

# TRADEWINDS EDUCATION CENTER



A DIVISION OF UPSTATE CARING PARTNERS

## Student Code of Conduct



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## Table of Contents

<b>Introduction</b> .....	<b>3</b>
<b>Student Rights and Responsibilities</b> .....	<b>4</b>
A. Student Rights.....	4
B. Student Responsibilities .....	4
<b>Parents and Personnel Rights and Responsibilities</b> .....	<b>6</b>
A. Parents .....	6
B. Teachers .....	6
C. Personnel.....	7
D. Educational Directors .....	8
E. Other Administrators .....	8
F. All TEC Employees .....	9
<b>Program Visitation</b> .....	<b>10</b>
<b>Student Dress Code</b> .....	<b>11</b>
<b>Prohibited Items</b> .....	<b>12</b>
<b>Prohibited Student Conduct</b> .....	<b>13</b>
<b>Reporting Violations</b> .....	<b>17</b>
<b>Progressive Discipline Policy</b> .....	<b>18</b>
<b>Student Discipline Procedures</b> .....	<b>19</b>
A. Detention.....	19
B. Suspension from Extracurricular Activities .....	19
C. In School Suspension .....	20
D. Teacher Removal of Disruptive Students.....	20
E. Suspension from School.....	23
<b>Discipline of Students with Disabilities</b> .....	<b>25</b>
A. Authorized Suspension or Remove of Student with Disability.....	25
B. Change of Placement.....	28
C. Special Rules Regarding Removal or Suspension of Students with Disability.....	29
<b>Addressing Challenging Behaviors</b> .....	<b>31</b>
A. Functional Behavior Assessment .....	31
B. Behavior Intervention Plan.....	32
<b>Emergency Interventions</b> .....	<b>34</b>
<b>Prohibited Strategies</b> .....	<b>35</b>
A. Corporal Punishment/Aversive Interventions .....	35
B. Time-out Room.....	35
C. Removal from the Classroom .....	35
<b>Abuse</b> .....	<b>35</b>
<b>Student Searches and Interrogations</b> .....	<b>36</b>
A. Student Lockers, Desks, and Storage Places.....	36
B. Documentation of Searches .....	36
<b>Child Protective Services and Investigations</b> .....	<b>37</b>
<b>Dignity Act</b> .....	<b>38</b>
<b>Program Handbook</b> .....	<b>38</b>

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## **Introduction**

Upstate Caring Partners and Tradewinds Education Center (TEC) is committed to providing a safe school environment where students with complex disabilities may receive and personnel may deliver quality educational services without significant disruption or interference. Responsible behavior by students, school personnel, parents/guardians, and other visitors is essential to achieving this goal. The TEC Code of Conduct serves as a guide to for helping understand and appreciate the norms of behavior within our school culture.

TEC has an established set of expectations for conduct on school property and at school functions. These expectations are rooted in Upstate Caring Partners's Treatment and Educational Philosophy. Tradewinds' policies already regulate many aspects of behavior expected of employees, students, and visitors to school property. However, this Code of Conduct more clearly defines these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

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## Student Rights and Responsibilities

### A. Student Rights

TEC is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all TEC students have the right to:

1. Take part in all TEC activities on an equal basis regardless of race, color, creed, national origin, religion, religious practice, gender or sexual orientation, age, weight, ethnic group, political status, marital status, or disability.
2. An explicit and consistently administered discipline code.
3. When possible, present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
4. Access school rules and, when necessary and possible, receive an explanation of those rules from school personnel.
5. Be treated in a respectful manner by other students and other members of the school community.
6. To an environment free of intimidation, harassment and discrimination.
7. School that is free of tobacco, alcohol, and drugs.

### B. Student Responsibilities

All TEC students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and property.
2. As much as possible, be familiar with and abide by all TEC policies, rules, and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their individual ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators, and other school personnel in a respectful and positive manner.
6. Work to develop skills to manage emotions and behavior.
7. When possible, ask questions when they do not understand something. Dress appropriately as per the dress code for school and school functions.
8. Accept responsibility for their actions when developmentally possible.

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9. Conduct themselves as representatives of the TEC when participating in or attending school-sponsored extracurricular events, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
10. To conduct themselves in a manner that fosters civility, kindness, and acceptance in the school environment free from harassment and discrimination.
11. Refrain from verbal, physical, and/or sexual harassment, any and all harassing/bullying/cyberbullying behaviors, and any conduct that may constitute hazing.

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## Parents and Personnel Rights and Responsibilities

### A. Parents

All TEC parents have the responsibility to:

1. Recognize that the education of their student is a joint responsibility of the parents and the school community.
2. Provide school officials with current working home, work and emergency telephone numbers (cell phones or pagers are insufficient by themselves) so that schools may reach parents to discuss student progress and other matters of mutual concern.
3. Send their student to school ready to participate and learn.
4. Ensure their student attend school regularly and on time.
5. Ensure that student absences are for a reason accepted as excused under New York Education Law and to provide appropriate school personnel with a reason for every absence.
6. Insist and help their student to be dressed and groomed in a manner consistent with the student dress code.
7. Help their student to understand appropriate rules are required to maintain a safe, orderly environment
8. Know school rules and help their student understand them.
9. Convey to their student a supportive attitude toward them, their education, and the TEC.
10. Build good relationships with TEC personnel.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Model behavior that is free from harassment or discrimination.

### B. Teachers

All TEC teachers have the responsibility to:

1. Maintain and foster a climate of mutual respect and dignity for all students regardless of (including, but not limited to) actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen students' self-concept and promote confidence to learn in the classroom and on school property.
2. Work to strengthen each student's self-concept and promote confidence to learn.

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3. Know their students as learners and demonstrate a commitment to student achievement.
4. Be prepared to teach and to demonstrate interest in teaching and professional development.
5. Know school policies, rules and this code, obey them and enforce them in a fair and consistent manner.
6. Communicate to students and parents
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Expectations for students
7. Communicate regularly with students, parents, and other teachers concerning student growth and achievement.
8. Know their school's emergency and security procedures and assist the school in their implementation, as appropriate.
9. Report all violations of this code to the Education Director or his/her designee.
10. Know and follow the procedures for student discipline in this code as they relate to teachers.
11. Know school rules and help students to understand them.
12. Maintain a learning environment that is free from harassment and/or discrimination.
13. Keep educational records confidential consistent with the Family Educational and Privacy Rights Act ("FERPA").
14. Be responsible for enforcing this Code of Conduct and making any timely notifications as required by this Code of Conduct.

### **C. Personnel**

1. Maintain and foster a climate of mutual respect and dignity for all students regardless of action or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.
2. For school counselors: assist students in coping with peer pressure and emerging personal, social and emotional problems; initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems; regularly review with students their educational progress and career plans; provide information to assist students with career planning; and encourage students to benefit from the curriculum and extracurricular programs.

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3. For school social workers, school psychologists, and clinicians: provide appropriate services as requested by the Education Director under the guidelines established by the Commissioner of Education.
4. Ensure appropriate communication with teacher/home/residence to ensure continuity of services and generalizing of outcomes.

#### **D. Educational Directors**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Education Director and approach the Education Director for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and foster a climate of mutual respect and dignity for all students regardless of action or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

#### **E. Other Administrators**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with TEC administrators the policies of TEC and Upstate Caring Partners and state and federal laws relating to school operations and management.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Work with TEC administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
5. Maintain and foster a climate of mutual respect and dignity for all students regardless of action or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

#### **F. All TEC Employees**

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1. Promote a safe and orderly school environment.
2. Know and obey this code of conduct and all other TEC rules and policies.
3. Maintain and foster a climate of mutual respect and dignity for all students regardless of action or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

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## Program Visitation

TEC welcomes and encourages parents/guardians to visit their student's program at our annual Open House, special events and school functions, and scheduled private parent/guardian visits and observations, as students who have educationally supportive and involved parents/guardians, historically experience greater academic, social-emotional, and behavior-related success.

However, it is of equal importance to maintain a consistent and structured learning environment that is minimally distracting and sensitive to confidentiality related to other students. Therefore, we kindly require that parents/guardians schedule private visits and/or observations of their student's program *at least* 48 hours in advance, so that TEC faculty and staff may prepare for and accommodate your visit. In addition, we encourage that parents/guardians act as school-based volunteers if available. Lastly, it is important that parents/guardians remember that our annual Open House serves as an informal function for all parents/guardians to visit the school building and their student's classroom.

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## Student Dress Code

Students are expected to dress correctly for the school environment. This means clean and well-fitting clothes that cover the body appropriately. Student's dress may not be disruptive, unsafe, or obscene. Dress that is disruptive to the educational process is not permitted. If a student's attire is deemed in violation of the TEC dress code policy, the parent/guardian will be contacted and requested to bring suitable clothing to the school for their student. For inappropriate accessory items, the Education Director reserves the right to confiscate the item. If the item can be legally returned, the parent/guardian must retrieve the item within 30 calendar days.

The following list of those items NOT PERMITTED is to serve as a guide and is not intended to be all-inclusive.

- Messages on clothing, jewelry, or personal belongings that are vulgar, obscene, libelous, sexually suggestive or intentionally insult others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
- Clothing that promotes and/or endorses the use of alcohol, tobacco or drugs and/or encourages other illegal or violent activities.
- Clothing that promotes gang-related involvement or insignias.
- Hats, hoods, bandanas or other headwear (except for religious or medical purpose).
- Accessories that could be used/perceived as weaponry, such as spiked wrist or ankle bands, spiked rings or lengthy chains of any size including, but not limited to, chains that are attached to wallets.
- Strapless, off-the-shoulder or revealing garments, bare midriff tops or halter tops.
- Stomach, back, buttocks, and chest must be completely covered and no undergarments may be showing (bras, boxers, underwear, etc.).
- See-through clothing.
- Shorts and/or skirts of an inappropriate length (i.e., shorts/skirts should be mid-thigh or longer).
- Wheeled/Unsafe Footwear — TEC prohibits wheeled footwear such as Heelys, Roller Skates, and Roller Blades. Unsafe footwear includes, but is not limited to: flip flops, high heel shoes and steel toed boots.
- Perfume, cologne, or personal hygiene that has a negative impact on others.
- Extremely revealing or excessively tight clothing.
- TEC administration reserves the right, if necessary, to add other items to this list, especially any and all items that may become associated with gang membership and/or affect the safety/security of the campus.

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The following is considered as acceptable dress for our students:

- Safe footwear
- Jeans, slacks, and khakis
- Shorts, mid-thigh or longer Capri pants
- Dresses and skirts/skorts mid-thigh or longer, T-shirts, turtleneck tops, collared shirts, crew neck shirts, and sleeveless blouses that provide appropriate coverage
- Sweaters, fleece, and sweatshirts
- Appropriate undergarments

***This list is not meant to be inclusive.***

### **Prohibited Items**

To discourage such criminal activity as stealing, jewelry, large amounts of money, etc., are prohibited. Personal or valuable items are not only distracting in an academic environment, but these items may be lost or stolen or used to influence the behavior of other students in a negative fashion.

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## Prohibited Student Conduct

The TEC serves students with complex disabilities. Many students are referred to TEC because of their *challenging behaviors*. For the most part, these behaviors are addressed through informal and formal interventions, such as behavior intervention plans (*see below*). While the student's disability is taken into account when addressing the challenging behaviors, due to the frequency, severity, legality, and/or risks that some behaviors pose, engaging in the following actions may result in discipline (including suspension) and/or police involvement.

Typically, progressive discipline will be utilized starting with a low level of discipline and progressing to suspension from school for various periods of time. Potential long-term suspension will be referred to a student's home public school district for consideration through a superintendent's hearing. The severity of misbehavior and the student's total disciplinary record will impact any decision regarding discipline.

TEC recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to meet that need and focus on safety and respect for the rights and property of others.

TEC has the right to discipline student misconduct on school property, at school functions, or off-campus if such conduct impacts the school environment. Further, the Code applies year-round, including summer recess and school breaks. Students may be subject to disciplinary action, up to and including suspension from school, when they:

### A. Engage in conduct that is disorderly

Examples of disorderly conduct could include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, abusive or disrespectful.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act, which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building

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7. Computer/electronic communications *misuse*, including any unauthorized use of computers, software, or internet/intranet account, and accessing inappropriate websites.

### **B. Engage in conduct that is insubordinate**

Examples of insubordinate conduct could include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for missing or leaving school without permission.
3. Failure to comply with the guidelines for appropriate student dress.

### **C. Engage in conduct that is disruptive**

Examples of disruptive conduct could include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school TEC personnel.
2. Inappropriate public sexual contact.
3. Display or *use* of prohibited items (see above).
4. Using unapproved electronic devices, including, but not limited to, cellular phones, camera phones, MP3 players, iPads, computers, smartwatches, game units, and/or other such electronic devices during classroom instructional time.
5. Behaviors and/or incidents causing disruption of the educational process and/or school operations that result in: (a) extraordinary use of administrative time, police involvement, or other outside agency assistance; (b) heightened student/family concerns about school safety; and/or (c) increased absence rates

### **D. Engage in conduct that is violent**

Examples of violent conduct include, but are not limited to:

1. Committing, attempting to commit, or threatening to commit an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing, attempting to commit, or threatening to commit an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student or employee to fear for his or her well-being.

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4. Possessing a weapon, including anything that could be used as an object that would appear to cause bodily injury. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
5. Displaying what appears to be a weapon or anything that could be used as an object that would appear to cause bodily injury.
6. Threatening to use any weapon or anything that could be used as an object that would appear to cause bodily injury.
7. Intentionally or recklessly damaging or destroying the personal property of a student, teacher, administrator, other school employee, or any person lawfully on school property, including graffiti or arson.
8. Intentionally or recklessly damaging or destroying school property.

**E. 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:

1. Lying to school personnel.
2. 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.
3. Stealing, vandalizing or attempting to steal/vandalize the property of other students, school personnel, or any other person lawfully on school property or attending a school function.
4. 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.
5. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
6. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

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8. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.
9. Hazing, which includes an induction, initiation or membership process involving harassment.
10. Selling, using, distributing or possessing obscene material.
11. Using vulgar or abusive language, cursing, or swearing.
12. Smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco.
13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
14. Falsely reporting a bomb threat or other threat of harm regarding the school community, including members of the school community, in any written, electronic, or verbal form.
15. Inappropriately using or sharing prescription and over-the-counter drugs.
16. Gambling.
17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
18. Use and/or display of electronic media (such as e-mail, text messages, messages sent through social media websites and other such messages) to knowingly transmit, retrieve, or store any communication (e.g. forwarded emails that contain jokes, pictures, promoting a violation of school rules etc...) that are:
  - a) Discriminatory or harassing;
  - b) Derogatory to any individual or group;
  - c) Obscene, sexually explicit or pornographic;
  - d) Defamatory or threatening;
  - e) In violation of any license governing the use of software;
  - f) In violation of any other law or rule; or
  - g) Engaged in, for a purpose, that is illegal or contrary to this Code or school interests and/or reputation



## Reporting Violations

When possible, all students are expected to promptly report violations of the code of conduct to a teacher, counselor, the Building Education Director or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Education Director, or the Education Director's designee. All school staff authorized to impose disciplinary sanctions are expected to do so promptly, fairly and lawfully. TEC staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The Education Director 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 a school as soon as practical, but in no event later than the close of business the day the Education Director or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

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## Progressive Discipline Policy

TEC students are expected to demonstrate socially appropriate and safe behavior while on campus. The design of the progressive discipline policy allows students to improve their behavior through counseling, support and guidance before major disciplinary actions are assigned. A student's age, nature of offense, prior disciplinary actions, information from providers/caretakers, and other extenuating circumstances are considered when taking disciplinary actions. Students are entitled to the protections for students with disabilities as described below.

Disciplinary action, when necessary, will be firm, fair and consistent to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

Generally, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. Students who *willfully* and *knowingly* disregard school policy may be subject to progressive discipline sanctions.

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

1. Verbal warning – any member of the school staff
2. Written warning –hall and lunch monitors, teachers, and administrators
3. Written notification to parent –hall and lunch monitors, teachers, and administrators
4. Detention –teachers, administrators. If a discipline referral is written, the parent must be contacted prior to detention being served.
5. Suspension from social or extra-curricular activities – activity directors, club advisors, administrators

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6. Suspension from other privileges – administrators
7. In-school suspension (including Off-Site) – Principals
8. Removal from classroom –teachers, Principals
9. Short-term (five days or fewer) suspension from school – Principals,
10. Long-term (more than five days) suspension from school –Students will be referred to their home public school district for determination about whether to conduct a superintendent’s hearing

When applicable, students may also be disciplined by their home public school districts in accordance with their respective Codes of Conduct.

## **Student Discipline Procedures**

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed and must investigate 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.

Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### **A. Detention**

Teachers and Principals may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

### **B. Suspension from extracurricular activities and other privileges**

A student subjected to a suspension from extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and student’s parent will be provided with a reasonable opportunity for an informal conference with the school official imposing the suspension to discuss the conduct and the penalty involved.

### **C. In-school Suspension**

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The TEC recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the TEC authorizes Principals to place students who would otherwise be suspended from school as the result of a Code violation in “in-school suspension.” “In-school suspension” is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the school official imposing the in-school suspension to discuss the conduct and the penalty involved.

#### **D. Teacher Removal of Disruptive Students**

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “timeout” in an elementary classroom or in an administrator’s office; (2) sending a student into the hallway briefly; (3) sending a student to the Principal’s office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other school staff member for counseling. Time-honored classroom management techniques like these do not constitute disciplinary removals for this Code.

On occasion, a student’s behavior may become disruptive. For purposes of this Code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

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A classroom teacher may remove a student from class for up to two days if they determine the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order their removal immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within one full school day.

The teacher must complete a referral form and meet with the Principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the Principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal prior to the beginning of classes on the next school day.

Within 24 hours of the student's removal, the Principal or another administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from the class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. *The informal meeting must occur within 48 hours of the student's removal.*

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If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher, and Principal. The attendance of the teacher at the informal meeting will be at the discretion of the Principal.

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law.
3. The conduct warrants suspension from school pursuant to Education Law § 3214 and a suspension will be imposed.

The Principal or his/her designee must make a determination as to whether to overturn the removal before the close of business on the day of the informal meeting. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his/her class until he/she has verified with the Principal or the Chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

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Nothing in this section of the Code abridges the customary right or responsibility of a Principal to suspend a student. Further, nothing in this Code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as “time out” in an elementary classroom or in an administrator’s office or sending students briefly into the hallway are not considered removals from class. The removal process should not interfere with good classroom management.

#### **E. Suspension from School**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The TEC retains its authority to suspend students, but places primary responsibility for the suspension of students with the Building Principals.

All staff members must immediately report and refer a violent student to the Principal for a violation of the Code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Principal, upon receiving a referral that may warrant a suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

##### **1. Short Term (five days or fewer) Suspension from School**

When the Principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law § 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from the school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension

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at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless in the opinion of the Principal the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of distraction, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the Suspending Authority shall promptly advise the parents in writing of his or her decision. The Suspending Authority shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal directly to the Board, within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

## **2. Long Term (more than 5 days) Suspension from School**

Students who may be subjected to a long-term suspension (i.e., more than 5 days), will be referred to their home school districts for a potential superintendent's hearing in accordance with their Code of Conducts.

## **Discipline of Students with Disabilities**

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All students at the TEC are students with disabilities. They are therefore entitled to additional protections in certain disciplinary situations. Students who are entitled to a manifestation determination review will be referred to their home school districts for the manifestation determination review meeting.

The TEC recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behaviors. The TEC also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The TEC 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 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.

#### **A. Authorized Suspension or Removal of Students with Disabilities**

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

1. **“Student with a disability”** means a student who falls within one of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) and Section 200.1(zz) of the Commissioner of Education regulations, and who, because of such classification, needs special education or related services. This also includes students who qualify as a student with a disability pursuant to Section 504 of the Rehabilitation Act, and who, because of such qualification, need a Section 504 Plan.
2. **“Student presumed to have a disability”** means a student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action. This includes the school having knowledge that such student had a disability if prior to the time the behavior occurred:
  - a) The parent of such student expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
  - b) The parent of the student requested a Committee on Special Education (CSE) or Section 504 evaluation of the student; or

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- c) A teacher of the student, or other personnel of the school, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education or to other supervisory personnel of the school.

A student is *not* presumed to have a disability when:

- a) The parent of the student has not allowed a CSE or Section 504 evaluation of the student;
- b) The parent of the student has refused CSE or Section 504 services; or
- c) It was determined that the student is not a student with a disability as defined by the CSE or Section 504 Team

Students presumed to have a disability are entitled to the same disciplinary protections as students with disabilities.

3. **“Suspension”** means a suspension pursuant to Education Law § 3214.
4. **“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/herself or others; or a change in placement to an IAES ordered by the Superintendent for misconduct in which the student was found guilty at a long-term suspension hearing, but was determined to be a manifestation of the student’s disability, because the student inflicted serious bodily injury upon another person while at school, on school premises or at a school function; carries or possesses a weapon in school, on school premises or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function.
5. **“Interim Alternative Educational Setting (IAES)”** means a temporary educational placement for a period of up to 45 school 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.

School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:

1. The Building Principal or administration from a student's home public school district may suspend a student with a disability for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior, except when such short-term suspension will result in a change in placement as identified below.
2. The Superintendent of a student's home school district may suspend a student with a disability up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (1) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior. Such suspension cannot be determined to result in a change in placement as identified below. Students with disabilities who are suspended for more than five consecutive schools days pursuant to a finding of guilt at a Superintendent's hearing shall be entitled to a manifestation determination review ("MDR") at the second phase of that hearing. Should a manifestation be found at that MDR, the student is entitled to return to school immediately, even if the student has not served the full period of suspension.
3. The Principal may order additional suspensions of not more than five consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
4. When a student with a disability is found guilty at a long-term suspension hearing and the misconduct is determined to be a manifestation of the student's disability by the MDR team, the Superintendent of the student's home district may order the placement of a student with a disability in an IAES to be determined by the CSE for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days, if the student inflicts serious bodily injury, carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or

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sells or solicits the same of a controlled substance while at school or a school function.

- a) **“Serious bodily injury”** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- b) **“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which include “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”
- c) **“Controlled substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- d) **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act of any other federal law.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others. Placement in an IAES by an impartial hearing officer would require the home school district to first initiate an impartial due process hearing. Placement in an IAES for an impartial hearing officer does not require student disciplinary proceedings.

## **B. Change of Placement**

A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

1. For more than 10 consecutive school days; or
2. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the nature of the conduct/behavior that resulted in suspension or removal, the length of each suspension or removal, the total amount of time the student is removed and/or the proximity of the suspensions or removals to one another.

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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 (as described above, based on the nature of the conduct/behavior for each suspension/removal, the length of each suspension/removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another) unless a manifestation determination review is first conducted and no manifestation is found according to the procedures below.

However, the school may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the MDR has determined that the behavior was not a manifestation of the student's disability. Students whose behavior was determined to be a manifestation of their disability may be placed in an IAES by the Superintendent of their home school district according to the requirements provided above when their behavior involves serious bodily injury, weapons, illegal drugs, or controlled substances. Students may also be placed in an IAES by an impartial hearing officer as a result of an impartial due process hearing according to the procedures provided above when the student's current educational placement poses a risk of harm to the student or others.

### **C. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

1. The student's home public school district's manifestation determination review team ("MDR") shall:
  - a) Conduct a review of all relevant information related to the student's conduct and the student's disability to determine whether the student's conduct is a manifestation of the disability. Such review must be made immediately, if possible, but in no case later than 10 school days after:
    - i. A decision is made by the Superintendent of Schools to change the placement of a student to an interim alternative educational setting; or
    - ii. A decision is made by an impartial hearing officer to place a student in an interim alternative educational setting; or
    - iii. A decision is made by the Board of Education (of the home school district), Building Principal or Superintendent (of the home school district) to impose a suspension that constitutes a disciplinary change in placement.

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- b) The MDR team will determine whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school's failure to implement the student's IEP or Section 504 Plan.
- c) For students with disabilities who are found guilty of misconduct at a Superintendent's disciplinary hearing for a long-term suspension, the MDR will be conducted during phase two of the hearing.

The home district's Committee on Special Education/Section 504 Team shall, for students whose misconduct is determined by the MDR team to be a manifestation of the student's disability:

- A. Conduct a functional behavioral assessment and implement a behavioral intervention plan; or
- B. If a functional behavioral assessment has already been conducted and a behavioral intervention plan has already been implemented, meet to review such plan and its implementation and modify the plan and its implementation as necessary, to address the behavior that was related to the student's misconduct.

The parents of a student with disabilities a disability subject to a suspension of five (5) consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of students without disabilities under the Education Law.4. The removal of a student with a disability other than a suspension or placement in IAES shall be conducted in accordance with the due process procedures applicable to such removals of students without disabilities, except that school personnel may not impose such removal for more than ten (10) consecutive days or for a period that would result in a disciplinary change in placement, unless the MDR team has determined that the behavior is not a manifestation of the student's disability. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services to the extent required under IDEA.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy. Such services will be identified in coordination with the student's home school district.

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## Addressing Challenging Behaviors

Whenever a student exhibits repeated series of behaviors, developing into a pattern of related behavior episodes, a Functional Behavior Assessment (FBA) will be conducted to begin to determine why the student engages in behavior that impedes the educational process for him/her and/or other students and how such behaviors relate to the school environment. Students who may require an FBA will be referred to their home school district's CSE. The home school district's CSE will generate and obtain the required parental consent and hold a CSE meeting when the FBA is completed to review the evaluation and determine the need for a BIP.

### A. Functional Behavior Assessment (FBA)

The FBA must (as appropriate), be based on multiple sources of data and must include, but is not limited to:

- Information obtained from direct observation of the student
- Information from the student, the student's teacher(s) and/or related service providers
- A review of available data and information from the student's record and other sources including any relevant information provided by the student's parent and student

The FBA, completed by personal with training and expertise in behavior analysis must include and provide:

1. Identification of the challenging behavior and defining it concretely.
2. Identification of the contextual factors contributing to the behavior (including cognitive and affective factors).
3. A hypothesis, regarding conditions and consequences that maintain the behavior.
4. Data obtained from observation of the student and data from faculty staff and student
5. Data obtained from the student's educational records and parent interviews.
6. Assessment of preferences for reinforcement
7. A baseline of the student's problem behavior to include: Frequency, duration, intensity throughout all activities, settings, people, and day.
8. A reference to a Behavior Intervention Plan that includes alternative behaviors, reinforcing consequences, recommendations for teaching alternative skills for the behaviors, and an assessment of the student's preferences for reinforcement.

The results of the FBA must be considered at meetings of the CSE and CPSE for the development of a student's individualized education program (IEP).

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**B. Behavior Intervention Plan (BIP)**

A behavioral intervention plan (BIP) is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, baseline measure of problem behavior (including frequency, duration, intensity, and/or latency), global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

The development of a BIP must be considered when the results of the FBA indicate that:

- The student is engaging in persistent behaviors that impede his or her learning or that of others, despite consistently implemented general school-wide and classroom-based positive behavioral supports;
- The student's behavior places the student or others at risk of harm or injury;
- CSE or CPSE is considering more restrictive programs or placements as a result of the student's behavior; and/or
- The student is subject to disciplinary actions and a determination has been made that the behavior is related to the student's disability through the manifestation determination process.

Behavior Intervention Plan has:

1. A description of the problem behavior, including baseline data regarding the problem behavior
2. Global and specific hypothesis on root cause of behavior.
3. Intervention strategies with positive behavioral supports that address behavior.
4. A schedule to measure the effectiveness of the interventions, including frequency, duration, and intensity of targeted behaviors at scheduled intervals.
5. Regular progress monitoring of all behavior interventions.

A student's need for a BIP must be documented in the IEP and the plan must be reviewed at least annually by the CSE or CPSE. Staff will be trained by the classroom behavior therapist in the implementation of the BIP. Parents will be invited to participate in the development and ongoing progress monitoring of a behavioral intervention plan.



## Physical Restraints

According to the Commissioner's Regulations and New York State Education Department guidance, physical restraints shall be used in "a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of physical harm to the student or others." Physical restraints may only be used as a last resort option and in situations where alternative procedures and methods not involving the use of physical restraint cannot be reasonably employed. They may not be used as a punishment or a substitute for systematic behavioral interventions to support student behavior.

The TEC is responsible for ensuring that all staff working with school-age students are trained in proactive, positive and preventative behavioral strategies and in the safe and effective implementation of physical restraints. All staff working with students receive training in specific physical restraint techniques.

Documentation must be kept whenever a physical restraint is used with a student, and must include:

- The name and date of birth of the student;
- The setting and the location of the incident;
- The name of the staff or other persons involved;
- A description of the incident and the physical restraint used, including duration;
- A statement as to whether the student has a current behavioral intervention plan; and
- Details of injuries sustained by the student or others, including staff, due to the incident.

The student's parent must be notified when a physical restraint has been used with his/her student. A copy of the documentation will be provided to the parent of the student for their records. The documentation of physical restraint must be reviewed by school supervisory personnel and as necessary, the school nurse or other medical personnel.

For additional information on the physical restraint policy and state regulations please see our website at: <https://www.upstatecp.org/education/>

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## Prohibited Strategies

### A. Corporal Punishment/Aversive Interventions:

Any form of physical punishment that involves the deliberate infliction of pain as retribution for an offense, or for the purpose of disciplining or reforming a student, or to deter attitudes or behavior deemed unacceptable is NOT a method of intervention used by Upstate Caring Partners, any of its education programs, or staff at any of its sites.

### B. Time-out Room:

TEC policy strictly prohibits use of any time-out room as a means of student discipline or to reduce/eliminate challenging behavior of a student.

### C. Removal from the Classroom:

Students are never physically removed from a classroom. In emergency situations where safety has not been established with the emergency strategies above, police will be contacted to address the situation.

### D. Seclusion:

Students are never confined to a room or space alone that they are physically prevented from leaving, or that they may perceive they cannot leave at will.

## Abuse

Staff are considered to be mandated reporters and have a responsibility to report an abusive situation involving any student. It is required that they report if they observe any abuse perpetrated by any staff member. The situation is reported to the Education Director who will request direction from UCP's Compliance Department and follow-up with the Justice Center, New York State Education Department, and possibly the Child Abuse Hotline. It should be noted that staff may contact the Justice Center directly if he or she chooses. If any case is accepted by any regulatory body, a call will be made to the parents by TEC to inform them of the investigation and update them to the status of their student and any steps taken to ensure his or her safety. At the conclusion of the investigation, the investigative body will contact parents to provide the results of that investigation.

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## **Student Searches and Interrogations**

The TEC is committed to ensuring an atmosphere on school property, at school functions, and in school-sponsored activities/trips that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the TEC's Code. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. Students do have the right to be told, upon request, why they are being questioned.

In addition, the TEC authorizes Principals to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the school's Code. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a back pack without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may further search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than school employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. School employees will be considered reliable informants.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or the TEC's Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Searches will be conducted in the presence of two adults whenever possible.

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**A. Student Lockers, Desks, and Storage Places**

The rules in this Code regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

**B. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched
2. Reasons for the search
3. Basis of information leading to search
4. Purpose of search (that is, what item(s) were being sought)
5. Type and scope of search
6. Person conducting search and his/her title and position
7. Witnesses to the search
8. Time and location of search
9. Results of search (that is, what item(s) were found)
10. Disposition of items found
11. Time, manner and results of parental notification

The Principal/designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal/designee shall retain control of the items, unless the items are turned over to the police. The Principal/designee shall be responsible for personally delivering dangerous or illegal items to police authorities. A student who refuses to cooperate with a search shall be deemed to be insubordinate and subject to appropriate penalties including suspension from school.

## **Child Protective Services Investigations**

Consistent with the TEC's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the school will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected abuse, and/or neglect, or custody investigations. This includes the school providing data and assistance to local Child Protective Services workers, or members of a multi-disciplinary team accompanying such workers who are responding to allegations of suspected abuse, and/or neglect, or custody investigation. Such data and assistance include access to educational records relevant to the investigation, as well as access to any student named as a victim in a report or a sibling of that student, or a child residing in the same home as the victim. Such access includes conducting an interview of such student without a court order or the consent of the parent, guardian, or other person legally responsible for the student when Child Protective Services encounters circumstances that warrant interviewing the student apart from family or other members of the home or household where abuse or maltreatment allegedly occurred.

All requests by Child Protective Services to interview a student on school property shall be made directly to the Principal. Child Protective Services workers and any associated multi-disciplinary team members must comply with the school's procedures for visitors, provide identification and identify the student(s) to be interviewed. The Principal shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he/she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

*For copies of the Tradewinds Education Center Student Code of Conduct in languages other than English, please contact the Education Director of your student's program.*

## **Dignity Act**

TEC is committed to providing an education environment that promotes respect, dignity, and equality. TEC recognizes that acts of discrimination and harassment, including bullying, taunting, or intimidation are detrimental to student learning and achievement. These behaviors interfere with the mission of the school to educate its students and disrupt the operation of its schools. Such behavior affects not only the students who are its targets, but also those individuals who participate in, and witness such acts.

To this end, the TEC condemns and strictly prohibits all forms of discrimination and harassment, including bullying, taunting or intimidation, against students by students and/or employees on school property, which includes (among other things) school buses, and at school functions, which means school-sponsored, extra-curricular events or activities. Moreover, bullying/harassment may include, but is not limited to, actions both on and off school property and the use of information technology (e.g., text messaging, e-mail, online gaming, social networking websites) to deliberately bully or harass another student.

## **Program Handbook**

The TEC Education and Residential Program Handbook is reviewed on a yearly basis in order to remain current and reflect any changes that occur over time. There is a group of faculty that reviews the handbook in order to provide needed updates and approval is obtained from the Administrative Tier. The Handbook is provided to the parents/guardians of each student admitted to the TEC program whether a day student or residential student. The Handbook is also available to those Committee on Special Education Chairpersons, parents, and guardians who request it. The Upstate Caring Partners website is available to the public to gain information about the TEC.

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