

**GATEWAY-LONGVIEW
EDUCATIONAL PROGRAMS**

Code of Conduct Policy Manual



Gateway Longview

protect • enrich • give hope

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STUDENT RIGHTS AND RESPONSIBILITIES

Gateway-Longview is committed to safeguarding the rights of all students and to promote a safe, healthy, orderly and civil school environment.

GATEWAY-LONGVIEW'S LYNDE SCHOOL STUDENT RIGHTS AND RESPONSIBILITIES:

	<u>RIGHTS</u>	<u>RESPONSIBILITIES</u>
1.	To attend the Lynde School and be granted the opportunity to receive a quality education.	To attend school on time, perform assignments, and strive to do your highest quality work.
2.	To be made aware of the Lynde School's rules and policies, and to be treated in a manner consistent with these policies when resolving disciplinary matters.	To understand the Lynde School's Code of Conduct, obey the rules it contains and to be accountable for your actions. This will be reviewed at the start of every school year.
3.	To have the opportunity to present your version of the facts and circumstances in all disciplinary matters.	To be truthful and respectful in the resolution of conflicts with all parties involved.
4.	To take part in all the Lynde School activities on an equal basis regardless of race, sex, religion, age, political affiliation, sexual orientation, use of recognized guide dog, hearing dog and service dog, national origin, or disability.	To be respectful and supportive to all who are participating in the Lynde School's academic and extracurricular activities.
5.	To feel safe in the school environment and not be intimidated or harassed by others.	To behave in a manner that will not jeopardize the safety and well being of yourself or others, and respect and treat others in a fair and equitable manner.
6.	To express your style and dress according to your own individual taste.	To dress in a safe manner that is not educationally distracting to others, is appropriate to the program and is in accordance with the Lynde School's dress code policy.

WORKING TOGETHER TO BUILD A POSITIVE SCHOOL ENVIRONMENT

All parents and guardians are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents/guardians and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused
5. Insist their children be dressed and groomed in a manner consistent with the student dress code, uniform requirements and/or safety requirements for specific programs.
6. Know school rules and help their children understand them.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Promote positive behavior in their children by helping them to accept the consequences of their actions and by becoming involved in the behavior management/disciplinary process.
9. Convey to their children a supportive attitude toward education and Gateway-Longview.
10. Build positive relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Meet with their child's social worker twice per month for Parent Counseling and Training sessions.
14. Practice common courtesy when interacting with staff.
15. Review and adhere to the Code of Conduct. A written copy will be provided on an annual basis.

All teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen student's self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching, concern for student well-being, achievement and educational progress, and respond appropriately to the individual needs of each student.
4. Be knowledgeable of and be able to apply effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques.
5. Communicate to students and parents that which is important to each student's emotional, social, behavioral and academic progress, including but not limited to:
 - a. Course objectives and requirements,
 - b. Marking/grading procedures,
 - c. Assignment deadlines,
 - d. Expectations for students,

- e. Classroom incentive plan,
 - f. Building-wide behavior management plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
 7. Adhere to the Code of Conduct for Gateway-Longview's Lynde School.
 8. During the first staff meeting of the Fall Semester, the Code of Conduct will be reviewed.

All Related Service Providers (including Counselors, Social Workers, Art, Speech, Physical and Occupational Therapists) are expected to:

1. Provide services in accordance with the student's Individual Education Program (IEP).
2. Support the student and their family in achieving behavioral and educational goals.
3. Apply and advise staff of effective intervention techniques to aid student progress.
4. Refer students and families to necessary services (including but not limited to: medical, psychological, and/or psychiatric).
5. Communicate regularly with families and staff regarding student progress.
6. Adhere to the Code of Conduct for Gateway-Longview's Lynde School.
7. During the first staff meeting of the Fall Semester, the Code of Conduct will be reviewed.

All student support service personnel and teacher aides are expected to:

8. 1. Provide educationally related service(s), as appropriate, to support students in their educational program.
2. Support educational and academic goals.
3. Assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems.
4. Know Gateway-Longview's Lynde School policies and rules and enforce them in a fair and consistent manner in accordance with the Code of Conduct.
5. Be knowledgeable of and be able to apply effective classroom behavior/building management techniques and non-violent crisis intervention philosophy and techniques.
6. Communicate regularly, as appropriate, with students, parent and other staff.
7. Adhere to the Code of Conduct for Gateway-Longview's Lynde School. During the first staff meeting of the Fall Semester, the Code of Conduct will be reviewed.

All building administrators are expected to:

1. Promote a safe, orderly and academically stimulating school environment that supports active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the building principals and approach the building principals for redress of grievances.
3. Evaluate all instructional programs for which they are responsible on a regular basis.
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. Be knowledgeable of and be able to apply effective classroom behavior/building management techniques, and non-violent crisis intervention philosophy and techniques and assure their utilization in the building/program.
7. Ensure that a building-wide behavior management system is created and supported to meet the needs of students enrolled in their building.

All other Gateway-Longview Lynde School staff are expected to:

1. Perform specialized non-instructional duties that support the operational functioning of the Lynde School
2. Know school policies and rules and support the implementation of the Code of Conduct.
3. During the first staff meeting of the Fall Semester, the Code of Conduct will be reviewed.

All visitors are expected to:

1. Follow established procedures for visiting the Lynde School.
2. Conduct their visit in a manner that does not disrupt the learning environment.
3. Adhere to expectations regarding civil and respectful behavior in an educational environment.

STUDENT CIVILITY AND DRESS CODE

Gateway-Longview's Lynde School expects all students to conduct themselves in an appropriate and civil manner per the Gateway-Longview's Lynde School Code of Conduct, with proper regard for the rights and welfare of other students, personnel and other members of the school community, and for the care of facilities and equipment. Students should respect their peers, teachers, and school staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate in demonstrating respect for self and others. Profanity, vulgar language including, but not limited to, negative comments based on race or ethnicity and obscene comments or gestures toward others will not be tolerated.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

- Be safe, appropriate and not disrupt or interfere with the educational program
- Recognize that extremely short, tight, low cut and/or see-through garments are not appropriate
- Ensure that underwear is completely covered with outer clothing
- Include footwear at all times. Footwear that is a safety hazard will not be allowed. (Including but not limited to flip flops or any footwear without a back)
- Not include items that are vulgar, obscene, or denigrate others on account of race, color, religion, creed, national origin, age, political affiliation, sexual orientation, gender or disability
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities
- Not display any signs of gang affiliation

This policy does not mean that students, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a Gateway-Longview function so long as his/her dress and appearance meet the above requirements.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with the acceptable item. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

CELL PHONES AND ELECTRONIC DEVICES

Gateway-Longview shall not assume any responsibility for theft, loss, or damage of a cell phone or electronic devices that are brought to school by students. Whereas the policy exists, we recognize that electronic devices, including cell phones often accompany students to school.

Student possession of cell phones and electronic devices during the school day are permitted for students on Level 1 only. The cell phones and electronic devices for students on Level 2, 3 and 4 will be collected from the student upon arrival and secured within that student's homeroom. Students will not be permitted to access their phones or electronic devices at any time during the school day. Student cell phones and electronic devices will be returned prior to dismissal at the close of each school day.

Students on Level 2, 3 or 4 that refuse to turn in their cell phone or electronic device at the beginning of the school day will be permitted to earn their Task Completion Points only, as long as they are completing work and complying with other directives. Those students are also prohibited from cafeteria privileges for breakfast and lunch.

Should refusal to turn in cell phones or electronic devices become a chronic issue, Parents and/or Guardians will be contacted to discuss the matter.

Students on Level 1 have earned the privilege to carry a cell phone and/or electronic device. Should the cell phone or electronic device become a distraction to the educational setting or be misused, the privilege may be suspended for a period of time to be determined by administration.

In the case of an emergency, your child can be reached at any time during the school day by calling (716) 783-3100.

Students are prohibited from using or having on, or in an operational mode any cellular phone, laser pointer or pen and/or electronic device during instructional time, unless granted specific permission by school staff. Students are prohibited from using any electronic or recording device in any manner which invades the privacy of students, employees, volunteers or visitors or is otherwise in violation of the law or any provision of this Code of Conduct. Any violations of this rule are subject to disciplinary action. A student's electronic device may be confiscated and

subject to a search, if school officials have reasonable suspicion to believe that the search will reveal evidence of a violation of law, the Code of Conduct, or other school rules. Unauthorized use of a personal computer or laptop through the Gateway-Longview Lynde School's computer system is prohibited.

PROHIBITED STUDENT CONDUCT

Students are expected to behave with dignity and treat others with respect and courtesy. The Lynde School program promotes students' learning to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. School staff are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to learn from their mistakes.

The rules of conduct listed below are intended to focus on safety and respect for the rights and property of all students and staff. Students who violate these school rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is: disorderly/disruptive, insubordinate, violent, endangers the safety, morals, health or welfare of others, or is otherwise dishonest (academic misconduct).

Conduct that is Disorderly/Disruptive

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

- Engaging in any act which disrupts the normal operation of the school community or educational environment. This includes running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
- Trespassing - Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violations.
- Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, and other personal electronic devices deemed inappropriate by the administration).
- Misconduct on a school bus

Conduct that is Insubordinate

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

- Failing to comply with the reasonable directions of teachers, school administrators or other Gateway-Longview employees or otherwise demonstrating disrespect.
- Missing or leaving school or class without permission.

Conduct that is Violent

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

- Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student, teacher, administrator or other Gateway-Longview employee.
- Possessing a weapon, displaying what appears to be a weapon, threatening to use any weapon(s) or using weapon(s).
- Intentionally damaging or destroying Gateway-Longview property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other Gateway-Longview employee or any person lawfully on Gateway-Longview property, or at a Gateway-Longview function.
- Communication by any means, including oral, written or electronic (such as through the Internet or e-mail) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in, or can be reasonably forecast to result in, disruption to the educational environment.

Conduct That Endangers the Safety, Morals, Health or Welfare of Others

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

- Lying, deceiving or giving false information to school personnel.
- Stealing Gateway-Longview property or the property of other students or staff
- Making false statements or representations about a person or identifiable group of people that harm the reputation of the person or group by demeaning them (Defamation). This can include posting, publishing or disseminating written materials, video, audio recordings or pictures that are defamatory on the Internet (YouTube, Facebook, MySpace, etc.) or on a cell phone.
- Discrimination, which includes the use of race, age, sexual orientation, creed, national origin, religion, gender or disability as a basis for treating another in a negative manner.
- Harassment, which includes a communication (verbal, written, electronic or graphic) and/or physical conduct based on an individual's actual or perceived race, religion, national origin, political affiliation, sexual orientation, gender, age, marital or veteran status or disability.
- Bullying and intimidation, which includes engaging in actions or statements that a reasonable person would interpret as a threat to place an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, websites, chat rooms, and text messaging, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature (including taking, sending or receiving sexually explicit videos, pictures or auditory recordings).
- Retaliating against any individual, who in good faith, reports or assists in the investigation of prohibited conduct.
- Displaying overt signs of gang affiliation or engaging in gang-related behaviors that have been observed to increase the level of conflict or violent behavior in the school or under

circumstances in which school authorities may reasonably forecast violence or substantial disruption of school activities.

- Hazing, which 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.
- Selling, using, possessing or distributing obscene material.
- Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal substances, or being under the influence of any of these. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
- Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
- Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
- Gambling and gaming.
- Inappropriate touching and/or indecent exposure.
- Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
- Violating gender privacy when using school restroom facilities.

Academic Misconduct

Examples of academic misconduct include, but are not limited to:

- Plagiarism
- Cheating
- Copying
- Altering records/forgery
- Assisting another student in any of the above actions

DISCIPLINARY CONSEQUENCES AND PROCEDURES

Gateway-Longview understands that students with disabilities often display a range of behaviors which would be deemed disruptive within a regular education setting. These behaviors may include conduct that is disorderly, insubordinate, disruptive, and/or violent. Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede learning, the Lynde School uses a variety of classroom management techniques including: positive supports; strategies and interventions to improve students' motivation, social skills, problem solving, anger management and conflict resolution abilities; environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior; and building-wide behavior management systems to improve students' abilities to understand the connections between their behavior and more or less desired outcomes.

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair. While no single method of discipline is recommended or mandated, all discipline is to be appropriate to the situation and in accordance with law, regulations and Lynde School policies. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability modify future behavior.

Parents/guardians are powerful partners in a student's behavioral growth, and in their child's development of acceptable social skills. Gateway-Longview's Lynde School realizes that good communication and informal relations between parents and educators are critical to resolving discipline issues. The use of sustained, multiple, coordinated interventions at home and in school provide students with the consistency they need to develop appropriate behaviors. Parents/guardians must help the school staff by reinforcing positive school behavior and disciplinary consequences. Gateway-Longview's Lynde School recognizes that parental involvement in the behavioral process is required for the student to develop the behaviors that will ensure success in the school setting and life. Therefore, it is our philosophy to provide the parent/guardian with regular and early notification by phone and/or writing when a student's behavior is becoming problematic in addition to the required procedural notifications covered below.

Disciplinary action will be firm, fair and consistent. So as to be the most effective in changing student behavior, there will be a sensible relationship between the student's behavior and the consequences of that behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

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

If the conduct of a student is related to a disability or suspected disability, specific procedures outlined within this Code must be followed.

As a general rule, discipline will be progressive. This means that a student's first violation will usually lead to a less serious consequence than subsequent violations. Each student will be disciplined individually taking into account the above listed factors.

Disciplinary Consequences

Students who are found to have violated Gateway-Longview's Lynde School Code of Conduct may be subject to the following disciplinary actions whether alone or in combination:

- Suspension from School Activities/Field Trips
- Suspension from Extracurricular Activities
- Suspension from Bus Transportation

- In-School Suspension
- Out of School Suspension

In all cases, regardless of the consequence being imposed, authorized school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Before delivering the disciplinary consequence, school personnel will provide the student an opportunity to present his/her version of the facts.

Suspension from School

Upon receiving a recommendation suspension, the school administrator will gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

Short-term (5 days or less) suspension from school

Gateway-Longview's Lynde School shall initiate the suspension of a disruptive student from one of its programs when other forms of behavior intervention and disciplinary action have failed unless circumstances otherwise warrant.

- Suspension may be made by a Director/Associate Director/Acting Director or authorized administrator for a period of time not to exceed five school days. Suspensions may not be approved by any other staff member.
- The student being suspended must be told of the suspension and the reason for the proposed suspension by the appropriate administrator.
- The parents/guardians of the student are to be notified in writing by personal delivery, express mail delivery or equivalent means within 24 hours with notification by telephone, where possible.
- The student and parent(s) or guardians(s) shall, on request, be given an opportunity for an informal conference with the building administrator and complaining staff witnesses. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.
- A copy of the suspension letter shall be placed in the student's file.
- The home school district shall be notified of the suspension when appropriate.
- Upon return to school for reinstatement, the student should be accompanied, by either or both parents/guardians for a reinstatement interview. A phone conference may also be required.
- Any student with a disability who has been suspended for any 10 days within a school year must be referred to the Committee on Special Education of the home school district for a Manifestation Determination Hearing. Students with disabilities and their parents should be aware that there are special protections surrounding disciplinary actions which may warrant a manifestation determination and should request specifics of these legal protections from the Committee on Special Education of their home school district.

Long-term or Formal Suspensions (more than 5 day suspension from school)

As prescribed by law, the following behaviors are serious enough to justify referral of students to the home school district for long-term (more than 5 days) suspension from school, permanent suspension, or a manifestation determination:

- *Bringing or possessing a firearm as defined by the Gun Free Schools Act to the Lynde School*
 - ✓ Any student found guilty of bringing or possessing a firearm, as defined by 18 USC Section 921 for purposes of the Gun-Free Schools Act, onto Gateway-Longview property will be subject to suspension from Gateway-Longview's Lynde School by their home school district for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing in the home school district pursuant to Education Law Section 3214. The Superintendent of the home school district has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the suspension period, the Superintendent of the home school district may consider the student's age, grade in school, prior disciplinary record, potential effectiveness of other forms of discipline, input from parents, teachers and/or others, other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

- *Committing violent acts*
 - ✓ Any student who is found to have committed a violent act, other than bringing a firearm onto Gateway-Longview property as defined by the Gun Free Schools Act, shall be subject to suspension from school for at least five days. If a minimum five-day suspension is proposed, the student and the student's parents (guardians) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student's parents (guardians) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension as per the Code of Conduct of the student's home school district.

- *Repeatedly and substantially disrupting the educational process or repeatedly and substantially interfering with the teacher's authority over the classroom.*
 - ✓ Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teachers' authority over the classroom shall be subjected to a suspension from school for at least five days. If a minimum five-day suspension is proposed, the student and the student's parents (guardians) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student's parents (guardians) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension as per the Code of Conduct of the student's home school district.

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, Gateway-Longview vehicles, school settings and/or school sponsored activities under the control and supervision of Gateway-Longview's Lynde School regardless of location).

In accordance with the Gun-Free Schools Act Section 3214(3)(d) of the Education Law, any student under the age of sixteen who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Vice President of Educational Services to the appropriate agency or authority for a juvenile delinquency proceeding. A student sixteen years of age or older (or when the student is fourteen or fifteen years of age and qualifies for juvenile offender status under the Criminal Procedure Law) will be referred by the Vice President of Education to the appropriate law enforcement officials.

Student with a Disability

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and the home school district can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the home district's Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

Gateway-Longview's Lynde School may request that the referring school district provide home instruction as an interim alternative educational setting during the period of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

Gateway-Longview's Lynde School may also seek a court order to immediately remove a student with a disability from school if Gateway-Longview's Lynde School believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with

Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit Gateway-Longview's Lynde School from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school.

Gateway-Longview's Lynde School will cooperate with the home school district to provide the suspended student who is of compulsory attendance age with appropriate academic tasks/support during the period of the student's suspension.

STUDENT SEARCHES AND INTERROGATIONS

Gateway-Longview's Lynde School is committed to providing a positive, safe and orderly school environment. A student may be searched and contraband seized on school grounds or in a school building by a school employee only when the employee has reasonable suspicion to believe the student is engaging in activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

Nature and reliability of the information received regarding the prohibited activity. An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than a Gateway-Longview's Lynde School employee, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or 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. Gateway-Longview Lynde School employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

The existence of observable phenomena, such as direct observation of use and/or the physical symptoms of using or being under the influence of illegal controlled substances or alcohol such as slurred speech; disorientation; a pattern of abnormal conduct or erratic behavior; or information provided either by reliable and credible sources or which is independently corroborated.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as against the school authorities. Officials who wish to search a closed item (e.g., backpack, purse etc.) within the locker must have reasonable suspicion to search that item.

Questioning of Students by School Officials

In general, administration may conduct investigations concerning reports of misconduct. School officials or designees have the right to question students regarding any violations of school rules and/or illegal activity. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law Enforcement Officials

A cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. Gateway-Longview's Lynde School administrators shall at all time act in a manner that protects and guarantees the rights of students and parents.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal) or the questioning of students concerns a crime committed on school property. In all other situations, if the police wish to speak to a student without a warrant, they should directly contact the student's parent/guardians.

In those circumstances in which police do have authority to question a student on school

premises without parental permission, administration will attempt to notify the student's parent/guardians.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

Child Protective Services' Investigations

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Lynde School encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

GATEWAY-LONGVIEW'S DIGNITY FOR ALL STUDENTS ACT (DASA)

The goal of Gateway-Longview's Lynde School's Dignity Act Policy is to create a safe and supportive school climate where students can learn and focus, rather than fear being discriminated against and/or verbally and/or physically harassed by school personnel or students.

The Dignity Act applies to incidents on school property (school building, athletic playing field, playground, parking lot, school bus) and all school sponsored activities, events and functions that may take place on campus or off campus. No student should be subjected to discrimination based on their:

- ✓ Actual or Perceived Race
- ✓ Color
- ✓ Weight
- ✓ National Origin
- ✓ Ethnic Group
- ✓ Religion
- ✓ Religious Practices
- ✓ Disabilities
- ✓ Sexual Orientation
- ✓ Gender, Identity, or Sex

If a student feels as if they are being discriminated and/or harassed by a fellow peer and/or Gateway-Longview employee they should inform, though not necessarily in this order

- ✓ Classroom Staff
- ✓ School Counselor
- ✓ Gateway-Longview's Lynde School Administration

With assistance from school staff, the student may complete and submit a DASA complaint form to school administration. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior.

CLIENT GRIEVANCE PROCEDURE

Clients, and/or parent, guardian, client advocate, and interested parties:

1. If you feel services have not been provided to you fairly or reasonably, or that you have been subject to harassment, bullying and/or discrimination by an agency employee, and you have been unable to resolve this with your counselor, you may present your concerns, in writing, to your counselor's immediate supervisor. You are entitled to an answer within three working days.
2. You have a right to legal recourse; you have a right to confer with family, attorney, physician, clergy person, and others at any time.
3. If you believe your grievance has not been properly attended to by your counselor's immediate supervisor, you have the right to ask that your grievance be pursued by the administrative structure of the agency. Responses are due at each step within three working days if you believe your grievance has not been fairly settled.
4. If you believe your grievance has not been properly attended to within this agency, or that your child has been subjected to abuse or neglect in while in the care of the agency, you have the right to contact the following state agencies:

A. Educational matters:

New York State Department of Education
Regional Office
335 Harlem Road
West Seneca, New York 14224
716-821-7360

B. All other issues:

New York State Justice Center
Vulnerable Persons Central Register
855-373-2122

New York State Office of Children and Family Services
Regional office
Ellicott Square Building
295 Main Street, Room 838
Buffalo, New York 14203
716-847-3145

Your filing and pursuit of a grievance will in no way curtail, negatively affect, or limit your access to the services of this agency.