B behaviors include, but are not limited to:

Insubordinate Behavior/Conduct

1. Forgery
2. Tampering/Changing official documents
3. Failing to be in one's assigned area
4. Leaving school without permission

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5. Cutting detention
6. Using school equipment/devices without permission

Disorderly Conduct

1. Horseplay with physical aggression

Disruptive Conduct

1. Use of profanity and obscenity
2. Posting/Distributing material on school premises

Violent Conduct

1. Bringing prohibited equipment/items to school
2. Misusing or damaging property

Conduct that endangers the health, safety and morals of others

1. Possession of over-the-counter medications without a prescription
2. Possession of pornography not including children

Level C infractions could potentially cause lasting harm to students and/or jeopardize the health, safety, or emotional well-being of others in the school. Misbehavior at this level could constitute a violation of criminal laws, and if so, administrators must make a report to law enforcement officials. Persisting Level B infractions are included within this category.

Examples of Level C behaviors include, but are not limited to:

Disruptive Conduct

1. Minor altercation
2. Interference of school duties of school personnel
3. Engaging in sexual conduct on school property

Violent Conduct

1. Vandalism with property damage of $250 or less

Conduct that endangers the health, safety and morals of others

1. Behavior dangerous to others
2. Threatening other students
3. Threatening other students through virtual or electronic means (cyber)
4. Threatening a teacher or support staff
5. Threatening a teacher or support staff through virtual or electronic means (cyber)
6. Distribution of over-the-counter medications
7. Verbal/Written/Electronic harassment of a student in a protected class
8. Verbal/Written/Electronic harassment of a student through virtual or electronic means (cyber)
9. Gambling
10. Extortion
11. Giving false/misleading information
12. Distribution of pornography not including children

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13. Making sexually suggestive comments
14. Use of tobacco/nicotine products in school

Level D infractions pose a direct and immediate threat to the offender, other people, and/or property. In most all instances, immediate administrative action is required including removal of the student from school and/or class. With the possible exception of some persisting Level C behaviors, Level D misconduct clearly constitutes a violation of criminal laws, thereby requiring administrators to make a report to law enforcement officials. Some offenses may result in suspension of a year or more and, in exceptional circumstances, permanent suspension.

Examples of Level D behaviors include, but are not limited to:
Persisting Level C misbehavior

Insubordinate Behavior/Conduct

1. Stealing/Possession/Sale of stolen goods
2. Grand larceny
3. Attempting to take/Forcing to take property
4. Engaging in scholastic dishonesty/conspiracy

Disorderly Conduct

1. Reckless driving on school property
2. Indecent exposure
3. Posting/Distributing violent material
4. Posting/Distributing libelous material or statements

Disruptive Conduct

1. Defying authority that disrupts the educational process
2. Using verbal, written, or electronic communications that include slurs against a protected class
3. Engaging in gang related behavior
4. Inciting a riot

Violent Conduct

1. Possession and/or use of explosives
2. Possession/Using a pellet or BB gun
3. Reckless endangerment/Actual injury
4. Physical aggression or behavior causing minor injury
5. Assault (physical harm)
6. Planning/Participating in group violence
7. Vandalism with property damage of $250 or less
8. Vandalism with property damage of $250 or more
9. Homicide

Conduct that endangers the health, safety and morals of others

1. Tampering with a fire alarm

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2. Pulling a fire alarm
3. Starting a fire on school property
4. Making a bomb threat
5. Under the influence of illegal substances on school property
6. Possession of illegal substances or prescriptions
7. Under the influence of alcoholic beverages on school property
8. Possession of alcoholic beverages on school property
9. Distribution of alcoholic beverages on school property
10. Possession, Use, Transfer, or Sale of a weapon found in a security check
11. Possession, Use, Transfer, or Sale of a weapon
12. Engaging in coercion, threatening violence
13. Engaging in sexual aggression/forcing another
14. Intimidating/Bullying behavior
15. Intimidating/Bullying behavior through virtual or electronic means (cyber)
16. Threatening or Stalking a student or staff member
17. Possession/Distribution of pornography involving a child

A. **Removal of disruptive students from the classroom and school property**

1. Teacher Removal of a Disruptive Student from the Classroom
    a) Teachers have a limited authority to remove disruptive pupils from the classroom. Such removal shall be consistent with this Code of Conduct.
    b) A secondary (7th-12th) pupil may be removed from a teacher's classroom by the teacher for up to but no more than five (5) days of instruction for each incident of substantial disruption to the educational process or substantial interference with a teacher's authority. The 5 days would include the instructional period in which the student is removed.
    c) An elementary (Pre-K-6th) pupil may be removed from a teacher's classroom by the teacher for up to but no more than two (2) hours of instruction for each incident of substantial disruption to the educational process or substantial interference with a teacher's authority.
    d) In order to initiate the removal of a student from the classroom, the teacher must first determine that a student is presenting a continuing danger or an ongoing threat of disruption to the academic process. The behaviors identified as Level B- Behaviors under Section XI Student Disciplinary Responses are illustrative of disruptive behavior warranting teacher removal from class. Behaviors which do not rise to this level defined as disruptive shall be subject to traditional disciplinary strategies, in accordance with this policy.
        - These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:
            (a) Implementation of deescalation strategies in an elementary classroom or in an administrator's office;

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(b) sending a student to the principal or assistant principal's office for the remainder of the class time only;
(c) sending a student to a school counselor or other district staff for counseling;

- In addition, teacher removal of a pupil from the classroom for behavior, which warrants a more significant penalty, such as out-of-school suspension, does not preclude greater discipline.

e) If the pupil's behavior is not presenting a continuing danger or an ongoing threat of disruption to the academic process, the teacher shall notify the student of the reasons for the removal prior to the removal and allow the student to present his/her version of the events. If the pupil's behavior does present a continuing danger or ongoing threat as stated above, the teacher may immediately remove the pupil from the classroom and explain the basis of the removal and allow the student to present his/her version of the events within twenty-four (24) hours of the removal.

f) A teacher initiating removal of a student from the classroom pursuant to the provisions of this Code Of Conduct shall inform the principal of the basis of the removal and complete a written disciplinary referral form detailing the basis of the removal. There shall be a uniform document at the elementary and secondary levels to report the removal.

g) Within 24 hours of the removal, the principal or his/her designee (another administrator) must inform the parent or person in parental relation to the student of the reasons for the removal from class. On request, the student/parent must be given an opportunity for an informal conference to discuss the reasons for removal with the principal or his/her designee. The teacher shall be involved in the conference.

- If the student denies the charges, the student/parent must be given an explanation of basis for removal and an opportunity to represent his/her version. This must take place within 48 hours of the removal.
- The Principal or his/her designee must decide, by the close of business on the school day following the opportunity to be heard by the principal, whether the discipline will be set aside. The principal or his/her designee may only set aside discipline if:
  (a) The charges against the student are not supported by substantial evidence.
  (b) The student's removal is otherwise in violation of law.
  (c) The conduct warrants an out-of-school suspension and a suspension will be imposed. No student removed from the classroom by a teacher will be permitted to return to the classroom until the Principal makes a final determination pursuant to Education Law § 3214(3- a)(c), or the period of removal expires, whichever occurs first.

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h) The district must provide a continued educational program for students who are removed from a class by a teacher. Each building principal will designate a location, outside of a classroom that is in session. The principal will assign staff who will be responsible for the removed student(s). The teacher requesting the removal shall provide the work and materials that the student would miss. The alternative program/setting will be appropriate to individual student needs. In an attempt to modify student behavior, services can include, but are not limited to: peer mediation, school counseling, psychological counseling, behavior/management plans, referrals to supportive programs, conflict resolution strategies, anger management classes/techniques.

B. Responding to Reports of Possible Harassment or Discrimination

1. In addition to the procedures described for removal of disruptive students and possible suspension from attendance, the District provides a procedure for responding to reports of possible bullying, discrimination or harassment against students by another student, an employee, or any other person on school property or at a school function.

2. Prevention is the cornerstone of the district's effort to address bullying, discrimination and harassment. In order to implement its anti-bullying prevention program, the Board will designate, at its annual organizational meeting, individuals at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator).

   The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

   - Professional development for staff members;
   - The complaint process; and
   - Management of the Dignity Act's civility curriculum components

   The District has also designated a Dignity Act Coordinator for each school. Those coordinators are the building principal in each school, as well as the Director of Counseling Services, the Director of Athletics, the Assistant Superintendent of Curriculum and Instruction, and The Assistant Superintendent of Human Resources and Strategic Initiatives. Additional Dignity Act Coordinators may be identified to assist with fact finding.

   Dignity Act Coordinators are trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, and sex. They are available to speak with any person who has witnessed possible bullying, discrimination or harassment, or if that person has experienced treatment that may be prohibited bullying, discrimination or harassment

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3. The School Administrator/Counselor is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The district will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

   It is essential that any student who believes they have been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report the same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

   Upon receipt of a complaint (even an anonymous complaint), or if a district official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employees shall also file a written report with the school principal no later than two school days after making such oral report.

   After receipt of a complaint, the School Principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The Principal or the Principal's designee shall ensure that such investigation is completed promptly and investigated in accordance with the terms of district policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

   Based upon the results of this investigation, if the district determines that a district official, employee, volunteer, vendor, visitor and/or student has violated the district's Code of Conduct or a material incident of harassment, bullying and/or discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

   As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or

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emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the Principal is the alleged offender, the report will be directed to the Superintendent of Schools.

All complaints of alleged harassing, discriminatory, bullying and/or retaliatory conduct shall be:

1. promptly investigated in accordance with the terms of district policy;
2. forwarded to the school building's Dignity Act Coordinator for monitoring; and
3. treated as confidential and private to the extent possible within legal constraints.

The Principal must promptly notify the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct.

The Principal shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the Superintendent or their designee.

C. **Prohibition of Retaliation**

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this subdivision, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings. Relatedly, neither the District, nor an employee or student thereof shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes a report or initiates, testifies, participates or assists in such formal or informal proceedings.

D. **Student Suspension from School**

1. Parental notice concerning student suspensions. When suspension of a student from attendance for a period of five days or less pursuant to section 3214(3) of the Education Law is proposed, school district officials shall immediately notify the parents or the persons in parental relation in writing that the student may be suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental

relation. Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents or persons in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law, section 3214(3)(b). Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or persons in parental relation to the pupil. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

2. The suspension of pupils for a period in excess of five (5) school days shall be conducted in accordance with the regulations of Section 3214 of the Education Law.

   When the Superintendent determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student's parent(s)/guardian(s) of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf.

   The Superintendent shall personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all of any part thereof.

   An appeal of the Superintendent's decision may be made to the BOE, which will make its decision based solely upon the record before it. All appeals to the BOE must be in writing and submitted to the District Clerk within thirty (30) days of the date of the Superintendent's decision. There will be no personal appearance before the BOE; the appeal will be considered solely in writing.

   The BOE may adopt in whole or in part the decision of the Superintendent. Final decisions of the BOE may be appealed to the Commissioner of Education within thirty (30) days of the decision.

3. Minimum Suspension for Pupils who Repeatedly are Substantially Disruptive

   A disruptive student is an elementary or secondary student under 21 years of age who is substantially disruptive of the educational process or who substantially interferes with the teacher's authority over the classroom. A student is considered to be repeatedly substantially disruptive or repeatedly substantially interferes with the teacher's authority over the classroom when that student engages in conduct that results in the removal of the student from the classroom by teacher(s) pursuant to

Education Law section 3214(3-a) on four (4) or more occasions during a semester. Such students will face a minimum suspension of two (2) days or a placement in an alternative program (i.e. After School Program). The suspending authority may review and reduce such a suspension period on a case by case basis consistent with the law.

4. Minimum Suspension for Violent Pupils

    a) Teachers shall immediately report and refer a Violent Pupil to the principal or Superintendent for a violation of this Code of Conduct.

    b) Students who are deemed to be "Violent Pupils" as defined in this Code and by Education Law Section 3214(2-a)(a) shall be subject to a minimum out-of-school suspension of at least five (5) days.

5. The District will provide all students placed in detention, removed from the classroom or suspended from school with continued educational programming and activities, which shall include alternative educational programs appropriate to individual student needs.

E. **PINS Petition/Referral to Human Services Agencies**

The Superintendent has established the following procedures for filing PINS petitions or for the referral of pupils to the appropriate human services agency:

1. Where a student does not attend school in accordance with the Education Law or is ungovernable or habitually disobedient and beyond the lawful control of a parent or other lawful authority, the building principal having authority over the student, will be responsible for filing a PINS proceeding against that student.

    These petitions may also be filed by a school counselor, assistant principal, or other certified staff member, but must be done in consultation with the building principal. Prior to commencing any such proceedings, the building principal should review the matter with the school district's attorney when appropriate. The principal will file a PINS proceeding on a case by case basis in accordance with the Family Court Act.

2. The Superintendent will maintain a list of appropriate human service agencies available to all building principals. When a referral to such an agency is appropriate, such referrals shall be made. This does not affect the mandatory reporting requirements of all school district employees to make referrals for suspected child abuse.

XII. DISCIPLINE AND STUDENTS WITH DISABILITIES

A. The Board of Education recognizes that the need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities eligible for services under the Disabilities Education Act (IDEA) and Article 89 of the Education Law (Article 89) and their implementing regulations. It also recognizes that these students with disabilities have certain procedural protections whenever school authorities intend to impose discipline upon them.

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1. A student with a disability may not be removed pursuant to Section 201.7 of the Regulations of the Commissioner of Education if the imposition of the 5 school day or 10 school day suspension or removal would result in a disciplinary change in placement based on a pattern. If suspensions or removals as determined by school personnel, in accordance with the criteria set forth in section 201-2 (3)(ii), except where the CSE (Committee on Special Education) has determined in accordance with section 201.4 that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES (Interim Alternative Educational Setting) as authorized under Commissioner's Regulations.

2. "Disciplinary change in placement" means a suspension or removal from a student's current educational placement that is either:
   - for more than ten (10) consecutive school days or
   - for a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another

B. Accordingly, it shall be the Board's policy that the procedures followed for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA and Article 89 will confirm with the procedural safeguards required by applicable laws and regulations.

C. This policy incorporates by reference the Procedural Safeguards for Students with Disabilities set forth in Part 201 of the Regulations of the Commissioner of Education, which implement the procedural protections provided under New York's Educational Law and which coordinate the state's general procedures or suspension of students with disabilities with the requirements of IDEA and its implementing regulations.

1. The procedures relating to the discipline of students with disabilities require BOCES personnel who recommend the suspension or removal of students to work closely with Committees on Special Education, to establish clear guidelines for communication and decision making on disciplinary matters. The following provides a framework for the actions that schools must take when determining that a student with a disability will be suspended or removed for behaviors that violate the school Code Of Conduct.

   In order to initiate the removal of a student with disability from the classroom, the IEP (Individual Education Program) team must first determine if the suspension will result in removing a student for more than ten (10) school days in a school year or impose a suspension or removal that constitutes a disciplinary change or placement. The principal must fill out the district's Pre-Nexus form upon removal or OSS.

   If no, the following procedure(s) must be followed in conjunction with the teacher's supervisor or director:

   a) Suspensions shall be administered in accordance with Section 3214 of Education Law and application to Part 201 of the Regulations of the

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Commissioner of Education.

b) Referral to the CSE may be made for either/or:
   - Addition and/or modification of the IEP for supplementary aids and services
   - review or modification of an existing behavior intervention plan
   - Functional behavioral assessment
   - Change in placement

If yes, the following procedure must be followed in conjunction with the Teacher's supervisor or director:

a) A referral to the CSE for a Manifestation Hearing
   - If the behavior is related to the student's disability, unless the parent and district otherwise reach an agreement, immediately return the student to his or her current educational placement.
   - If the behavior is not related to the student's disability, the student may be suspended or removed for the behavior.

D. Moreover, consistent with the IDEA and New York Education Law, pupil service personnel, teachers and/or administrators who identify a student with a disability whose behavior is repeatedly interfering with his/her own or other's learning shall refer such individual to the CSE for a functional behavioral assessment and behavior intervention plan or, if one exists, for review of same.

XIII. STRATEGIES AND PROCEDURES FOR THE MAINTENANCE AND ENFORCEMENT OF PUBLIC ORDER ON SCHOOL PROPERTY

A. Purpose

1. The following rules and regulations are adopted for the maintenance of public order on district property and provide a program for enforcement. These rules shall apply to any individual on school property and/or at school functions (as defined by Section II Definitions) including students, teachers and other school personnel, and visitors.

B. Prohibited conduct

1. No person, either singly or in concert with others, shall:

a) Threaten or cause physical injury to any other person(s).

b) Interfere with another person's lawful rights.

c) Damage or destroy property of the school district, or remove or use school district property without proper authorization.

d) Enter into any classroom(s) or private office(s) without the expressed permission from the occupant or administrator. This prohibition does not apply to law enforcement officers or individuals designated by the Superintendent to conduct lawful investigations of alleged misconduct.

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e) Enter any school building without reporting to one central sign in/sign out location. All visitors will be directed to this location by school staff. Upon completion of school visitations, all visitor(s) will be directed back to the central sign in/sign out location and will exit the school building immediately.

f) Enter upon and remain in any school building or facility for any purpose other than for authorized uses, or in such a manner as to obstruct its authorized use by others.

g) Without authorization, remain in any school building or facility after it is normally closed.

h) Refuse to leave any school building or facility after being requested to do so by an authorized school administrator.

i) Obstruct the movement of persons and vehicles in any place to which these rules apply.

j) Deliberately disrupt or prevent the peaceful and orderly conduct of offices, classes, lectures and meetings; or deliberately interfere with any person(s) who desires to express their views.

k) Have in their possession upon any premises to which these rules apply, any weapon as defined in this Code without the proper written authorization of the Superintendent, whether or not a license to possess the same has been issued to such person.

l) Possess, consume, sell or exchange illegal substances or tobacco products, as defined in this Code, on school properties.

m) Distribute or post any written materials, pamphlets, or posters without the prior written approval of the Superintendent. This should not be construed as conflicting with any rights conferred on school staff members by contract or law.

n) Using in either words, clothing, other apparel and signs profane, lewd, vulgar or abusive language which may incite or offend another person(s); or constitute a health or safety hazard (including clothing that promotes the sale or use of alcohol, tobacco and/or controlled substances); or a substantial disruption or material interference with the mission, work or discipline of the school community.

o) Urge or incite, guard, protect, aid or abet others in the commission of any of the prohibited acts.

p) Violate any law(s) or regulation(s), as well as District policies, rules or regulations, including this Code.

C. Penalties and Procedures

1. In the case of a violation of this section or any other provision(s) of the Rome City School District Code of Conduct:

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a) In the case of any authorized or unauthorized individual who is on school property or at a school function, who violates the rules of this Code, the Superintendent or school designee shall inform the individual that he/she is not authorized to remain and direct him/her to leave the school property premises. In the event of his/her failure to do so, the Superintendent or school designee shall cause his/her ejection from such school property. Nothing in this section shall be construed as authorizing the presence of any such person at any time, nor affect his/her liability for prosecution for trespassing, loitering, etc. as prescribed in the Penal Law.

b) In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in the applicable sections of this Code of Conduct or section 3214(3) of the Education Law.

c) In the case of a faculty member having tenure, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with Section 3020-a of the Education Law.

d) In the case of the faculty member not having tenure, the Superintendent shall conduct a hearing after written notice to the teacher of the charges and shall determine the punishment of the teacher if found guilty.

e) In the case of any staff member who holds an apposition in the classified Civil Service that is covered by Section 75 of the Civil Service Law, charges of misconduct for violation of any of these rules shall be made, heard and determined as prescribed in that section.

f) In the case of any staff member who does not hold a position in the classified Civil Service and is not covered by the provisions of Section 75 of the Civil service Law, the Superintendent shall conduct a hearing after written notice to such staff member of the charges, and shall determine the punishment if such staff member is found guilty.

D. Procedures to Inform Law Enforcement Officials of a Crime and Filing Criminal/Juvenile Delinquency Complaints

1. The procedures to inform law enforcement officials of a crime, as well as the procedures for filing a complaint in criminal court or a juvenile delinquency petition are outlined in the Safety Plan of the School District.

2. In addition, the Principal must promptly notify the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any violation of this Code, including but not limited to incidents of harassment, bullying or discrimination, may constitute criminal conduct.

XIV. MAINTENANCE AND ENFORCEMENT OF CODE OF CONDUCT

A. Annual Review

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This Code of Conduct shall be reviewed annually and updated as necessary, taking into consideration the effectiveness of Code provisions and the fairness and consistency of its administration.

B. Modifications to the Code of Conduct

A board of education or board of cooperative educational services may adopt any revision to the Code of Conduct only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested party.

C. Review Committee

A school district may establish a committee pursuant to Education Law Section 2801(3) to facilitate the review of this Code of Conduct and the district's response to Code of Conduct violations.

D. Filing

Each district shall file a copy of its Code of Conduct and any amendments with the Commissioner of Education no later than thirty days after their respective adoptions.

E. Community Awareness

1. Posting the complete Code of Conduct, respectively, on the District's Internet Web site, including any annual updates or amendments thereto.

2. Provide copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year.

3. Mailing a plain language summary of the Code of Conduct to all persons in a parental relation to the students before the beginning of each school year and making the summary available thereafter upon request.

4. Provide each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code of Conduct, and providing new teachers with a complete copy of the current Code of Conduct upon their employment.

5. Make complete copies of the Code of Conduct available for review by students, parents or persons in parental relation to students, other school staff, and community members.

6. Provide training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity Act, including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students and/or school employees.

7. Provide "safe and supportive school climate concepts" in the District curriculum.

F. The District shall develop and implement a program of instruction in grades Pre Kindergarten through Grade 12 to include a component on civility, citizenship and character education in accordance with Education Law. Such components shall instruct students on the principles of

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honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. Such components shall also include instruction on safe and responsible use of the internet and electronic communications.

XV. IN-SERVICE EDUCATION PROGRAMS

The Board will provide in-service education programs for all District staff members to ensure the effective implementation of this Code, to promote a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management. In-service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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