



*Transforming lives of people with disabilities*

# Student Code of Conduct

## Introduction

Mary Cariola Center (“Mary Cariola” or “Agency”) has a mission to provide the highest-quality individualized services for children with developmental delays and especially for those with complex or multiple disabilities. The Agency is dedicated to excellence in family-centered educational, residential, therapeutic and community support services and to develop program initiatives for emerging populations of children with special needs.

Mary Cariola has an established set of expectations for acceptable conduct on Mary Cariola property and at Mary Cariola functions. The expectations are based on respect, responsibility, readiness, and safety. Mary Cariola has clearly outlined, defined the expectations for acceptable conduct, and identified possible consequences of unacceptable conduct in this Code of Conduct.

### I. Definitions

For purposes of this Code of Conduct, the following definitions apply:

“Administrators” mean the Education Supervisors and Lead Therapists at the building/program level as well as the Superintendent, Human Resources Director, and the President of the Agency.

“Aggressive student” means a pre-school, school-aged or adult student who is physically aggressive, inflicting harm on self or others.

“Alcohol/drugs/controlled substances” mean any illegal, controlled substances, marijuana, intoxicants (legal and illegal), “look-alike” substances, designer drugs, counterfeit or synthetic drugs, inhalants, and any other drugs or substances that will, in any way affect safety, awareness, coordination or judgment. This also includes prescription drugs or over-the-counter medications when used inappropriately.

“Applicable law” means any federal, state or local law, regulation, rule or order applicable to the situation described.

“Bullying and Harassment” mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that:

Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property. Acts of harassment and bullying include, but are not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. For the purposes of this definition the term "threats, intimidation, or abuse" shall include verbal and non-verbal actions.

“Color” means the term that refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

“Corporal punishment” means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints to protect the student, another student, teacher or any other person from physical injury when alternative procedures and methods not involving the use of physical restraint cannot reasonably be employed to achieve these purposes.

“Cyberbullying” means harassment or bullying through any form of electronic communications.

“Disability” means a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability.

“Discrimination” is the act of denying rights, benefits, justice, equitable treatment, or access for facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

“Disruptive student” means a pre-school, school-aged or adult student who is substantially disruptive of the educational process or substantially interferes with the teacher’s ability to provide instruction.

“Emergency Physical Restraint Intervention” means a situation in which immediate intervention involving the use of reasonable physical force is necessary to protect the student or oneself from physical injury; to protect another pupil or teacher or any person from physical injury; or, to protect the property of the school or others in situations where there is an imminent danger of serious physical harm to the student or others.

“Employee” means any person receiving compensation from the Agency or employee of a contracted service provider or worker placed within the Agency under a public assistance employment program, pursuant to Title IX(B) of Article V of the Social Services Law, and consistent with the provisions of such title for the provision of services, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

“Ethnic Group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.

“Gender” means actual or perceived sex, and shall include a person’s gender identity or expression.

“Mary Cariola” means the Day Program at Mary Cariola Center.

“Material Incident of Discrimination and Harassment” means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on Agency property or at an Agency function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, where such incident or incidents: create or would foreseeably create a risk of substantial disruption within the Agency environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach Agency property; and is or are the subject of a written or oral complaint to the

superintendent, principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

“National Origin” means a person’s country of birth or ancestor’s country of birth.

“Parent” means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child’s parent or authorized to make educational decisions for the child; a person in parental relationship to the child as defined in Education Law, section 3212; an individual designated as a person in parental relation pursuant to title 15-A of the General Obligations Law including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative with whom the child resides); or a surrogate parent who has been appointed in accordance with section 200.5(n) of the Commissioner’s Regulations.

“Physical restraint” means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.

“PBIS” means Positive Behavior Intervention and Supports, a comprehensive systems approach designed to enhance the capacities of schools to educate all students, especially students with challenging behaviors, and adopt and sustain the use of best practices for teaching academics and social behavior.

“Race” means a group of persons related by a common descent or heredity. The New York State Education Department reports aggregate racial and ethnic data to the US Department of Education in the following seven categories: (1) Hispanic/Latino; (2) American Indian or Alaskan Native; (3) Asian; (4) Black or African American; (5) Native Hawaiian or Other Pacific Islander; (6) White; or (7) Two or more races.

“Religion” means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices; or a religious or spiritual belief or preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets.

“Religious Practice” means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc. Determining whether a practice is religious is based not on the nature of the activity, but on the person’s motivation. The determination of whether a practice is religious is a situational, case-by-case inquiry.

“School bus” means every motor vehicle owned by Mary Cariola or by a school district or public or governmental agency for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to and from school or school activities, or privately owned and operated vehicles for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or activities.

“School function” means any school-sponsored activity, event or trip.

“School personnel” means all individuals who are employed by Mary Cariola or who volunteer to assist the agency in the operation of its programs and the delivery of its services.

“School property” means any building, structure, playground, parking lot or land at which Mary Cariola provides instruction or where Mary Cariola is sponsoring a school/program event.

“Sexting” means the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email.

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, bisexuality, or any other self-defined sexual orientation.

“Student” means any individual enrolled in a Mary Cariola Day Program which may include adults enrolled, up to age 21, who have not yet graduated from school as contemplated under applicable law.

“Violent act” means an act committed by a violent student.

“Violent student” means a student who:

- Commits an act of violence on any school personnel, or attempts to do so;
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function , or attempts to do so;
- Possesses, while on school property or at a school function, a weapon;
- Displays, while on school property or at a school function, what appears to be a weapon;
- Threatens, while on school property or at a school function, to use a weapon;
- Knowingly and intentionally damages or destroys the personal belongings of another student, any school personnel or any person lawfully on school property or at a school function; or
- Knowingly and intentionally damages or destroys school property.

“Weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury as defined in 18 USC 930(g)(2). For purposes of this Code of Conduct, weapons are the following items, including, but not limited to:

1. A firearm is defined in 18 USC §921(a) for purposes of the Gun-Free Schools Act, as implemented by New York Education Law §3214 and New York Penal Law 265.01 as one that fires a projectile by the action of an explosive or any other gun, including, but not limited to a BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, paintball gun, stun gun, air gun, silencer, etc.
2. Any other “weapon” such as a chukka stick, billy club, blackjack, pilum ballistic knife, metal knuckle knife, cane sword, electronic dart gun, Kung Fu star, explosive or incendiary bomb, dagger, dirk, straight razor, stiletto, switchblade knife, gravity knife, or metal knuckles, a slingshot, pocketknife, Swiss Army knife, multi-purpose tool with blade, or other type of knife, box cutter, pepper spray or other noxious sprays.
3. “Weapon” also means any other device, instrument, material, or substance that can cause physical injury or death – under the circumstances in which it is used, attempted to be used, or

threatened to be used. This would also include matches or lighters when used, or attempted to be used, to injure another student.

“Weight” means the word used in reference to a person’s physical “size.”

## II. Student Rights and Responsibilities

### A. Student Rights

Mary Cariola is committed to providing a safe, secure, healthy and orderly school environment in which learning and teaching occur. This environment depends on students, staff, parents, and all visitors to the school demonstrating mutual respect, responsibility, safety and readiness. The Agency is committed to honoring the rights given to all students by applicable law. All students have the right to:

1. Partake in school sponsored activities on an equal basis regardless of race, color, weight, natural origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender, or any other categories of individuals protected against discrimination by federal, state, or local law;
2. Present their version of the relevant event(s) to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty;
3. Access Agency rules/policies and, when necessary, receive an explanation of the rules/policies from school personnel who are responsible for enforcing such rules/policies;
4. Be treated with respect and dignity; and
5. Be in a classroom environment conducive to learning

### B. Student Responsibilities

All students have the responsibility to:

1. Attend school each day, with the exception of a legal absence, and be ready to learn;
2. Assist in the maintenance and development of a safe environment and to show respect to all students, school personnel and property;
3. Understand and follow all rules put forth by the Agency;
4. Comply with teacher/staff directions involving all safety procedures such as evacuation, hold-in-place, shelter-in-place, lock-out, and lock-down drills;
5. Work to the best of their ability and strive to reach their potential;
6. Strive to develop coping skills in response to anger, frustration or stress;
7. Ask questions when they do not understand;
8. Respect the thoughts and opinions of others and the direction given by staff personnel;
9. Demonstrate appropriate respect for others by utilizing socially acceptable behavior and language while at school and school functions;

10. Dress appropriately for school and school functions;
11. Be a self-advocate when mistreatment occurs by following the appropriate channels; and
12. Displaying honesty when reporting or responding to questions in events that may lead to disciplinary action.

### III. Essential Partners

#### A. *Parents* are expected to:

1. Actively participate in the education of their children as this is a joint responsibility of the parents and the Mary Cariola program community;
2. Send their children to school ready to learn and actively participate in their day;
3. Ensure their children attend school on time and on a regular basis;
4. Ensure any absence from program is proper, warranted and excused;
5. Openly communicate with their child's Social Worker in regards to questions, concerns, changes in the home situation that may affect the student, etc.;
6. Communicate with all staff in a socially acceptable and respectful manner;
7. Insist that their children are dressed and groomed in a manner specific with this code;
8. Assist in the understanding of Mary Cariola and society rules and expectations to maintain safety and an orderly environment; and
9. Appropriately maintain Augmentative Communication Devices and other assistive technology provided pursuant to the Student's special education program in the home and send to school in an operative manner on a daily basis.

#### B. *Mary Cariola Staff* are expected to:

1. Maintain an environment of respect and dignity for each student, parent, visitor and other staff members;
2. Understand Mary Cariola rules and expectations and enforce them with consistency and in a fair manner;
3. Openly communicate with students, parents, districts and other relevant Mary Cariola staff;
4. Communicate regularly in a socially acceptable manner with students, parents and other relevant Mary Cariola staff;
5. Be knowledgeable about and utilize effective classroom/school behavior management techniques;
6. Be knowledgeable about and utilize effective classroom/individualized instructional management techniques;
7. Be knowledgeable of student individualized education programs and behavioral intervention plans;

8. Assist students in coping with stressors, peer pressure, bullying, and personal, social and emotional difficulties;
9. Maintain confidentiality regarding all personal information and educational records concerning students and their families; and
10. Be knowledgeable of Mary Cariola emergency and security procedures and assist in their implementation as necessary.

C. *Administrators* are expected to:

1. Promote and administer a safe and orderly environment which fosters a safe, orderly, stimulating and positive learning environment;
2. Ensure students and staff have an opportunity to communicate regularly with appropriate school personnel regarding ideas, concerns, questions, etc.;
3. Communicate regularly in a socially acceptable manner with students, parents and Mary Cariola staff;
4. Communicate in a socially acceptable manner with visitors and the community regarding Mary Cariola;
5. Evaluate instructional programs regularly;
6. Be responsible for students, parents and staff being made aware and understanding the Code of Conduct;
7. Enforce the Code of Conduct and ensure all concerns are resolved promptly and fairly;
8. Create and implement instructional programs that minimize misconduct and focus on student and staff need;
9. Maintain confidentiality regarding all personal information and educational records concerning students and their families;
10. Review applicable law and Regulations relating to operations and management of Mary Cariola programming; and
11. Understand Mary Cariola rules and expectations and enforce them with consistency and in a fair manner.

#### **IV. Student Dress**

A. Student Dress Code

All students are expected to maintain personal cleanliness and to dress appropriately for school and at school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Mary Cariola has adopted a dress code requiring that a student's choice of dress will not be permitted to interfere with, disrupt or distract from the educational activities of the school. While we understand that many forms of clothing are appropriate for other settings the following are examples of inappropriate dress:

- Tube tops;



- Halter tops;
- Exposed midriff;
- Skirts or shorts that are shorter in length than at or below the fingertips when arms are fully extended at side with shoulders relaxed;
- Exposed underwear;
- See through garments;
- Hat (except for medical or religious purposes);
- Stocking Caps or “do rags”;
- Bandanas;
- Footwear with wheels;
- Clothing that promotes the use of alcohol, tobacco, or illegal drugs or that encourages illegal or violent activities;
- Items of clothing with sexual references or innuendos;
- Clothing may not include words or images that are vulgar, obscene, libelous, or denigrate others on account of actual or perceived race, color, religion, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or age.

Students who violate the dress code will be required to cover or replace the offending item. Should a concern arise involving a student, Mary Cariola will contact the parent and work with the parent to resolve the concern.

## B. Personal Hygiene

### 1. *Change of Clothing:*

Parents must ensure that a change of clothing is sent to Mary Cariola. The clothing should be labeled with the student’s name, in a bag also labeled with the student’s name. Unless otherwise instructed, these clothes will remain at Mary Cariola to be used when needed.

### 2. *Products:*

Parents may be asked to send in with their child various items to assist in maintaining the student’s appearance and grooming.

### 3. *Diapers:*

If a parent chooses to use cloth diapers for their child, the parent will:

- Send in an adequate supply of labeled cloth diapers, rubber pants, or diaper wraps on a daily/weekly basis.
- Supply Mary Cariola with a waterproof, sealable container for returning soiled diapers on a daily basis.
- If a parent needs assistance in securing diaper wraps or a waterproof container, the parent should discuss this with the assigned Social Worker.

If a parent chooses to use disposable diapers for their child,:

- The parent will send in a weekly or biweekly supply with the student.

## **V. Student Attendance**

Due to New York State regulations, schools are responsible for tracking student attendance, documenting the reason why the student is absent and developing a plan to deal with excessive absence. In order to meet this mandate, Mary Cariola expects that parents will call the attendance number, **244-6931**, when an absence occurs. When calling, please state your child's full name, building location and teacher. When the student returns to school, he/she will need a written excuse with the dates absent and the reason for the absence. Legal reasons for absence or tardiness include sickness; sickness or death in family; weather conditions where roads are impassable; religious observances; quarantine; required court appearances; approved cooperative work programs; and military obligations.

Regular school attendance is very important to your child's success. Absences that occur for reasons other than illness or other emergency situations should be avoided. Absences that total more than 20% of a student's school days are considered excessive, and Mary Cariola will notify the student's home district when this occurs.

## **VI. Child Protective Services**

Consistent with Mary Cariola's commitment to keep students safe from harm, as well as the Agency's legal obligations, school officials and other mandated reporters will report to Child Protective Services when they have reasonable suspicion that a student has been abused, maltreated or neglected. In conformance with State law and regulations, the Agency will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect. In situations where a Child Protective Services interview takes place with a student at the Agency, the principal or other designee will determine whether it is necessary and appropriate for a school official to be present during the interview.

## **VII. Dignity For All Students Act**

Mary Cariola Center seeks to create an environment free of harassment, bullying, and discrimination. The Dignity for All Students Act (DASA) prohibits harassment and discrimination of students by peers and school personnel. In addition, DASA explicitly prohibits bullying and cyberbullying. Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation, or sex.

If a student or a student's parent feels that a student is experiencing discrimination, bullying, or harassment by a fellow peer and/or Agency employee, they should inform the classroom staff, Administrator, Social Worker, and/or Educational Coordinator. Any Agency employee who becomes aware of potential discrimination, bullying, or harassment, either through student or parent report or as a witness to such actions, must immediately report such incident to the principal. Complaints will be investigated and disciplinary action, when necessary, will be firm, fair, and consistent.

### **VIII. Portable Electronic Devices Including GPS Devices**

Personal cell phones, MP3 players, iPods, Smart Watches and other electronic or *smart* devices may not be worn and/or used during the school day unless approved by your child's teacher for instructional or behavioral strategies. The use of cell phones or other electronic devices capable of capturing or transmitting images or recordings is prohibited without prior approval of the school and strictly prohibited in restrooms or changing areas. Mary Cariola is not responsible for any lost, stolen, or damaged devices.

Mary Cariola understands the need to keep our students safe, including those students who are prone to elopement. When an elopement plan has been demonstrated to be unsuccessful in keeping the student from wandering at school, a parent may provide a tracking device for their child in limited situations. Mary Cariola permits the use of a tracking device that can track the location of the student while in school subject to written approval by the Superintendent or his or her designee. However, to protect the privacy rights of all students and to maintain the school's legal obligation of confidentiality, a tracking device that enables any type of one-way or two-way audio and/or video communications or taping is not permitted. All tracking devices must be approved by the Superintendent or their designee prior to their utilization.

### **IX. Prohibited Student Conduct and Behavior Strategies**

Mary Cariola has adopted PBIS to establish a positive culture within our program that will encourage positive behavior and interactions while discouraging problem behaviors. The program has established four behavioral expectations:

- Be Safe
- Be Respectful
- Be Responsible
- Be Ready

All students are expected to conduct themselves in an appropriate, respectful and civil manner with proper regard for their rights and welfare of other students, school personnel and others, and for the care of school property.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. School personnel who interact

with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

The Code identifies clear and specific expectations for student conduct while at school, on school property and at a school function. The intent of the Code of Conduct is to focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate this Code or other Mary Cariola Rules/Policies will be required to accept the penalties for their conduct.

#### A. Incident Categories and Definitions

Students may be subject to disciplinary action, up to and including suspension from Mary Cariola Day Program and referral to law enforcement as necessary for engaging in any of the following categories. Each situation will be evaluated by the Education Supervisor and Superintendent and may include the Student's home school district. Disciplinary action will be imposed based on a variety of factors including but not limited to cognitive intent, intensity of the incident and previous incidents. Students who present with disciplinary behaviors that impact the safety of students and staff may be referred to their home district's Committee on Special Education ("CSE") or Committee on Preschool Special Education ("CPSE") in situations where Mary Cariola staff and administration do not believe Mary Cariola is an appropriate placement for that student.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

1. **Engage in conduct that is disorderly.** Disorderly conduct includes, but is not limited to:
  - a. Running in hallways;
  - b. Using language or gestures that are profane, lewd, vulgar, or abusive;
  - c. Obstructing vehicular or pedestrian traffic on Agency property;
  - d. Engaging in any willful act which disrupts the normal operation of the school community;
  - e. Trespassing;
  - f. Minor Altercations, including striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy the other person, but no physical injury results;
  - g. Computer/electronic communications misuse, including unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the Agency's acceptable use policy;
  
2. **Engage in conduct that is insubordinate.** Insubordination includes, but is not limited to:
  - a. Failing to comply with lawful and reasonable directions of teachers, administrators, or other school employees or otherwise demonstrating disrespect; failing to comply with rules or Agency policies; failing to comply with initial consequences for behavioral consequences;

- b. Any student's failure to be in school, either due to tardiness, leaving school grounds, skipping classes/detention, or truancy, that is due to the student's actions.
3. **Engage in conduct that is disruptive.** Disruptive conduct includes, but is not limited to:
  - a. Conduct that disrupts the learning environment of other students;
  - b. Production, possession, transmission, and/or distribution, by any means, or text material including inappropriate or sexually suggestive/explicit text or pictures;
  - c. Inappropriate sexual contact;
  - d. Display of personal electronic devices in a manner that is in violation of Agency policy.
4. **Engage in conduct that is violent.** Examples of violent conduct include, but are not limited to:
  - a. Committing an act of violence (e.g., hitting, kicking, punching, or scratching) upon Agency staff or another student, or the attempt to do so;
  - b. Intentionally damaging or destroying Agency property or the property of others;
  - c. Possessing a weapon;
  - d. Displaying what appears to be a weapon;
  - e. Threatening to use any weapon;
  - f. Threatening bodily harm to staff or students.
5. **Engage in any conduct that endangers the safety, physical or mental, health or welfare of others.** Examples of such conduct include, but are not limited to:
  - a. Misrepresenting oneself to school personnel by lying, forging or giving false identification;
  - b. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
  - c. Stealing or attempting to steal the property of another student's, school personnel, or any other person lawfully on school property or attending a school function;
  - d. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury;
  - e. Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation, or disability to deny rights, equitable treatment, access to facilities available to others or as a basis for treating another in a negative manner;
  - f. "Harassment" and "bullying," which means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or occurs off school

property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property. Acts of harassment and bullying include, but are not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. For the purposes of this definition the term "threats, intimidation, or abuse" shall include verbal and non-verbal actions;

- g. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm. This includes bomb threats of any nature.
- h. Hazing, this includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team;
- i. Cyberbullying or harassment or bullying through any form of electronic communication;
- j. Selling, using, distributing or possessing obscene material;
- k. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, drug paraphernalia, or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cannabaminetic agents, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs," and the unauthorized use or misuse of prescription and over-the-counter drugs, vitamins, supplements, herbs, or other similar substances is also prohibited.
- l. Smoking or possessing any smoking paraphernalia or nicotine dispensing device, including tobacco products defined as one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water or any other tobacco products; vaping which includes the use of E -cigarettes, which means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device;
- m. Using vulgar or abusive language, cursing or swearing;
- n. Encouraging others to fight as well as failing to follow directives to disperse in the event of a fight;
- o. Misuse of Agency computer hardware/software;
- p. Misuse of Agency e-mail and internet use;
- q. Bomb Threats. The reporting of a false bomb threat, as well as falsely reporting an incident of explosion, fire, or the release of a hazardous substance, is a Class E felony. Any individual(s), if convicted of falsely reporting a bomb threat, could face felony criminal prosecution, as well as a one-year suspension of their driver's license. Persons may face youthful offender or juvenile delinquency adjudication. Any bomb threat or falsely reporting an incident unrelated to school grounds is a Class A misdemeanor. Restitution of up to \$10,000 may be paid to municipalities, fire districts, and any other emergency service providers for costs associated with their response to a bomb threat on school grounds;

- r. False Fire Alarms/Tampering With Safety and/or Security Devices. It is expected that students will never report or pull a fire alarm without cause. Students will also not touch or in any way tamper with the AED devices or safety and security devices, including surveillance cameras. Any false reporting to 911 or any other emergency responder or school personnel, or tampering with safety and/or security devices is prohibited and subject to disciplinary action, including referral to the Brighton Police Department. These actions are a danger to the health and safety of all members of the community including the emergency responders who respond to the call.
6. **Engage in misconduct while on the school bus.** Students must comply with all rules and policies related to appropriate bus conduct.
  7. **Engage in any form of academic misconduct.** This includes, but is not limited to, cheating, copying, falsifying academic records, or assisting another in these actions.
  8. **Engage in off-campus misconduct that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or at a school function.** This includes, but is not limited to, cyberbullying and other electronic misuse that directly impacts the school environment.

#### **B. Weapons on Agency Grounds**

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board or its designee, no person may have in his/her possession any weapon on school grounds, in any Agency building, on a school bus or Agency vehicle (or vehicle transporting Mary Cariola Center's students), or at any school-sponsored activity or setting under the control and supervision of the Agency. This prohibition shall include, but not be limited to: any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

#### **C. Disciplinary Actions**

Students, who have violated this Code of Conduct, may be subject to the following, or a combination of the following disciplinary action(s). This discipline will be determined by the Principal and/or the Superintendent or other designee. All discipline is reported to the student's home district. It is the responsibility of the home district to conduct any long-term suspension hearings, manifestation meetings when warranted, and any other subsequent meetings (CSE, CPSE, etc.), in addition to identifying the need for and providing an Interim Alternative Educational Setting (IAES) when appropriate. When discipline is considered, it is imperative to carefully evaluate the incident and the student's developmental/cognitive age and his/her cognitive intent.

1. Verbal reprimand;
2. Written Warning;
3. Verbal Notification to Parent;
4. Written Notification to Parent;
5. Removal from the Classroom;
6. Suspension for the Remainder of the School Day (1 day suspension);
7. Suspension from School Event or Activity;
8. Short-Term Suspension from School (five days or less);
9. Request for Superintendent's Hearing at the Student's Home District; and
10. Long-Term Suspension from School (more than five days) – to be determined and imposed by home school district.

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

The Agency Superintendent or his/her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of the Agency as soon as practical, but in no event later than the close of business the day the violation is noted. The notification may be made by phone, and must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

#### **D. Discipline Procedures**

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

#### **E. Discipline of Students with Disabilities**

While the Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior, it acknowledges that a suspension and/or removal of a student at Mary Cariola Center is not a typical consequence to be imposed. The Board also recognizes that students with disabilities have certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct



affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

While it is not a typical consequence to suspend and/or remove a student from Mary Cariola, the following terms should be understood as a possibility if warranted.

a. Definitions

- i. A suspension means a suspension pursuant to Education Law §3214.
- ii. A removal means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- iii. An IAES (Interim Alternative Educational Setting) means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring. For disciplinary purposes, only the superintendent from a student's home public school district may order a student to an IAES, and only in situations where a manifestation was found between the student's misconduct and disability, but the misconduct involved a weapon, serious bodily injury, or drugs.
- iv. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either: (a) For more than 10 consecutive school days; or (b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals or is a pattern of removals which constitutes a change of placement because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another, a manifestation must be made. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

- b. **Manifestation Determination Review:** Prior to any disciplinary change in placement, a student is entitled to a manifestation determination review before further removal to determine whether a connection exists between the student's disability and the misconduct. A student's home public school district conducts manifestation determination reviews for Mary Cariola Center students. The Agency will notify a student's home school district whenever a manifestation determination review is required.

#### F. Corporal Punishment and Aversive Interventions

Mary Cariola Center prohibits the use of corporal punishment and aversive interventions in attempt to reduce or eliminate maladaptive behaviors of a student.

- Corporal punishment means any act of physical force upon a student for the purpose of punishing that student.
- Aversive interventions mean an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.
- **Corporal punishment does not mean the use of reasonable physical force for the following purposes:**
  1. To protect oneself from physical injury;
  2. To protect another pupil or teacher or any person from physical injury;
  3. To protect the property of the school, Agency, or others; or
  4. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of Agency or Agency functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts;

**provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in items 1-4 above.**

#### G. Use of Time Out Strategies & Time Out Rooms

A responsive classroom time out strategy is a positive and supportive technique used to interrupt an unacceptable behavior by directing the student away from the situation where the misbehavior is occurring. This allows the classroom work to continue while also allowing the student to remain in the educational environment of the classroom. Time out strategies may be considered when a student engages in behaviors that place other students at risk or when the student may need additional space to deescalate and regain control away from a potentially dangerous situation. All time out strategies will be implemented within the student's classroom space or the environment where the student is located when the behavior occurs (e.g., gym class, hallway). Separate time out rooms are **NOT** used at Mary Cariola. Staff must remain with the student while implementing a time out strategy. At Mary Cariola, a time out strategy may also be used for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her educational program. Except for

unanticipated situations that present immediate concern for the physical safety of the student or others, the use of a time out strategy can only be used under the following conditions:

- In conjunction with a Behavioral Intervention Plan (BIP) designed to teach and reinforce appropriate behaviors;
- Identified in the student's Individualized Education Program (IEP), outlining the time limit and procedures;
- The student is continuously observed and monitored at all times;
- The student is free to leave the area at his/her own will;
- Data is collected and continuously monitored by the Behavior Therapist and/or other appropriate staff and;
- Information is provided to the parent prior to initiation of a time out strategy program.

#### **H. Use of Emergency Physical Restraint**

Emergency physical restraint is only used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others. The type of physical restraint used is the least restrictive technique necessary and will be discontinued as soon as the imminent danger of serious physical harm has resolved. Physical restraint will not be used to prevent property damage except in situations where there is an imminent danger of serious physical harm to the student or others and the student has not responded to the positive, proactive behavioral interventions and strategies employed. It is never used in a manner to restrict the breathing of the student. Prone restraint is prohibited. Physical restraint is never used as a planned intervention on an individualized education program or behavioral intervention plan and is only used in an emergency as noted above. Physical restraints are only administered by staff who have received training, as indicated in NYS Education Law.

All staff working with students are trained annually in Nonviolent Crisis Intervention (NCI), which includes proactive, positive, and preventative behavioral strategies and in the safe and effective implementation of emergency physical restraints. This training is conducted by a certified NCI instructor.

#### *Procedures for the Implementation of Emergency Physical Restraint*

1. Emergency physical restraint interventions will be used ONLY in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed. They will be used only as a last resort when a student is engaging in behaviors that place themselves, other students, visitors, or staff in imminent danger.

**NOTE:** Emergency physical restraint interventions will NOT be used as a punishment or as a substitute for systematic behavioral interventions.

2. Any time an emergency physical restraint is implemented, the parent/caregiver will be notified in writing or by phone the same day.
3. When an emergency physical restraint is used, the following information is documented on the Emergency Physical Intervention Monitoring Log and maintained in documentation at Mary Cariola:
  - Name and date of birth of the student
  - Setting and location of the emergency physical restraint intervention
  - Name of all staff members involved
  - Date and time of the emergency physical restraint intervention
  - Type of emergency physical restraint intervention used
  - Duration of the emergency physical restraint intervention
  - Description of the incident, including what occurred before the behavior, what triggered the behavior and what occurred after the behavior
  - A statement of whether the student has a current behavior intervention plan
  - Details of any injuries sustained by the student or others, including staff, as a result of the incident
4. Any time an emergency physical restraint is needed, a safety check of the student will be completed. If a concern is noted a student injury form will be completed and maintained at Mary Cariola. The nurse or social worker will contact the parent/caregiver to report the injury.
5. As soon as practicable, and as identified in NYS Education Law, a debriefing of the incident will occur with the staff who participated in the event.

#### Review of Documentation of Emergency Physical Restraint Interventions

All Emergency Physical Restraint Intervention Monitoring Logs are reviewed weekly by the Crisis Intervention Supervisor. The Crisis Intervention Supervisor will ensure that all procedures were followed correctly and will determine if any additional follow-up is needed.

Any emergency physical restraint interventions resulting in an injury to a student or staff will be reviewed by the Safety Committee. This committee is comprised of supervisory staff from the nursing department, behavior therapy department, education department and human resources. The committee will review the details of the incident to determine if any additional follow-up is needed.

## **X. Searches and Interrogations**

The Board authorizes the search of students and their possessions for illegal matter or matters which otherwise constitutes a threat to the health, safety, welfare or morals of the school or which would materially or substantially interfere with the requirements of appropriate school discipline in the operation of the school. Any such matter discovered by a school official shall be subject to immediate seizure, the disposition thereof to be determined by the relevant facts and circumstances. Any illegal

or contraband materials will be turned over to an appropriate law enforcement agency. The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found on the student's person or possessions as the result of a search. Students and families should be aware that there is no expectation of privacy in school lockers, desks, cubbies, supplies, storage spaces, etc.

## **XI. Visitors to the Schools**

Mary Cariola strives to consistently maintain a safe environment for the students and staff. Anybody who is not a regular staff member or student at the school will be considered a visitor. It is encouraged that visits to Mary Cariola are made directly with the student's Social Worker. Upon entry into the building all visitors must sign in at reception and wear a visitor tag at all times. Visitors should be escorted throughout the building by the Social Worker or other designee. All visitors to Mary Cariola are subject to the same rules of acceptable language and behavior as students and school personnel. Any unauthorized person on school property will be reported to the administrator in charge or his or her designee. Unauthorized persons will be asked to leave.

## **XII. Nondiscrimination**

Mary Cariola Center in accordance with Title IX of the Educational Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, and the Age Discrimination Act of 1975, does not discriminate on the basis of race, color, creed, religion, national origin, political affiliation, sex, age, marital or veteran status, or disability. The Board recognizes its responsibility to provide an environment free from harassment and intimidation in the educational programs and activities it operates.

We do not permit discrimination by employees, school volunteers, students and nonemployees, such as contractors and vendors, as well as any third parties participating in, observing or otherwise engaged in activities subject to the supervision of the School. This includes recruitment and employment practices, pay and benefits, counseling services for students, and student accessed educational programs, courses and activities. The Board also prohibits harassment based upon an individual's opposition to the discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination, or participation in a related investigation or complaint proceeding under the anti-discrimination statutes.

This policy on non-discrimination and anti-harassment will be enforced on School premises, in school buildings and at all school sponsored events, programs and activities, including those that take place off school premises. Inquiries or complaints should be forwarded to the Superintendent.

*Mary Cariola Center's Code of Conduct will be reviewed annually and amended as necessary.*