



**THE CLEAR VIEW SCHOOL DAY TREATMENT CENTER**

**FAMILY HANDBOOK**

**2023-2024**

## TABLE OF CONTENTS

2023-2024 SCHOOL YEAR CALENDAR.....	3
CONTINUITY OF CARE AND THE TWELVE-MONTH PROGRAM .....	4
CLOTHING.....	5
ABSENCES .....	6
PARENT-TEACHER CONFERENCES .....	7
SCHOOL CLOSINGS .....	8
EMERGENCY REMOTE LEARNING PLAN .....	9
24-HOUR CRISIS SERVICE.....	10
PROCEDURES FOR ADMINISTERING MEDICATION.....	11
POLICY ON ILLNESS .....	12
PSYCHOPHARMACOLOGICAL TREATMENT PLANNING POLICIES AND PROCEDURES .....	13
TELEHEALTH POLICIES AND PROCEDURES.....	15
STUDENT CODE OF CONDUCT AND BEHAVIOR MANAGEMENT .....	18
STUDENT CODE OF CONDUCT .....	19
Students' Rights .....	21
Appendix I: Procedures for Special Review and Alternative Placement.....	24
Appendix II: Procedure for Suspension .....	25
Appendix III.....	26
Alcohol and Substance Use .....	26
Driving to School.....	26
Driving Rules .....	26
Electronic Communication Devices .....	28
Dress Code Guidelines .....	28
DESCRIPTION OF PROGRAM-WIDE BEHAVIORAL SUPPORTS INTRODUCTION .....	30
PROCEDURES FOR IDENTIFYING AND RESPONDING TO BEHAVIORAL NEEDS AND DISCIPLINE CONCERNS .....	31
POLICY REGARDING THE USE OF BEHAVIOR MANAGEMENT STRATEGIES AND THE CONTINUITY OF TREATMENT .....	32
ADMINISTRATIVE PRACTICES AND PROCEDURES REGARDING THE USE OF TIMEOUT AND PHYSICAL RESTRAINT .....	33
THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) .....	35
ACCESSIBILITY OF PROGRAM RECORDS POLICY .....	36
NOTICE OF PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY UNDER NYS EDUCATION LAW §2-D .....	37
THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) PRIVACY RULE.....	38
CHILDREN'S INTERNET PROTECTION ACT (CIPA) POLICY .....	43

**2023-2024 SCHOOL YEAR CALENDAR**

Program Hours: 9:00 am – 3:00 pm

**2023**

September	4	Monday	Labor Day	School & Program Closed
	5	Tuesday	Staff Conference Day	School Closed
	6	Wednesday	Family Orientation	
	7	Thursday	Family Orientation	
	8	Friday	First Day of School	
25	Monday	Yom Kippur	School & Program Closed	
October	9	Monday	Indigenous Peoples' Day	School & Program Closed
	11	Wednesday	Parent Night	
	18	Wednesday	Staff Conference Day	School Closed
November	10	Friday	Veterans Day (Observed)	School & Program Closed
	23	Thursday	Thanksgiving	School & Program Closed
	24	Friday	Thanksgiving	School & Program Closed
December	22	Friday	Early Dismissal (1:30 pm)	
	25	Monday	Christmas Day	School & Program Closed
	26	Tuesday	Holiday Break	School Closed

**2024**

January	1	Monday	New Year's Day (Observed)	School & Program Closed
	2	Tuesday	School Reopens	
	15	Monday	Martin Luther King Day	School & Program Closed
February	19	Monday	President's Day	School & Program Closed
	20	Tuesday	Winter Vacation	School Closed
	22	Thursday	School Reopens	
March	8	Friday	Staff Conference Day	School Closed
	29	Friday	Spring Break	School Closed
April	8	Monday	School Reopens	
	22	Monday	Spring Weekend	School & Program Closed
	24	Wednesday	School Reopens	
May	24	Friday	Memorial Day Weekend	School & Program Closed
	27	Monday	Memorial Day	School & Program Closed
	28	Tuesday	School & Program Reopen	
June	19	Wednesday	Juneteenth	School & Program Closed
	26	Wednesday	Early Dismissal (1:30 pm)	

**Summer Program 2024**

July	8	Monday	Staff Orientation	School Closed
	9	Tuesday	Family Orientation	
	10	Wednesday	First Day of Summer Program	
August	20	Tuesday	Last Day of Summer Program	

## CONTINUITY OF CARE AND THE TWELVE-MONTH PROGRAM

The Clear View School Day Treatment Center is a twelve-month program of integrated special education and therapeutic services. Continuity of care – that is, the provision for *continuous* service throughout the calendar year – is an integral part of the educational and treatment provisions of day treatment necessary to establishing and maintaining stability for students and families and an essential part of preserving and building on the important work we are doing together.

Because continuity of care is a critical aspect of the education and treatment at The Clear View School Day Treatment Center, if a student does not attend the summer session against recommendation, it will be necessary to contact the CSE and to amend the student's IEP to reflect Clear View's concerns regarding the impact of such a disruption on the student's continued progress and well-being.

The summer session is six weeks and generally runs from just after July 4<sup>th</sup> through the third week in August. The exact dates each year are included in the annual school calendar. Please make camp and/or vacation plans during breaks before and after the summer session. In unusual circumstances, it is possible for a student to miss a few days of program. If your plans do require that your child be absent from summer program, please submit the Summer Program Planned Absences form. The activities are planned as a whole to provide a balanced program of education, therapy, vocational experiences and recreation. All of it is important to your child's care.



## CLOTHING

It can be helpful for students to keep the following items in program:

### YEAR-ROUND

- a pair of sneakers
- a change of (seasonally appropriate) outer clothes
- a pair of socks
- a change of underwear
- a sweater or sweatshirt

### SUMMER PROGRAM

- two towels
- a swimsuit (one-piece or trunks)
- a pair of sandals or flip flops

Extra clothing will be used in the event of accidents, spills and/or activities during which clothing can become wet or soiled. If your child wears their extra clothes home, please send replacement items in as soon as possible.

If it makes sense for your child, please label any clothes kept in program with their name, in indelible ink or similar.

Clear View's Dress Code Guidelines can be found on page [28](#) of this document.

## **ABSENCES**

Please contact Clear View first thing in the morning if your child is going to be absent, reporting the absence and the reason for it. You can call the front desk at 914-941-9513 or contact your child's therapist directly to relay this information. We ask that you be in touch each day of any absence that lasts for more than a day.

The transportation company should also be notified of your child's absence whenever possible. This is extremely helpful to the other children who ride the bus, in that it avoids delays and shortens the time they must spend on the bus. Your school district will provide the transportation company's contact information at the beginning of the school year, along with your child's morning pickup time.

## PARENT-TEACHER CONFERENCES

During the school year, you will formally meet with your child's teacher on at least three occasions. Since parent involvement is an integral part of your child's program, there will of course be opportunities for other, more informal meetings during the year.

The first meeting will take place during orientation before the beginning of each school year.

The next meeting will take place on an evening early in the school year, during Parent Night. This will be a group meeting when all of the parents of each classroom will meet with the classroom's teachers. Your child's teachers will describe their plan and expectation for the school year in general terms.

The second meeting will be with your child's treatment team, during which you will discuss your child's program and progress during the course of the year. Parent-Teacher Conferences are generally held during the second semester of the school year, usually in advance of your child's annual Committee on Special Education (CSE) meeting.

Team meetings to discuss progress or concerns can of course be scheduled at other times over the course of the school year. A parent may request such a meeting at any time; additional meetings may be scheduled at the request of your child's treatment team if they feel it could be helpful.

## SCHOOL CLOSINGS

### Scheduled Closings

The calendar enclosed indicates when school will be closed for holidays and breaks. Our clinical program remains open through most breaks and is closed only on those days designated as “School & Program Closed”.

### Emergency Closings

In the event that weather conditions necessitate a closure, delayed opening or early closing, alerts will be sent through the [Remind App](#). Closings and delays will be posted on [our website](#), shared with the 24-Hour Crisis Service, and included on local radio and television stations, including Channel 2 CBS, [News 12](#) and [WHUD](#). You can sign up for WHUD's Storm Center text alerts [here](#).

When it seems feasible to open on mornings with inclement weather, we will open late (11:00 am start time instead of 9:00 start time) rather than close for the entire day. When there is a delayed opening, your child should not board the bus at the regular time, even if the bus shows up at that time. Pickups should happen about an hour later than usual. Needless to say, should driving conditions appear to you to be unsafe, you need not permit your child to board the bus at all. If you then choose to bring your child in at a later hour, you may certainly do so.

Fortunately, early closings are not very common, but they do happen. We will contact families when an early closing is necessary and will utilize your provided emergency contacts if we are unable to reach you directly. It is most important on such occasions that you stay alert to deteriorating conditions and remain available to respond to our outreach. Our phone number appears on Caller ID as “CLEARVIEWSCHOOL”.

## EMERGENCY REMOTE LEARNING PLAN

In the event of an emergency closing, it is the commitment of The Clear View School Day Treatment Center that our preparations, first and foremost, ensure the health and safety of our constituents (staff, students and families) in the most effective manner available and provide for the substantial continuity of educational and mental health services throughout the emergency. In recognition that such a declaration may include a range of requirements from increased restrictions on operation to complete closure, the follow pre-planning preparations will remain in place at all times:

- 1) Every student receives a Clear View email account upon admission and has access to their classroom's Google Classroom account.
- 2) Students make use of Google Classroom as part of their academic resources throughout the school year ensuring they develop a facility and comfort using the platform.
- 3) Chromebooks stand ready for distribution to any student or staff member who would require a device to support their equitable participation in remote learning and telehealth services.
- 4) Active licensure to Google Suite for Education and Zoom are maintained and Chromebooks are kept updated accordingly.
- 5) Families will be surveyed at the beginning of each school year to determine home access to computing devices and internet connectivity.
- 6) Transportation staff will be available to deliver needed items to homes where parents are unable to transport themselves to obtain them.
- 7) IT services will be available to troubleshoot technology needs, including repair and replacement of devices as needed.

### Protocol for Implementing Emergency Remote Learning Plan

- 1) Designated staff teams will contact all families individually to inform them of the imminent closure/ partial closure. Immediate needs of the students and families will be assessed at that time. These include but are not limited to need for a dedicated device, medication, school materials, and food insecurity. Individual student plans will be made with family input as is possible within the constraints of the emergency restrictions.
- 2) Arrangement for outdoor pick up of needed equipment and materials will be made with each family. Transportation staff will be utilized to deliver devices/ materials etc. to families who are unable to transport themselves for pick up.
- 3) Remote instruction will be provided daily throughout the closure during the hours of 9:00 am – 3:00 pm. The remote learning day will be structured utilizing both synchronous and asynchronous learning. Remote learning for school-age students will have no less than 3 hours of synchronous instruction including periods of individual instruction where indicated and related services. The preschool schedule will have no less than 2 hours of synchronous learning with parent support as needed and including related services.
- 4) For families where internet access is unavailable, paper packets will be delivered home and synchronous support contact with teachers and related service providers will be made by telephone. Home visits may also be a part of the outreach plan if safety considerations allow.
- 5) All provisions will be provided in accordance with students' individualized education programs and comprehensive treatment plans.

## **24-HOUR CRISIS SERVICE**

In the case of an emergency or crisis at any time outside of program hours, including weekends and holidays, a member of The Clear View School Day Treatment Center's clinical staff can be reached at 914-941-9513. An answering service will take your call and will contact the requested member of the clinical staff. If the clinical team member you want to speak with is available, the answering service will connect the call. If they are not available, the answering service will connect you with the on-call clinical staff member.

If you experience any problems with this service, please let your therapist know.

## PROCEDURES FOR ADMINISTERING MEDICATION

One of the services of The Clear View School Day Treatment Center is administration of medication. The following are the policies for that function:

### Prescription

- All prescription medications are administered by an appropriately licensed professional, according to written doctor's orders and with parents' written permission.
- Prescription medications are brought to the nurse by the parent or guardian unless specific and clear arrangements have been made in consultation with the program's clinical director and the student's team at The Clear View School Day Treatment Center.
  - In instances where it is determined by the treatment team that a student should transport medication, this will be reflected in the treatment plan.
- Prescription medications must be in an up-to-date pharmacy container, labeled with the medication name, the student's name and the most current prescription date.
- Students over 18 years old may be certified by the nurse for medication self-administration, under the supervision of the nurse.

### Non-Prescription

- Non-prescription medications are administered according to doctor's order and parents' written permission.
- The nurse maintains stock of non-prescription listed medications, which are listed on the Over-The-Counter Medication Permission form. Aspirin is not administered.

### Schedules & Record-Keeping

- The nurse will maintain a log of medications received.
- Schedules for administration of medication are set up to integrate timing requirements for medication and program schedules. Students are brought to the nurse, who administers the medication.
- The nurse will maintain a daily log of all medication administration. Any presumed errors of omission or commission of administering medications will be reported and investigated through the Special Review Committee's procedures for untoward incidents.
- All members of a student's treatment team will be aware of the student's medication program, if any, and allergies.

### Storage

- Medications are kept in a double locked cabinet in the nurse's office.
- Where no specific storage directions or limitations are provided, it is to be understood that the storage conditions include protection from moisture, freezing and excessive heat.

## POLICY ON ILLNESS

Please follow these guidelines when deciding whether to send your child to program each day:

- Students who are ill should be kept at home.
- A student who has a fever must be kept at home until there has been no fever for 24 hours, without taking a temperature-lowering medication such as Tylenol or Advil.
- A student who is taking a prescribed antibiotic must have been under treatment for 24 hours before returning to program.
- If your child develops a fever while in program or has not been fever free for 24 hours before arriving to program, you will be called to arrange for your child to return home.
  - For these purposes a fever is a temperature 100° F or above.
- Students who arrive to program feeling ill or who become ill during the program day will be brought to the nurse for assessment. Minor, non-contagious ailments can be managed in program.
- If your child is too ill to remain in program, you will be called to arrange for their return home.



## PSYCHOPHARMACOLOGICAL TREATMENT PLANNING POLICIES AND PROCEDURES

Medication treatment, as needed, is offered as part of the integrated services of The Clear View School Day Treatment Center. The services available related to medication are as follows:

- 1) **Parent/guardian education and participation with issues of medication for students enrolled in The Clear View School Day Treatment Center.**
- 2) **Evaluation of students enrolled in The Clear View School Day Treatment Center for medication.**
- 3) **Prescription of medication for students enrolled in The Clear View School Day Treatment Center.**
- 4) **Administration of medication for students enrolled in The Clear View School Day Treatment Center.**
- 5) **Ongoing evaluation of safety and efficacy of medication for students enrolled in The Clear View School Day Treatment Center.**
- 6) **Consultation with other agencies, health care professionals or educational providers in reference to medication for students enrolled in The Clear View School Day Treatment Center.**

The development of policies for the program on medication use and administration will be the responsibility of the Clinical Director.

### 1) **Parent and student education and participation in reference to issues of medication**

The psychopharmacological treatment plan is part of the student's treatment plan. Development of the psychopharmacological treatment plan includes parent education, input, and consent. Students' participation will be developmentally appropriate; consent of students 18 years old and older will be required for their plan, unless their parents have guardianship.

### 2) **Evaluation of student enrolled in The Clear View School Day Treatment Center for medication:**

#### **A) Students referred to The Clear View School Day Treatment Center, who prior to admission have been evaluated as requiring psychotropic medication:**

1. The CSE will provide all necessary and relevant initial and ongoing evaluation documentation to The Clear View School Day Treatment Center on referral.
2. If a student is already in treatment and parents wish for the treatment to be transferred to The Clear View School Day Treatment Center's team, the parents will be responsible for providing adequate history of previous treatment and all evaluative documentation not available from the school district.
3. The psychiatrist at The Clear View School Day Treatment Center will evaluate the safety and efficacy of the medication through evaluation of the material from 2(A)(1) and (2), conferencing with the parents, and evaluation of the students.

#### **B) Students referred to The Clear View School Day Treatment Center for whom parents or professionals have recommended considering psychopharmacological intervention:**

1. The CSE will provide all necessary and relevant initial and ongoing evaluation documentation to The Clear View School Day Treatment Center on referral.
2. Parents will be responsible for providing adequate history of previous treatment and evaluation documentation not available from the school district.
3. The psychiatrist of The Clear View School Day Treatment Center will evaluate the possible role of psychotropic medication in the student's Comprehensive Treatment Plan through evaluation of history, records, conferencing with the parents, and evaluation of the student through examination and by the student's team at The Clear View School Day Treatment Center.

**C) Students who are considered to require psychopharmacological intervention during their enrollment in The Clear View School Day Treatment Center:**

1. Parents or The Clear View School Day Treatment Center team members may request evaluation for psychotropic medication from The Clear View School Day Treatment Center's psychiatrist.
2. All relevant and necessary information will be provided to the psychiatrist, who will provide for diagnosis, description of problem and target symptoms, goals of treatment, and specific psychopharmacological recommendations, provided such treatment is evaluated as safe and efficacious.
3. Parents and the student's team at The Clear View School Day Treatment Center must be in agreement on all aspects of the plan.
4. It may be necessary in evaluating safety and efficacy of prescribed psychotropic medications to obtain laboratory tests. The order for the test will be provided. Parents are responsible for obtaining the tests, having results reported, and payment for the tests. Insurance plans have differing requirements, which can be found out from individual plans.

**2) Prescription of medication**

Psychotropic medication that is recommended as part of the student's Comprehensive Treatment Plan will be prescribed by The Clear View School Day Treatment Center's psychiatrist. This will be done on a weekly, bi-weekly, monthly or 90-day basis, depending upon issues of safety and efficacy in each case. Prescriptions will be electronically prescribed by the psychiatrist to the pharmacy selected by the parent. It will also be the parents' responsibility to provide medication that is to be administered at The Clear View School Day Treatment Center. Records of all prescriptions will be maintained by the psychiatrist.

**3) Administration of medication**

Medication (this includes psychotropic and other medications) can be administered to a student at The Clear View School Day Treatment Center. This is done in accordance with the regulations regarding such practice. Clear View's Procedures for Administering Medication are found on page [11](#) of this document.

Records of all medications administered will be maintained by the nurse.

**4) Ongoing evaluation of safety and efficacy of medication**

On, at minimum, a monthly basis, the safety and efficacy of the psychopharmacological treatment plan will be evaluated. Where there is an acutely unstable situation, monitoring and evaluation will take place on an as-needed basis. Any change in the treatment plan will be arrived at by utilizing evaluation information from the entire treatment team, parents and any outside consultations, where relevant.

**5) Consultation with other agencies, health care professionals or educational providers**

Any part of a student's psychopharmacological treatment plan may require the use of other treating agencies or health care providers. The student's therapist and the psychiatrist of The Clear View School Day Treatment Center will maintain necessary communication.

**6) Students who receive psychopharmacological services from providers outside of The Clear View School Day Treatment Center**

Parents must provide direct access to that provider for sharing of information and necessary treatment collaboration.

## TELEHEALTH POLICIES AND PROCEDURES

The Clear View School Day Treatment Center provides all services in-person; however, the development of telehealth capacities has been very important in maintaining needed services for enrolled students and their families. The option of telehealth services will be presented to students and parents/guardians by the appropriate treatment team member operating within the scope of their certification and in collaboration with the student's full treatment team. In all instances, the role of telehealth is to support engagement with a goal of in-person service provision, as well as to improve the quality of care and accessibility of services. Assessments and telehealth delivery are responsive to diversity, equity and inclusion. Telehealth services can be offered to enrolled children, adolescents, and their parents/guardians when it is assessed as necessary and agreed to by both student, family and treatment team for the following services:

- Admissions evaluations
- Individual therapy
- Treatment planning
- Parent education and training
- Collateral treatment
- Medication treatment planning
- Crisis intervention (primarily when required outside of in-person program hours)
- Treatment team provisions for support of daily IEP function

Use of telehealth, when assessed as necessary and appropriate, will be for services as written in the student's IEP and Comprehensive Treatment Plan. When necessary to provide medication assessment through telehealth, monthly in-person contact with program psychiatrist will be required.

When assessing for the use of telehealth, factors to be considered and documented by the treatment team (therapist, clinical director, program supervisor, teacher and other relevant team members) in the Comprehensive Treatment Plan and review process include:

- 1) Student's, and as applicable, parent/guardian's preference. Access to in-person services for students and parents/guardians receiving telehealth services are provided in as seamless a manner as possible to minimize disruption in care as their preferences or needs change.
- 2) Ability of student, and as applicable, parent/guardian, to participate in and benefit from the critical components of the service and program model via telehealth, considering the following:
  - Need for in-person services.
  - Need to engage in the physical structure or immersive nature of a program.
  - Ability to maintain continuous engagement in services.
  - Need for engagement in home or community setting to address specific goals.
  - Consultation from other programs or services in which the individual is participating in person regarding their ability to participate in and benefit from telehealth services.
  - Other individual-specific factors
- 3) Clinical factors, including but not limited to the below, are considered in balancing the need for in-person services and telehealth services:

- The student's or parent/guardian's capacity to safely engage in telehealth services, including the ability to implement an individualized safety plan or respond to urgent/emergent situations.
    - Telehealth services will be avoided when there is concern for safety that cannot be addressed through the available modalities, or when a student and/or parent/guardian, as applicable, does not consent to developing or adhering to a needed safety plan.
    - Telehealth services are contraindicated when severity of the risk increases, or telehealth does not allow for an adequate assessment of risk. In such high-risk situations, risk related to providing telehealth services instead of in-person services will be balanced, with a strong preference for in-person services where possible.
  - Type or complexity of the student's presentation, symptoms or conditions that may impede their ability to tolerate or adequately respond to telehealth services, including:
    - Risk factors, including but not limited to risk for suicide or self-injurious behavior, as assessed by the student's treatment team.
    - Whether current symptoms or behaviors, including co-occurring conditions or medication side effects warrant visual assessment (e.g., disordered eating, self-injurious behaviors, non-verbal cues) that cannot be reasonably assessed via telehealth.
    - Use of medications that could result in extrapyramidal symptoms or tardive dyskinesia (i.e., the need to conduct an abnormal involuntary movement scale [AIMS] assessment).
    - Symptoms or comorbidities that could preclude the use of telehealth (e.g., delusions related to technology, etc.).
    - Cognitive and developmental functioning including motor and communication skills.
  - Response to treatment, including whether presenting or co-occurring conditions are worsening.
    - Appropriateness for telehealth will be reassessed after a clinically significant event.
  - Engagement with treatment and strength of therapeutic relationship, including previous engagement through telehealth service delivery.
  - Continuity of care, specifically the consideration for in-person engagement or warm hand-off at critical transitions.
  - For students who may require additional assistance, the student's capacity to engage in telehealth alone or jointly with staff and/or parent/guardian, and their ability to engage with the telehealth technology.
- 4) Factors related to the appropriateness of audio-only telehealth services:
- For students without the developmental capacity to participate meaningfully by telephone, the audio-only modality is not recommended.
    - Children ages 0-5 do not have the developmental capacity to participate meaningfully via telephone. Audio-only telehealth is not permissible for individual sessions with children 0-5 or dyadic sessions with a child aged 0-5 and parent/guardian. Audio-only telehealth is permissible for collateral sessions with the parent/guardian of a child aged 0-5.
  - For all telehealth sessions including children/adolescents, audio-visual is strongly encouraged.
    - Audio-visual options will be fully explored with parents/guardians prior to considering audio-only services.
- 5) Presence of a new or worsening declared public health emergency or other significant occurrence, such as a natural disaster, which impacts all or a specific segment of the population's ability to receive services in person, including the

telehealth practitioner's ability to mitigate the specific health risks, such as through the use of personal protective equipment or other environmental accommodations at the site of care.

6) Factors related to accessibility of telehealth technologies, including:

- The student and/or parent/guardian's familiarity and comfort with the available technology.
- Technological capability within the home or community setting and its accessibility to the student and/or parent/guardian, as applicable.
- For interventions in which multiple participants are required, the ability of the technology platform to support concurrent communication and each individual's ability to access technology, e.g., if family members or other identified supports in different locations need to jointly participate in sessions.
- Issues related to access (device ownership, privacy, data plan, minutes, broadband access, etc.).
- Issues related to incorporating additional assistive technologies (i.e., captioning) or individuals (i.e., language interpreters).

7) Factors related to the setting in which the student and/or parent/guardian is located at the time of service:

- The availability of an adequate, safe and private space for the recipient to receive telehealth services, including adequate ability to maintain confidentiality.

8) Cultural and linguistic factors, including but not limited to:

- Individual, and as applicable, family cultural norms and acceptability around service provision, including telehealth services, and impact on participation.
- The student's and/or parent/guardian's comfort receiving telehealth services using required accommodations to meet the language needs of individuals with limited English proficiency and individuals with hearing loss or who are Deaf.
- When a telehealth provider and recipient do not speak the same language, culturally competent interpreter services will be provided by available staff or by staff contracted for such a purpose.

## STUDENT CODE OF CONDUCT AND BEHAVIOR MANAGEMENT

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 disabled children in the community and with their families.
- 2) To provide an emotionally sustaining environment for students and families, in order to promote the fullest possible emotional, social, and cognitive development in students with serious emotional disabilities with the intention of preparing such students to better function in their intended environment, now and in the future.

Central to that mission, The Clear View School Day Treatment Center designs its program so as to remove, as much as is possible, the threat to the student and family of expulsion or transfer from program as a consequence of behavior and to treat the family as a full participant in the psychoeducational process rather than as a target for complaint. Because these basic goals have been incorporated in the program practices of The Clear View School Day Treatment Center, no student has ever been expelled from The Clear View Day Treatment Center, and very few have been asked to remain at home for even the briefest periods. Furthermore, when disciplinary procedures are employed -- whether they involve in-program or out-of-program 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 students 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 student is not able to benefit from a day treatment program because of the nature of mental health needs, recommendations will be made for a higher level of care, including but not limited to inpatient psychiatric hospitalization, community residence, residential treatment facility (RTF) or residential treatment center (RTC). Psychiatric hospitalization may be recommended at any time, in response to student need and as determined by the clinical staff. The other recommendations are made to the student's school district's Committee on Special Education (CSE) by Clear View at a program review meeting. While such a recommendation is under consideration or in the process of implementation, the student in question remains in attendance at The Clear View School Day Treatment 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 program.

Nonetheless, despite its goals and program procedures which have been developed to avoid even short-term suspension and to avoid long term suspension, it is recognized that in-program 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 student 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 program grounds.

## STUDENT CODE OF CONDUCT

You are a student at The Clear View School Day Treatment Center ("Clear View"). That means you've had emotional and academic problems in other schools, and that you are now attending a program where you can work on those problems and solve them. Your parents, your school district's Committee on Special Education (CSE) and the teachers and therapists at Clear View have determined that Clear View is the best place for you to learn about your problems, to do your school work and to grow as a person.

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 Clear View 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 Clear View 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 program'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 Clear View is allowed to attack other people -- students or staff -- in any way.**
- 2) **No student at Clear View is allowed to hurt him/her/themself or to put him/her/themself 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 Clear View, where we know it is so important to feel safe that we have an important rule about what students may wear to program and another 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 judgment of Clear View staff (subject to review) may be alarming or disturbing to other Clear View students of any age.**
- 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. Cyberbullying, by electronic devices or email or an electronic communication, on or off program property, is prohibited.**

- 6) No student will bring weapons of any kind onto the property of Clear View or into the program 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 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.

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

- 7) Students may not bring drugs, including alcohol, or any intoxicating addictive substance onto the program 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 program grounds or appear in program, on a school bus or at any program activity when impaired to any degree by drugs or alcohol.**
- 9) It is also a violation of program rules to solicit the sale of a controlled substance while in program, on a school bus, on program grounds or at a program activity. Vaping pens and vaping substances are illegal for minors and are not permitted.**

Like students 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 program. That's why we have a rule about smoking:

- 10) Students may not smoke or vape or use any vaping or tobacco products in the buildings or on Clear View's grounds at any time. That includes no smoking or vaping in program vehicles or on program trips.**

In order to keep Clear View 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:

- 11) No student may set off a false fire alarm.**
- 12) 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 important that we take care of each other's property and that students feel it is safe to bring personal things to program when they have permission to bring them:

- 13) Students will bring personal property (cell phones, etc.) to program only with permission of parents and teachers.**
- 14) No student will steal the property of others or the property of Clear View.**
- 15) No student will on purpose damage the property of others or the property of Clear View.**



The fifteen rules above are the most important ones we have for helping to make Clear View a safe place.

Along with these fifteen, there are several more rules which need to be followed so that everyone will learn and accomplish as much as they possibly can at Clear View:

- 16) Students will help to maintain orderly classes. No student will on purpose disturb or disrupt classes or other program events, including events held before or after program hours.**
- 17) Students will not remain in any classroom or any other part of Clear View 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 program grounds where they have permission to be at any given time.**
- 18) Students will not leave their classrooms or any other part of Clear View or their school buses without the permission of a teacher or other responsible adult.**
- 19) In general, students at Clear View will at all times follow the instructions of their teachers or other responsible adults.**
- 20) Students will not get in each other's way on purpose. They will not interfere with the activities of other students or Clear View staff members.**
- 21) Students may not try to persuade or encourage other students to break any of the rules of Clear View.**
- 22) Students driving a motor vehicle to program must have their parents' permission to do so. In order to enter a motor vehicle onto program property, they must have the permission of the principal and executive director. Such permission requires that they be properly licensed to drive a motor vehicle and they and their parents agree to all program regulations relating to the management and care of student vehicles on Clear View property.**
- 23) All students who have been legally enrolled in The Clear View School Day Treatment Center must attend program on all days when program is in session unless they are physically ill or are excused from program attendance by their parents for good and sufficient reason consistent with the education laws of the State of New York, or consistent with their treatment plan at The Clear View School Day Treatment Center.**

#### STUDENTS' RIGHTS

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

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

- 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 program without being discriminated against, bullied or harassed. 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 program or use free expression as an excuse to break Clear View's rules, which are listed earlier in this document.
- Students have a right to call attention to their feelings and emotional needs at any time during the program day for the consideration of their teachers or other adult staff members of Clear View.
- 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 program 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).
- Students have a right to be free from abuse or mistreatment.

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

They also have a right to complain to their home school district or to any of the New York State government agencies that license or approve The Clear View School Day Treatment 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 program 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 students 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 other forms of behavioral support, and, if that is not sufficient, they may use appropriate physical intervention to protect people (whether they are students, staff or visitors) and prevent the destruction of property if such destruction poses a threat of physical harm (i.e., throwing furniture, pulling down structures). Staff members may intervene or remove from any program room or area a student whose behavior is interfering with the safety or wellbeing of others or the orderly exercise of the program, who is judged unable to stop such behavior, or has not stopped upon request and with the provisions to support their de-escalation.

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 with staff support; special meetings with teacher, supervisor, or therapist; special meetings with parents; remaining after program; writing supervisor-assigned compositions on issues of conduct; entering into contracts relating to certain rules of conduct; development of student-driven safety plan; checking in with class supervisor at the beginning, end, or during the program day, etc. Such procedures are *representative* of typical behavioral supports offered in effort to stabilize behavior. 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

When in-program procedures are not enough to eliminate or adequately reduce misconduct, The Clear View School Day Treatment Center 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/her/their 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 program placement is necessary, Clear View 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 Clear View's efforts to reduce misconduct by in-program 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 Day Treatment Center cannot properly and safely maintain a student in the program, it will institute procedures to suspend that student from The Clear View School Day Treatment Center in accordance with the laws of the State of New York and the policies of the Commissioner of the State Education Department.

Clear View's Procedure for Suspension, which will be followed in such an instance, can be found on page [25](#) of this document.

## STUDENT CODE OF CONDUCT

### Appendix II: Procedure for Suspension

In-program 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 student violates one of the fifteen Safety Rules described in the Code of Conduct and if it appears that a student cannot be safely maintained on program premises while evaluation procedures are under way or alternative placement is being explored.

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

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

If the charge is sustained and safety issues remain, the School Director will advise the student to remain at home for a set period of time not to exceed five days. They will immediately thereafter notify the student'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 student's return to program.

When the scheduled conference is held, the parent has the right to question witnesses of the conduct that 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 student's record.

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

If suspension of more than five days is deemed necessary by the School Director, the School Director will notify the Superintendent of Schools of the student'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 student'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 student committed one of the safety violations prohibited by Clear View's code and finds, further, that the student cannot be safely maintained at The Clear View School Day Treatment Center, the student 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

#### ALCOHOL AND SUBSTANCE USE

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

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 for bringing alcohol or illegal drugs to program, and for being under the influence of alcohol or drugs, including any legal substance being abused for intoxicating or mood-altering purposes, while participating in 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/her/their family.

Anyone who brings illegal drugs onto the property of The Clear View School Day Treatment Center, or engages in selling or arranging to sell illegal drugs on the property of The Clear View School Day Treatment Center 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 program.

#### DRIVING TO SCHOOL

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

Students with a valid driver's license may be given permission to drive to and from program, subject to Clear View's 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/guardian 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 Clear View's grounds.

- 3) Student and parent/guardian will have signed Clear View's Permission to Drive form. A student who does not have a Permission to Drive form, signed by the School Director, may not drive onto Clear View's grounds at any time, for any reason.
- 4) Both parent/guardian and student will certify on the Permission to Drive form that any vehicle driven by the student onto Clear View's 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/guardian and student will certify on the above form that they will be fully responsible for any damage done to property (vehicle or other property) on Clear View's grounds, by any vehicle being operated by the student.
- 7) Both parent/guardian and student will certify on the above form that the Association for Mentally Ill Children/The Clear View School Day Treatment Center 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/their possession during the program day. This rule applies even during appointments or events that occur at times other than regular program hours.
- 9) The student vehicle will be parked in a designated parking place and kept locked while on program grounds.
- 10) Use of the vehicle during program hours will not be allowed. Students driving to program will arrive on time (9:00) 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 program.
- 12) Parents/guardians may be consulted about the safety of the student driving if any question arises about a particular situation (illness, weather, etc.).
- 13) Both parent/guardian 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 program is a motorcycle, both parent/guardian 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 Day Treatment Center if the need for them becomes apparent.

- 17) Permission to drive onto program 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 program property must be reviewed with the classroom supervisor and renewed at the beginning of each school year.

#### ELECTRONIC COMMUNICATION DEVICES

Cell phones and other electronic devices can be an extremely convenient, reassuring connection to loved ones, business associates and 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. The cameras on our 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 program 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 program, 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 program, 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 program, 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 program again.

#### DRESS CODE GUIDELINES

These dress code guidelines are intended to support the following program values:

- 1) We celebrate students' differences and individuality and encourage students to present themselves in a way that is most reflective of their true selves.



- 2) We support students in expressing their preferred identity, including gender, race and culture, and in wearing hairstyles historically associated with race, religion and/or culture.
- 3) We believe that program staff are responsible for ensuring that student appearance does not interfere with a safe educational and therapeutic environment for all students and staff.
- 4) We believe that no person's attire is responsible for any other person's ability to maintain focus.
- 5) We believe that a clear and simple dress code minimizes unnecessary conflict and increases the opportunity to develop caring relationships.
- 6) We believe that we are preparing students for the world outside of Clear View and that includes learning that certain settings have rules and expectations for attire and appearance.

For those reasons, we establish the following dress code guidelines:

- 1) Students must wear clothing that provides full, opaque coverage of private body parts.
- 2) Students must wear shoes with soles, in which they can navigate our campus safely.
- 3) Students' attire must not interfere with the operation of the program or create a reasonably foreseeable risk of such interference.
- 4) Students' attire must not expose underwear or include underwear as the primary attire or outer layer.
- 5) Students' attire must not obscure their identity unless necessary to accommodate a medical or religious purpose.
- 6) Students' attire must not state, imply or depict hate symbols/speech or imagery that is libelous or denigrating to others, especially on the basis of race, color, sex, sexual orientation, gender identity, gender expression, disability, ethnicity, religion or religious expression, creed, national origin, weight, cultural observance, household income or body type/size.
- 7) Students' attire must not depict or imply vulgar, discriminatory or obscene language or images, including pornography, nudity or sexual acts.
- 8) Students' attire must not promote, endorse or include images of weapons, alcohol, tobacco, marijuana or illegal drugs.
- 9) Students' attire must not encourage any kind of illegal or violent activity.

## DESCRIPTION OF PROGRAM-WIDE BEHAVIORAL SUPPORTS INTRODUCTION

Clear View is a day treatment center and the primary educational program for the students attending. Clear View serves children and adolescents with mental illness who are unable to access educational services in a less restrictive environment. Students are referred by their local school district through the Committee on Special Education and have typically endured multiple school failures and exhausted traditional channels of educational and behavioral intervention, signaling the need for a higher level of care. For these students, discrete interventions and services, added to their educational program, and discontinuous supports have failed to interrupt the defensive behaviors that interfere with their stability and educational progress. It follows, then, that for these students, supports must be comprehensive, continuous and grounded in an overall treatment plan. As a day treatment facility, all programming is designed to have maximum therapeutic impact and is, therefore, an integrated part of the treatment process. This model serves the dual purpose of being highly responsive to underlying psychiatric concerns that de-stabilize behavior and undermine function; and, providing the positive support-- a secure base-- that is critical to developing the capacity for behavioral control and increasingly adaptive function in seriously mentally ill children and adolescents.

For children and adolescents in need of day treatment, it is of paramount concern that underlying psychiatric needs be, in this way, fully addressed in order to minimize how their illness impinges on their behavior, function, development and the consequent ability to access learning potential. Behavioral supports, academic supports, developmental supports are interdependent and embedded in the fabric of this therapeutic milieu. Included in the next pages are descriptions of the elements that create such a comprehensive and responsive treatment plan. It needs to be noted that all professional staff are trained and mentored in essential therapeutic techniques and theory in order to provide treatment that is truly integrated and of high quality; that all staff working with a particular student and family are contributors and actively involved in the treatment plan process for that student, a process that includes ongoing treatment team consultation and review; and, that families and the students themselves, as is appropriate, are involved in shaping the ongoing treatment process. In this way, the overall treatment plan, and, therefore, the program-wide supports, have built into them mechanisms for maintaining high quality and communication and revision as needed.

## PROCEDURES FOR IDENTIFYING AND RESPONDING TO BEHAVIORAL NEEDS AND DISCIPLINE CONCERNS

The following procedures are developed in accordance with the principles put forth in the Description of Program-Wide Behavioral Supports Introduction, which can be found on page [30](#) of this document.

- 1) Crisis prevention and intervention are critical areas of concern for any program that seeks to help children and adolescents with emotional problems. At Clear View, where these problems are severe and persistent, emotional “meltdowns” and extreme reactions to ordinary events are, almost by definition, frequent. **Management and resolution of emotional crises is therefore integral to the program for each individual and every group.**
  
- 2) Inasmuch as behavior that interferes with learning and program/community adjustment is a manifestation of the disabilities facing mentally ill children and adolescents, strategies for management and resolution of crisis are part of the continuity of treatment necessary in stabilizing an individual student’s function and maintaining the secure learning environment that further supports that stability as a foundation for growth. For children and adolescents in need of day treatment, then, attention to addressing dysregulated function and developing the capacity for self-regulation is not only a critical aspect of treatment but central to providing an educational program that affords these students a real opportunity to access the curriculum and their learning potential. As such, it is the policy of The Clear View School Day Treatment Center that **the behavior management strategies and supports utilized be developed and implemented in consultation with the treatment team and in conjunction with an individual student’s overall treatment plan. Such consultation is part of the organic process of the treatment team approach and is ongoing with the intention of providing a plan that is highly responsive to the changing needs of a student and effective.**
  
- 3) **It is the policy and everyday practice of The Clear View School Day Treatment Center to involve parents or guardians in The Clear View School and Day Treatment Center on an ongoing basis.** This includes parents’ involvement as collaterals in the student’s program of Related or Treatment Team Services. Such planned involvement will be reflected in the student’s Comprehensive Treatment Plan and, when appropriate, in Treatment Team IEP recommendations to the CSE. Transportation services will be provided where necessary to support parent participation.
  
- 4) The Clear View School Day Treatment Center will provide a general framework for involving parents in program and keeping them informed about the program and their student’s participation in program. **These provisions include but are not limited to orientation meetings at the start of each school year to set goals for the upcoming year and parent treatment team meetings to plan, review and revise treatment priorities as needed.** Students are included in treatment team review and goal setting as is developmentally appropriate.

## **POLICY REGARDING THE USE OF BEHAVIOR MANAGEMENT STRATEGIES AND THE CONTINUITY OF TREATMENT**

Inasmuch as behavior that interferes with learning and program/community adjustment is a manifestation of the disabilities facing mentally ill children and adolescents, strategies for management and resolution of crisis are part of the continuity of treatment necessary in stabilizing an individual student's function and maintaining the secure learning environment that further supports that stability as a foundation for growth. For children and adolescents in need of day treatment, then, attention to addressing dysregulated function and developing the capacity for self-regulation is not only a critical aspect of treatment but central to providing an educational program that affords these students a real opportunity to access the curriculum and their learning potential. For these reasons, it is considered that the time spent working on these treatment concerns, including time outside the physical classroom, is instructional time--vital to providing adequately for the overall educational needs of mentally ill students. As such, it is the policy of The Clear View School Day Treatment Center that the behavior management strategies and supports utilized be developed and implemented in consultation with the treatment team and in conjunction with an individual student's overall treatment plan. Such consultation is part of the organic process of the treatment team approach and is ongoing with the intention of providing a plan that is highly responsive to the changing needs of a student and effective.

The Clear View School Day Treatment Center does not operate "time-out" rooms. There are counselors' offices and quiet spaces that can be utilized to carry on instruction (academic or emotional) where there is more privacy and less distraction. A staff member may ask a student to step outside of a classroom to address and diffuse building agitation as one step in an overall instructional intervention. Students can request to go to a counselor's office or quiet space when they judge they are unable to meet the demands of the classroom or to complete quiet work with less distraction.

All spaces are to be kept clean, comfortable and safe. No room in The Clear View School Day Treatment Center is locked while it is being used as part of program.

## ADMINISTRATIVE PRACTICES AND PROCEDURES REGARDING THE USE OF TIMEOUT AND PHYSICAL RESTRAINT

*The following practices and procedures must be understood in the context of the larger treatment protocols designed to address the underlying serious psychiatric concerns that destabilize student behavior and undermine function resulting in loss of control. Treatment plans are detailed and developed with the purpose of being highly responsive to these underlying psychiatric concerns in order to provide the positive support critical to maintaining behavioral control for our students. Physical intervention of any kind is an intervention of last resort.*

Staff have the legal responsibility to enforce Clear View's rules, to keep students from hurting themselves or others, either directly or indirectly, and generally to keep Clear View a safe place to attend, learn, and grow. Therefore, staff will intervene whenever behavior disrupts the safe operation of the school and treatment program or the safety and wellbeing – emotional or physical – of the students, staff or visitors.

- 1) **In all cases** staff will attempt to intervene using verbal redirection of behavior and/or offering staff supported mechanisms to prevent a situation from escalating or to de-escalate an already escalating situation. Examples of such supports include, but are not limited to taking a break with classroom staff in the room, speaking with therapist/counselor privately, taking a walk with staff to “cool down”, doing a preferred calming activity, etc.
- 2) If the situation continues to escalate, staff may direct a student to leave the room with the expressed purpose of separating the escalating student from the activating situation in order to enable the student to make use of staff support to calm and regain control. **At no time will a student in distress be alone.** On the contrary, the use of “timeout” as a strategy requires that the student have continuous staff support to de-escalate in the manner that is most helpful as per their individual treatment plan. Spaces used for timeout purposes are **never locked**. Timeout is a limited intervention and will be used only until the student has regained control sufficiently enough to resume program participation.
- 3) Should a student initially refuse to leave a physically escalating situation when directed, staff may use the physical intervention of **physical escort**, that is, temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out and escalating to walk to a safe location.
- 4) Should these supports be insufficient to interrupt an escalating situation and it becomes clear the behavior presents a threat of imminent harm to self or others, staff may use appropriate physical restraint to protect people (whether they are students, staff or visitors) and prevent the destruction of property if such destruction poses a threat of physical harm (i.e., throwing furniture, pulling down structures). This may include removal of the student from the area to a safe location.
- 5) Physical restraint for our purposes refers **only** to the use of **person-to-person** restriction for the reason of preventing such harm to self or others; and will be used for no longer than is necessary to stop the threat of imminent harm. Mechanical devices are not used. **Prone and supine restraint is prohibited.**
- 6) In the event it is necessary to use physical restraint for safety it will be used in a manner consistent with the student's right to be treated with dignity and the principles put forth by the Justice Center.

7) All staff who may be required to physically intervene with students will receive training in proper techniques for de-escalating behavior and appropriate use of physical restraint through certification in Crisis Prevention and Intervention (CPI). All staff will additionally receive training in these practices and procedures as well as the philosophical underpinnings of child development and the impact of mental illness on development and behavior, semi-annually and on an ongoing basis as part of the structure of supervision throughout the year.

8) All incidences of physical restraint and use of timeout as a strategy will be documented and debriefed with team and an administrative designee as soon as practicable to review implementation and plan for prevention/reduction of future need to use timeout and/or physical restraint. Documentation will also be reviewed by the appropriate administrative team at least quarterly. Such review is for the purpose of collecting aggregate data in order to monitor patterns of use of timeout as a strategy and physical restraint to inform best practices.

9) Parents/guardians will be notified the same day when physical restraint has been necessary. Contact will be made by a member of the student's treatment team and will be made by phone in order to provide for interaction regarding parent questions and concerns and to schedule a follow up meeting if desired. If family has not been reachable by the conclusion of the program day, a note detailing attempts will be made to the student's file and forwarded to the appropriate CSE chair. Outreach efforts to inform, however, will continue until contact is made either by phone, email, etc., requesting a call back. Documentation of the physical restraint or the use of planned timeout shall be made available to parent/guardian within 3 days.

## THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The [Family Educational Rights and Privacy Act \(FERPA\)](#) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student educational records. FERPA gives families certain rights with respect to their children's educational records. These rights transfer to the student at age 18 or when a student attends a school beyond the high school level.

Under the provisions of FERPA, parents or eligible students have the right to:

- Inspect and review the student's educational records maintained by the school.
- Request that a school amend records that they believe to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. If, upon review, the school decides not to amend the record, the parent or eligible student has the right to a formal hearing. If, after the formal hearing, the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth their view about the contested information.
- Complete confidentiality of personally identifiable data, information or records pertaining to a student with a disability. Such personally identifiable information shall not be disclosed by any officer or employee of the State Education Department or any school district, or member of a committee on special education or committee on preschool special education to any person other than the parent of such student, except in accordance with sections 300.500 through 300.536 and sections 300.610 through 300.625 and part 99 of title 34 of the Code of Federal Regulations. FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.
- File a complaint with the Department of Education concerning alleged failures of the school to comply with the requirements of this Act. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Policies and procedures for exercising the right to inspect and review the educational record, requesting an amendment to that record, and the specific criteria for determining who constitutes a school official and what constitutes a legitimate educational interest are detailed in the document entitled Accessibility of Program Records Policy, which can be found on page [36](#) of this document. A link to the full law is provided above.

## ACCESSIBILITY OF PROGRAM RECORDS POLICY

- 1) The Program Record of a pupil enrolled in The Clear View School Day Treatment Center is accessible only to the parent or legal guardian of the pupil, authorized personnel of the pupil's local school district (education record only); persons employed by the Clear View School, including administrators/case supervisors; professional service providers contracted by the Clear View School to provide mandated services (OT and PT); personnel contracted by district to provide triennial evaluations; and to such other third parties as may be allowed access to all or part of the record by the pupil's parent or guardian (or, if over 18, by the pupil him/her/themself). Information shared will be limited to that necessary to carry out their professional responsibilities with respect to the student. It should be noted that official representatives of the State Education Department and of the State Office of Mental Health and certain other third parties also have access to Program Records without parental permission for the purpose of verifying that The Clear View School Day Treatment Center is being operated in compliance with Federal and State law and the regulations of these two departments, or as specified in the Notice of Privacy Practices.
- 2) Any parent requesting access to the Program Record, or any portion thereof, should make a written request to the Executive Director.
- 3) While not mandatory, it is the recommendation of The Clear View School Day Treatment Center that all parents, when reviewing all or part of the Program Record for the first time, do so together with a member of the clinical staff for the purpose of immediately answering any questions that might occur in reference to the Record. If the parent does not elect to follow the recommendation, a staff member will, in any event, be made available to meet with the parent at a mutually agreeable time to help in the interpretation of the Record.
- 4) Any parent or eligible student may request amendment of a record that they feel is inaccurate or misleading. They should write to the Executive Director, clearly identifying the part of the record they want changed and specify why it is inaccurate or misleading.
- 5) If there is a decision not to amend the record the Executive Director will notify the parent and advise them of their right to a hearing and provide information about the hearing process.
- 6) Copies of materials in the Education Record will be supplied to the parents upon request at a reasonable price. Should this charge for some reason make it effectively impossible for the parent to review the Record, the charge will be adjusted on a case-by-case basis.
- 7) A request to review the Program Record will be handled as promptly as possible but in all cases the Record will be made available to the parent within 15 days of the day it is requested or prior to meetings called to review the school performance of a particular student.
- 8) A working copy of the Program Record is maintained in the Records Office of The Clear View School Day Treatment Center. A list of professional personnel having access to pupil records is available on request.
- 9) The full Program Record is maintained in a digital format on The Clear View School Day Treatment Center's internal networks and cannot be accessed by unauthorized individuals.



**NOTICE OF PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY UNDER NYS EDUCATION LAW §2-D**

- 1) In accordance with New York State Education Law §2-D, The Clear View School Day Treatment Center hereby sets forth the following Parents' Bill of Rights for Data Privacy and Security, which is applicable to all parents, legal guardians and eligible students (18 years of age or older):
- 2) A student's personally identifiable information cannot be sold or released for commercial purposes.
- 3) Parents have the right to inspect and review the complete contents of their child's educational record.
- 4) The Clear View School Day Treatment Center has the following safeguards in place to protect student data, including personally identifiable information stored or transferred by The Clear View School Day Treatment Center:
  - a) All databases that have student information are protected by a secure password and login. These logins are monitored and kept up to date.
  - b) Student information is only accessible by those who are deemed warranted of having the information.
- 5) New York State, through the New York State Education Department, collects a number of student data elements for authorized uses. A complete list of all student data elements collected by the State is available for public review [here](#). Parents may also obtain a copy of this list by writing to the Office of Information and Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany NY 12234.
- 6) Parents have the right to submit complaints about possible breaches of student data or teacher or principal APPR data. Any such complaint must be submitted, in writing to the Executive Director, The Clear View School Day Treatment Center, 480 Albany Post Road, Briarcliff Manor, NY 10510. Additionally, parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234 or [cpo@mail.nysed.gov](mailto:cpo@mail.nysed.gov)

## THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) PRIVACY RULE

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides consumers with important privacy rights and protections with respect to their health information, including important controls over how their health information is used and disclosed.

The notice that follows refers to The Clear View School Day Treatment Center as “we” and/or “us”. It is addressed to “you”, which includes students 18 years of age or older and the parents and guardians of students under 18 years of age.

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

### Your Rights

You have the right to:

- Get a copy of your paper or electronic medical record
- Correct your paper or electronic medical record
- Request confidential communication
- Ask us to limit the information we share
- Get a list of those with whom we share your information
- Get a copy of this notice of privacy practices
- Choose someone to act for you
- File a complaint if you believe your privacy rights have been violated

### Your Choices

You have some choices in the way that we use and share information as we:

- Tell family and friends about your condition
- Provide disaster relief
- Include you in a program directory
- Provide mental health care
- Advertise and promote our services
- Raise funds

### Our Uses and Disclosures

We may use and share your information as we:

- Treat you
- Run our organization
- Bill for your services
- Help with public health and safety issues
- Do research
- Comply with the law
- Respond to organ and tissue donation requests
- Work with a medical examiner or funeral director
- Address workers' compensation, law enforcement, and other government requests
- Respond to lawsuits and legal actions

## Your Rights

When it comes to your health information, you have certain rights. This section explains your rights and some of our responsibilities to help you.

### Get an electronic or paper copy of your medical record

- You can ask to see or get an electronic or paper copy of your medical record and other health information we have about you. Ask how to do this by contacting, in writing, the Executive Director, 480 Albany Post Road, Briarcliff Manor, NY 10510.
- We will provide a copy or a summary of your health information, usually within 30 days of your request. We may charge a reasonable, cost-based fee.

### Ask us to correct your medical record

- You can ask us to correct health information about you that you think is incorrect or incomplete. Ask us how to do this.
- We may say “no” to your request, but we’ll tell you why in writing within 60 days.

### Request confidential communications

- You can ask us to contact you in a specific way (for example, home or office phone) or to send mail to a different address.
- We will say “yes” to all reasonable requests.

### Ask us to limit what we use or share

- You can ask us not to use or share certain health information for treatment, payment, or our operations. We are not required to agree to your request, and we may say “no” if it would affect your care.

### Get a list of those with whom we’ve shared information

- You can ask for a list (accounting) of the times we’ve shared your health information for six years prior to the date you ask, who we shared it with, and why.
- We will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked us to make). We’ll provide one accounting a year for free but will charge a reasonable, cost-based fee if you ask for another one within 12 months.

### Get a copy of this privacy notice

- You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. We will provide you with a paper copy promptly.

### Choose someone to act for you

- If you have designated someone as your health care agent or if someone has been appointed by a court as your legal guardian with health care powers, that person can exercise your rights and make choices about your health information.
- We will make sure the person has this authority and can act for you before we take any action.

### File a complaint if you feel your rights are violated

- You can complain if you feel we have violated your rights by contacting, in writing, the Executive Director, 480 Albany Post Road, Briarcliff Manor, NY 10510
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or submitting electronically [here](#). We will not retaliate against you for filing a complaint.

### Your Choices

For certain health information, you can tell us your choices about what we share. If you have a clear preference for how we share your information in the situations described below, talk to us. Tell us what you want us to do, and we will follow your instructions.

In these cases, you have both the right and choice to tell us to:

- Share information with your family, close friends, or others involved in your care
- Share information in a disaster relief situation
- Include your information in a program directory

*If you are not able to tell us your preference, for example if you are unconscious, we may go ahead and share your information if we believe it is in your best interest. We may also share your information when needed to lessen a serious and imminent threat to health or safety.*

In these cases we never share your information unless you give us written permission:

- Advertisement or promotion of our services
- Fundraising

In the case of fundraising:

- We may contact you for fundraising efforts, but you can tell us not to contact you again.

### Our Uses and Disclosures

#### How do we typically use or share your health information?

We typically use or share your health information in the following ways:

#### Treat you

- We can use your health information and share it with other professionals who are treating you.  
*Example: A doctor treating you for an injury asks another doctor about your overall health condition or what medications have been prescribed to you to avoid prescribing another medication, which, in combination, may cause a negative reaction.*

#### Run our organization

- We can use and share your health information to run our program, improve your care, and contact you when necessary.  
*Example: We use health information about you to manage your treatment and services.*

#### Bill for your services

- We can use and share your health information to bill and get payment from health plans or other entities.  
*Example: We give information about you to your health insurance plan so it will pay for your services.*

### **How else can we use or share your health information?**

We are allowed or required to share your information in other ways – usually in ways that contribute to the public good, such as public health and research. We have to meet many conditions in the law before we can share your information for these purposes. More information can be found [here](#).

### **Help with public health and safety issues**

We can share health information about you for certain situations such as:

- Preventing disease
- Helping with product recalls
- Reporting adverse reactions to medications
- Reporting suspected abuse, neglect, or domestic violence
- Preventing or reducing a serious threat to anyone's health or safety

### **Do research**

- We can use or share your information for health research.

### **Comply with the law**

- We will share information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that we're complying with federal privacy law.

### **Respond to organ and tissue donation requests**

- We can share health information about you with organ procurement organizations.

### **Work with a medical examiner or funeral director**

We can share health information with a coroner, medical examiner, or funeral director when an individual dies.

### **Address workers' compensation, law enforcement, and other government requests**

We can use or share health information about you:

- For workers' compensation claims
- For law enforcement purposes or with a law enforcement official
- With health oversight agencies for activities authorized by law
- For special government functions such as military, national security, and presidential protective services

### **Respond to lawsuits and legal actions**

- We can share health information about you in response to a court or administrative order, or in response to a subpoena.

## **Our Responsibilities**

We are required by law to maintain the privacy and security of your protected health information.

We will let you know promptly if a breach occurs that may have compromised the privacy or security of your information.

We must follow the duties and privacy practices described in this notice and give you a copy of it.

We will not use or share your information other than as described here unless you tell us we can in writing. If you tell us we can, you may change your mind at any time. Let us know in writing if you change your mind. More information can be found [here](#).

### Changes to the Terms of this Notice

We can change the terms of this notice, and the changes will apply to all information we have about you. The new notice will be available upon request to the Executive Director, 480 Albany Post Road, Briarcliff Manor, NY 10510 and on [our website](#).

### Special Notices

This Notice of Privacy Practices is effective as of its revision date.

Any questions or inquiries regarding The Clear View School Day Treatment Center's Privacy Practices or any requests or complaints pursuant to this Notice of Privacy Practices should be directed to The Clear View School Day Treatment Center's Executive Director, who is the officer responsible for our Privacy Practices, at 480 Albany Post Road, Briarcliff Manor, NY 10510 (914) 941-9513

The Clear View School Day Treatment Center never markets or sells Personal Health Information (PHI) or any personally identifiable information (PII) maintained in any of its records.

### Confidentiality of HIV Related Information and Alcohol or Substance Abuse Related Information:

Under NYS Law, there are special protections afforded HIV and Alcohol or Substance Abuse Related Information. This information may not be released or disclosed without a specific, written authorization by you. A general consent to the release or disclosure of PHI does not satisfy the requirement of a specific, written authorization for the release or disclosure of HIV and Alcohol or Substance Abuse Related Information.

### Confidentiality of Mental Health Information:

Under NYS Law, there are special protections afforded Mental Health Information. This information may not be released or disclosed without a specific, written authorization by you. A general consent to the release or disclosure of PHI does not satisfy the requirement of a specific, written authorization for the release or disclosure for Mental Health Information. Other protections regarding Mental Health Information may be found in NYS Mental Hygiene Law §§33.13; 33.16.

### Special Treatment of Psychotherapy Notes:

Psychotherapy notes are treated differently from other Mental Health Information both because these notes contain particularly sensitive information and are the personal notes of the therapist. Typically, except for the health care professional who created them, psychotherapy notes are not required or useful for treatment nor for payment, or health care operations. With few exceptions, therefore, the HIPAA Privacy Rule requires specific, written authorization prior to the release or disclosure of psychotherapy notes for any reason, **including a disclosure for treatment purposes to a health care provider other than the originator of the notes**. See 45 CFR 164.508(a)(2). A general consent to the release or disclosure of PHI, or even a general consent to the release or disclosure of Mental Health Information does not satisfy the requirement of a specific, written authorization for the release or disclosure of Psychotherapy Notes. There are limited exceptions to this rule, such as for mandatory reporting of abuse and neglect (SSL Art.6, Title 6), and mandatory "duty to warn" of substantial risk or threat of harm (MHL §9.46).

## CHILDREN'S INTERNET PROTECTION ACT (CIPA) POLICY

### Use of the Internet at The Clear View School Day Treatment Center

It is the policy of The Clear View School Day Treatment Center to encourage the use of the Internet for educational purposes. Internet programs are used to teach and practice skills, to gain information, to learn research methods and to develop critical thinking. Students have access to the Internet on laptops, chrome books, desktop computers and iPads.

### Filtering

Internet filtering software has been installed on devices owned by Clear View to block student access to inappropriate and/or harmful website content. The software works by scanning website addresses and website content for objectionable words and concepts. When the software finds any such objectionable words or concepts it denies the user access to them. At present Clear View is utilizing Ubiquiti and NetGate firewalls with content filter and screening categories that are industry standard. Additional sites are added and some restrictions may be deleted for specific study purposes by the IT consultant working in collaboration with classroom teachers.

### Safety and Security

Clear View students do not have access to external email or social media on Clear View's computers or during the program day. Students are not permitted to access external email or social media on personal devices during program hours. Social media apps and websites are blocked for both students and teachers by the firewall currently in place. All student use of the internet is monitored; any inappropriate usage will be dealt with promptly and appropriately, on an individualized basis, by the appropriate members of the student's treatment team.

### Unauthorized Disclosure, Use and Dissemination of Students' Personal Information

Safeguards associated with industry standards and best practices, including encryption, firewalls and password protections are in place to protect student data that is or may be stored or transferred electronically.