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## **STUDENT CODE OF CONDUCT AND BEHAVIOR MANAGEMENT**

### **Introduction**

Among the basic goals of The Clear View School Day Treatment Center as they have been approved by the Board of Directors of the Association for Mentally Ill Children of Westchester, Inc., are the following:

1. To maintain emotionally disturbed children in the community and with their families

2. To demonstrate to the community at large and to the professional community that severely disturbed children can be productively maintained in a day facility and that positive change may be anticipated for even the most severely handicapped child when placed in an appropriate day program.

Among its Program Goals the Board has included the following:

To remove the threat to the child and family of expulsion or transfer from program as a consequence of behavior and to treat the family as a full participant in the psycho-educational process rather than as a target for complaint.

Because these basic goals have been incorporated in the program practices of The Clear View School, no child has even been expelled from The Clear View Center, and in our long history very, very few have been asked to remain at home for even the briefest periods. Furthermore, when disciplinary procedures are employed -- whether they involve in-school or out-of-school suspension -- they are used not with the intent of punishing the student, but with the intent of treating and teaching, with the goal of changing behaviors (e.g. assaultive, truant, menacing) which leave children feeling endangered and alone into behaviors that lead to a heightened sense of security and social acceptability.

When it is determined by psychiatric evaluation that a particular child is not able to benefit from a day treatment program because of the nature of mental health needs, it is not the path of suspension that is followed as a matter of policy but rather that of short term hospitalization (psychiatric) or recommendation for more restrictive education programming such as residential school care. The former intervention may be sought at any time in response to student need as determined by the clinical staff, while the latter is a recommendation to The Committee on Special Education by the Treatment Team of The Clear View Center. While such a recommendation is under consideration or in the process of implementation, the student in question remains in attendance at The Clear View Center unless psychiatric hospitalization is required or student behavior produces a level of danger which makes it necessary to seek parental consent or judicial authorization for immediate removal from school.

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Nonetheless, despite its goals and program procedures which have been developed to avoid even short term suspension whenever possible and to avoid long term suspension almost at any cost, it is recognized that in-school disciplinary procedures of various kinds and durations are very necessary for behavior management. Indeed, as indicated above, they are a treatment and education method which in skilled hands can produce significant change in behavior and emotional status. These procedures are described in the attached code of conduct, as well as procedures to be followed in the event that it is deemed necessary to remove a child for a short period (less than five days), for an intermediate period (five to ten days) or on a long term basis (ten days or more) from the school premises.

## CODE OF CONDUCT

To: All Clear View Students From: The Clear View Staff

You are a student at The Clear View School. That means you've had some problems in other schools, and you are now attending a school where you can work on those problems and solve them. It also means that a lot of people, including your parents, who know a lot about the problems of children, have agreed that you will do better for now if you attend The Clear View School. Some of those people who want you to attend Clear View work for the public school in your home town. They service on a committee called the Committee on Special Education. Others who want you to be at Clear View are all the people who work at The Clear View School and who want to help young people with problems. to feel better and to learn more.

One of the things that helps all of us feel better and learn more is to know we are in a safe place, a place where people don't get hurt, where they don't hurt each other or themselves in any way. In order to keep The Clear View School safe and in order to make it a place that feels safe even to very young children who are easily frightened, we have some very important rules that we expect everyone at The Clear View School to follow. These are rules that people must follow even when they don't feel like it -- or even if they believe there is some good reason to break one of the rules. Of course, everyone breaks a rule sometimes. When rules are broken at Clear View there are certain things that the people who work here do to stop that from happening again.

We are going to tell you both what the school's rules are and about how we try to keep them from being broken and what we do when they are broken to help you to remember them and to follow them in the future.

Some of our most important rules have to do with people not getting hurt. For example:

1. No student at The Clear View School is allowed to attack other people -- students or teachers -- in any way.
2. No student at The Clear View School is allowed to hurt himself or herself or to put him or herself into situations where there is undue danger of being hurt.
3. No student is allowed to misbehave on the school bus. When on a school bus, students must follow the directions of the driver and sit where instructed. They must not fight or damage the bus or disturb others by making loud sounds or leaving an assigned seat without permission.

These are three of the most important rules of The Clear View School where we know it is so important to feel safe that we have an important rule about what students may wear to school and other about things they are not allowed to say to each other.

4. No student may wear clothing or jewelry or other items which in the judgement of Clear View staff (subject to review by the Director) may be alarming or disturbing to other Clear View students of any age. Nor may students dress in a fashion (or maintain an appearance) which is so unusual or peculiar that it could upset, alarm, or seriously distract other students.

5. Students will not threaten, harass or bully other students nor will they deliberately do things to upset, irritate or intimidate other students nor will they in any way insult or verbally abuse other students for any reason. Students will also stop on request all such behavior when it is directed at staff members.

It is an especially important rule that no student will harass or bully anyone because of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender or any other

reason that is because of discrimination.

Cyberbullying, by electronic devices or email or an electronic communication, on or off school property, is prohibited.

6. No student will bring weapons of any kind onto the property of The Clear View School or into the school buildings nor may they carry with them objects of any kind (without the permission of a teacher or other responsible adult) which could be used to threaten or hurt other students or staff members.

It is also important that no one brings drugs to school. It is not safe to have illegal drugs around the school.

7. Students may not bring drugs, including alcohol, or any intoxicating addictive substance onto the school property and they may not show, offer, sell or give away any such substance to other students.
8. Students may not use drugs or alcohol on school grounds or appear at school, on a school bus or at any school activity when impaired to any degree by drugs or alcohol.
9. It is also a violation of school rules to solicit the sale of a controlled substance while at school, on a school bus, on school grounds or at a school activity.

Like children everywhere, Clear View students are concerned about their own health and the health of friends and important adults. Smoking may affect health, and it is not legal for students to smoke in school. We have two rules about smoking.

10. Students may not smoke or use tobacco products in the buildings or on the grounds of the school at any time.
11. Students will be permitted to smoke, with their parents' permission, off school grounds only, and only under the immediate supervision of a staff member and in accordance with the Smoking Rules.

In order to keep the school safe it is very important that everyone respect the use of the fire alarm and do the right things during a fire drill. There are two rules about that.

12. No student may turn in a false fire alarm.
13. No student may misbehave during a fire drill. All students are to follow the directions of their teachers during a fire drill.

It is also right that we take care of each other's property and that students feel it is safe to bring personal things to school when they have permission to bring them.

14. Students will bring property (radios, etc.) to school only with permission of parents and teachers.
15. No student will steal the property of others or the property of The Clear View School.
16. No student will on purpose damage the property of others or the property of The Clear View School.

The fourteen rules above are the most important ones we have for helping to make Clear View a safe place to go to school. Along with these fourteen, there are several more rules which need to be followed so that everyone

will learn and accomplish as much as they possibly can at The Clear View School.

17. Students will help to maintain orderly classes. No student will on purpose disturb or disrupt classes or other school events, including events held before or after school hours.
18. Students will not remain in any classroom or any other part of The Clear View School if they are asked to leave that area by a teacher or other responsible adult. In general, students will be only in that part of the school where they have permission to be at any given time.
19. Students will not leave their classrooms or any other part of The Clear View School or their school buses without the permission of a teacher or other responsible adult.
20. In general, students at The Clear View School will at all times follow the instructions of their teachers or other responsible adults.
21. Students will not on purpose get in each other's way. They will not interfere with the activities of other students or Clear View staff members.
22. Students may not try to persuade or encourage other student to break any of The Clear View rules.
23. Students driving an automobile to school must have their parents' permission to do so. In order to enter an automobile onto school property, they must have the permission of the School's Principal and its Executive Director. Such permission requires that they be properly licensed to drive a motor vehicle and they and their parents agree to all school regulations relating to the management and care of student vehicles on Clear View property.

This brings us to the rule which at The Clear View School is the most important rule of all. Children cannot be safe in school or learn if they do not attend school, nor can The Clear View staff help them solve their personal problems if they do not come to school, so the most important Clear View rule is this.

24. All students who have been legally enrolled in The Clear View School must attend school on all days when school is in session unless they are physically ill or are excused from school attendance by their parents for good and sufficient reason consistent with the education laws of the State of New York.

Together with the responsibility to follow basic rules, students who attend The Clear View School have some important rights.

To begin with they have the right to attend a school that is safe in accordance with the basic rules above so they can concentrate on learning and on solving personal problems.

Of course they have the right to a free education until they graduate from high school or until they finish the school year in which they become 21 years of age.

So long as they attend The Clear View School Center they also have the right to the best professional and personal effort which all members of The Clear View staff can make on their behalf.

They have a right to attend school without being discriminated against bullied, or harassed and every student has a right to equal educational opportunity and a right to have their own culture and background acknowledged, respected and valued.

In addition, students have a right to their own feelings - to feel what they feel. They also have a right to say (or

write) what they feel or think; that is, they have a right to freedom of expression so long as they don't interfere with the school program or use free expression as an excuse to break the School Rules which are listed earlier in the Code.

Students attending The Clear View School also have a right to enjoy themselves during the school day in ways consistent with the above rules.

Also, they have a right to call attention to their feelings and emotional needs at any time during the school day for the consideration of their teachers or other adult staff members of The Clear View School Center.

They also have a right to privacy when they are discussing those thoughts and feelings, or anything else of a personal nature, with a staff member, so long as the situation remains safe and the basic rules of the school are kept.

Students have a right to an individual program plan, both for their education and to help them work on their problems.

They have a right to participate in making their program plan and to have their parents' participation in making it. They have a right to have the plan explained so that they and their parents understand it and to consent or have their parents' consent to their participation in the program planned for them.

They have a right to a program that is appropriate and right for them, and to object or disagree with all or part of their care and treatment without concern about retaliation.

They have a right to have their parents review their program and records, so long as the rules about reviewing records are followed and to have their records kept in a way that is protected and confidential. They have a right to have their parents' consent to the release of any part of their records, (or to consent if they are over the age of 18).

Of course students have a right to be free from abuse or mistreatment.

Should any child believe that any of these rights have been ignored or violated, that child has a right to complain to the Director of The Clear View Center or any senior or supervising member of the school staff authorized to receive such complaints.

They also have a right to complain to their School District or to any of the New York State government agencies that license or approve The Clear View School Center, or to any advocacy groups that they may find helpful. Information about how to reach those offices is provided below.

Along with understanding their rights and obligations, Clear View students should also realize that during the school day, staff members legally are substitutes for parents. Thus staff members have not only the right but the legal responsibility to enforce Clear View's rules, to keep children from hurting themselves or others, either directly or indirectly, and generally to keep Clear View a safe place to attend. In order to do this they may use appropriate verbal intervention, and if that is not sufficient, they may use appropriate physical intervention to protect both people (whether they are students, staff or visitors) and property. Staff members may intervene or remove from any school room or area a student whose behavior is interfering with the safety or well being of others, who is judged unable to stop such behavior, or has not stopped upon request.

Misconduct by students may be handled with one or more of the following procedures: removal from group activity for various periods of time to hall, office, or quiet room; special meetings with teacher, supervisor, or therapist; special meetings with parents; remaining after school; writing supervisor-assigned compositions on issues of conduct; entering into contracts relating to certain rules of conduct; checking in with class supervisor at the beginning, end, or during the school day. Whatever the procedure used, its purpose will be not to punish but to help students understand and manage their behavior until such time as they can do so independently.

## **STUDENT CODE OF CONDUCT**

### **Appendix I**

#### **Procedures for Special Review and Alternative Placement**

On those rare occasions when in-school procedures are not enough to eliminate or very much reduce misconduct, The Clear View School staff will seek consultation with the student's school district and its Committee on Special Education and may request that the Committee hold a special meeting with the student to review his or her behavior and the reasons for it, and to make its recommendations for future behavior management. Should the Committee at this time decide that an alternative school placement is necessary, the Clear View School will, of necessity, subscribe to that decision, but will continue to provide an educational and day treatment program for the student until an approved alternate program becomes available (and been consented to by a parent or ordered by a judge) and the Committee's recommendations have been impartially reviewed.

If at any time during the School's efforts to reduce misconduct by in-school means or by consultation with the Committee on Special Education -- or during the period prior to placement in an alternate school program -- it should be decided by appropriate program authorities that The Clear View School cannot properly and safely maintain a child in the program, it will, however reluctantly, institute procedures to suspend that child from The Clear View School in accordance with the laws of the State of New York and the policies of the Commissioner of the State Education Department. The procedures that will be followed in such an instance are attached as Appendix II to this memo which will serve until further notice as The Clear View Schools' Student Code of Conduct.

## **STUDENT CODE OF CONDUCT**

### **Appendix II** **Procedure for Suspension**

In-school disciplinary procedures and procedures for instituting a change of placement are described above. Procedures for suspension are set forth below. These procedures may be applicable if a pupil violates one of the fourteen "Safety Rules" described in the Code of Conduct and if it appears that a pupil cannot be safely maintained on school premises while evaluation procedures are under way or alternative placement is being explored.

#### **Short Term Suspension (Five Days or Less)**

A pupil who appears to have willfully violated one of the fourteen Safety Rules of the school will be referred to the Director of the school. The Director will advise the pupil of the charge and provide an opportunity to deny or explain the incident. After reviewing the evidence, the Director will decide whether the pupil violated a safety rule, whether the incident warranted discipline, and whether the child can be safely continued in the school while discipline is imposed or further evaluation takes place.

If the charge is sustained and safety issues remain, the Director will advise the child to remain at home for a set period of time not to exceed five days. He will immediately thereafter notify the child's parents of the suspension, and the reasons for it, by telephone and by certified mail. The letter to the parent will set a date for a conference prior to the child's return to school.

When the scheduled conference is held, the parent has the right to question witnesses to the conduct which was the basis for the suspension. If, following the conference or on appeal from the conference findings, it appears that the suspension was unjustified, all references to such suspensions will be expunged from the school record.

#### **Long Term Suspension (More Than Five Days)**

If suspension of more than five days is deemed necessary by the Executive Director, the Director will notify the Superintendent of Schools of the child's home district and request that a suspension hearing be scheduled.

The Superintendent will immediately schedule a meeting of the Committee on Special Education to explore a change of placement. The child's parents will be invited. If the parents refuse to consent to a change of placement, the Superintendent will schedule a hearing which will be conducted in accordance with procedures set forth in New York Education Law, 3214, 3 .c. The hearing may be conducted by the Superintendent of Schools or an appointed hearing officer.

**If the hearing officer conducting the proceeding finds that the pupil committed one of the safety violations prohibited by Clear View's code and finds, further, that the child cannot be safely maintained at the Clear View School, the child can be suspended for a period of up to 10 days. During this period, a new CSE review will be scheduled with the objective of seeking an emergency change in placement. If such change cannot be arranged or if the parent continues to refuse to consent to such change, the school district may seek judicial authorization for an immediate long- term change in placement by petitioning the Family Court or the Supreme Court of the State of New York or moving for injunctive relief in the United States District Court in White Plains, NY.**



## **STUDENT CODE OF CONDUCT**

### **Appendix III**

#### **A. ALCOHOL AND SUBSTANCE ABUSE**

##### **B. DRIVING TO SCHOOL**

##### **C. CELL PHONES**

##### **D. DRESS CODE**

#### **A. ALCOHOL AND SUBSTANCE ABUSE**

Student use of illegal drugs or alcohol is a violation of State, Federal and local law, and is against the school rules. The best professional efforts of The Clear View School are directed toward keeping the school free of drugs and alcohol and toward discouraging their use by students even when they are away from the school.

Providing intervention and treatment for students who may be vulnerable to drug or alcohol abuse, and assuring treatment for students who have become involved, are an important part of the overall provisions of the program.

Another important provision is a zero tolerance policy toward bringing alcohol or illegal drugs to school, and toward being under the influence of alcohol or drugs, including any legal substance being abused for intoxicating or mood altering purposes, while participating in regular school program.

Any student who is “under the influence” will not be permitted to participate in regular classroom program and will be removed from association with other students, at least until the effects of the intoxicant have worn off. Intervention and treatment will be provided to the student and his or her family...

Anyone who brings illegal drugs onto the property of The Clear View School, or engages in selling or arranging to sell, illegal drugs on the property of The Clear View School will be reported to the police. Such a report will not end our efforts to help the individual and family, but is necessary for the health and safety of everyone at the school.

#### **B. DRIVING TO SCHOOL**

Please be aware that anyone driving a motor vehicle onto the grounds of The Clear View School must have a valid driver’s license. A Learner’s Permit is not sufficient for either students or guests to drive onto the grounds of the School, even when school is not in session.

Students with a valid driver’s license may be given permission to drive to and from school, subject to The Clear View School driving rules, with the consent of their parents or legal guardians and the permission of the School Director. A copy of the Driving Rules is available upon request.

#### **DRIVING RULES**

1. Both student and parent will receive a copy of the student driving rules and will discuss the rules with the School Director, in a face-to-face meeting.
2. The student will have a valid driver's license. Students with a Learner’s Permit are not allowed to drive onto The Clear View School grounds.
3. Student and parent will have signed the Permission to Drive form of The Clear View School. A student who does not have Permission to Drive form, signed by the School Director, may not drive onto The Clear View School

grounds at any time, for any reason.

4. Both parent and student will certify in writing on the Permission to Drive form that any vehicle driven by the student onto The Clear View School grounds will be legally registered, inspected, insured and in sound and safe operating condition, and is being operated in conformity with the laws of the State of New York.
5. A valid driver's license, and insurance card will be presented annually. A copy of each will be attached to the Permission to Drive form.
6. Both parent and student will certify in writing on the above form that they will be fully responsible for any damage done to property (vehicle or other property) on The Clear View School grounds, by any vehicle being operated by the student.
7. Both parent and student will certify in writing on the above form that the Association for Mentally Ill Children/Clear View School or its employees will not be held responsible for any damage that might be done to the student vehicle.
8. The keys will be turned over to a designated staff member. The student will not have keys in his/her possession during the school day. This rule applies even during appointments or events that occur at times other than regular school hours.
9. The student vehicle will be parked in a designated parking place and kept locked while on school grounds.
10. Use of the vehicle during school hours will not be allowed. Students driving to school will arrive on time (9:25) and leave on time (2:55) unless this requirement is waived by a supervisory staff member.
11. The student will not drive any other student to or from school.
12. Parents may be consulted about the safety of the student driving if any question arises about a particular situation (illness, weather, etc.).
13. Both parent and student agree to inform the classroom supervisor of any change in the status of items required by rules 2 or 4.
14. The supervisor of the student's class will have a signed copy of the Permission to Drive form and a copy of this form will be in the student's permanent record.
15. If the vehicle to be driven to school is a motorcycle, both parent and student will have discussed the additional provisions of the Motorcycle Addendum with the School Director and will have signed the Addendum
16. New individualized rules may be added to these by The Clear View School if the need for them becomes apparent.
17. Permission to drive onto school property may be revoked at any time by a supervising staff member without review of the basis on which revocation is ordered.
18. Permission to drive onto school property must be reviewed with the classroom supervisor and renewed at the beginning of each school year.

### **C. CELL PHONES AND OTHER ELECTRONIC COMMUNICATION DEVICES**

Cell phones and other electronic devices can be an extremely convenient, reassuring connection to loved ones, business associates, the day to day activities of a person's life. Unfortunately, they also have other effects. They can be distracting and disruptive, can signal inattention to the business at hand and interfere with most aspects of the program. Camera phones present a particular problem in a confidential therapeutic milieu. In order to protect the privacy and safety of all students and avoid disruption of the program, cell phones and other electronic communication devices cannot be an unplanned and unsupervised part of the Program day.

1. Cell phones (or other electronic communication devices) cannot be used during the school day by any student, for any reason, unless permission is given.
2. It is of particular importance that no device that can function as a camera is used to take pictures without the knowledge of those being photographed and proper safeguards.
3. If students bring cell phones to school, they must be managed according to individual and class rules. They cannot be on or visible at any time without permission.
4. If a student brings a cell phone to school, the number must be given to Clear View staff.
5. The phone must be turned off or turned in upon request. If this is a concern, the number will be called and the phone confiscated if it rings, vibrates, etc.
6. Any violation of the rules, including having the phone visible without permission, may result in the phone being taken away and returned to a parent.
7. Parents should be aware that Clear View cannot be responsible for electronic equipment of any kind that is brought to school, whether or not the rules are being followed.
8. Any electronic equipment that is the cause of persistent disruption will be taken away and returned to a parent. A conference will be held with the student and parent before the item will be allowed in school again.

#### **D. DRESS CODE GUIDELINES**

Students should feel free to dress comfortably and fashionably, if they wish to do so. However, we do expect everyone to dress appropriately for school. We ask parents to help students co-operate with the following guidelines in order to maintain a school environment that is both comfortable and productive:

- Clothing, jewelry, ornaments, and accessories that may cause a safety hazard will not be allowed.
- Clothing should not be excessively short, too low cut, or revealing. No garments such as tube tops, halter-tops, one shoulder tops, blouses with spaghetti straps, see-through garments, or “muscle shirt” tank tops. Blouse or shoulder straps must be at least one inch wide.
- Undergarments and midriffs must be covered at all times.
- Shorts and skirts should not be shorter than the length of the student’s fingertips when the student’s arms are down at one’s side (3 1/2” inseam).
- Shirts or blouses must be long enough to reach the waistline of the pants, shorts, or skirt being worn.
- Clothing should not display scary or inappropriate themes (beer, sex, foul language, etc.)
- Bathing suits for girls should be one piece; for boys trunks only (no Speedos).
- Footwear must be worn at all times. Footwear must not be a safety hazard for the student.

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