

# Cape Henlopen School District



## 2017-2018 K-5 STUDENT CODE OF CONDUCT

H.O. Brittingham Elementary  
Milton Elementary  
Rehoboth Elementary  
Richard A. Shields Elementary  
Love Creek Elementary

## Forward

Dear Families,

Welcome to the Cape Henlopen School District K-5 schools; H. O. Brittingham Elementary, Milton Elementary, Rehoboth Elementary, and Richard A. Shields Elementary. Our Board of Education, district and school staff are looking forward to a positive and successful experience as your child grows through our schools.

This booklet contains important information to help your child be safe and successful in school. It contains our K-5 Code of Conduct.

Student discipline codes have many purposes. One purpose is to provide a safe and orderly environment in which your children can learn and grow. Another is to furnish an educational tool through which our students learn to work, play, share, solve problems, and interact positively with peers and adults. An equally important purpose is to establish a means of insuring consistency so that all children are treated fairly and equitably. A student discipline code is an attempt to balance the rights of the collective student body and staff with the rights of each individual student within a positive learning environment.

This is an important booklet for each family to read and discuss together. As a parent or guardian, you will be asked to sign a document that states that you have received a copy of the booklet and that you will read and discuss it with your children. School personnel will review the rules with your children also; however, as your child's original, permanent, and best teacher, your attention is crucial. Please call your child's teacher or building administrator if you have questions. School psychologists and social workers are also able to answer questions and provide further information.

FYI – The Delaware State Police Bureau of Identification Sex Offender Central Registry website is located at: [www.state.de.us/dsp/sexoff/index.htm](http://www.state.de.us/dsp/sexoff/index.htm)

As required by Delaware Code below is the link to Title 14, Section 600:

600 Discipline and School Climate

614 Uniform Definitions for Student Conduct Which may Result in Alternative Placement or Expulsion

<http://regulations.delaware.gov/AdminCode/title14/600/614.shtml#TopOfPage>

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## **CHAPTER I INTRODUCTION**

### **WHAT IS A GOOD SCHOOL?**

A good school is a safe and orderly place where all students and teachers are respected and protected, where all persons are free from intimidation, discrimination, and violence, and where understanding and tolerance of individual differences are encouraged.

A good school is built upon mutual respect, positive attitudes and praise, fair and consistent policies and procedures, everyone trying to do his or her best to learn new things, and everyone taking good care of one another. It is a place where everyone is focused on learning and where there are very few disruptions or distractions. To have a good school there needs to be cooperation between administrators, staff, parents, and students.

Administrators need to:

- be helpful and supportive
- be firm, fair, and consistent
- be caring and understanding
- be knowledgeable about all aspects of the school
- communicate effectively with students, parents, staff and the community

Staff members need to:

- be helpful and supportive
- be firm, fair, and consistent
- be caring and understanding
- provide interesting and meaningful instruction
- provide classroom leadership and direction
- communicate effectively with students, parents, and the community

Parents need to:

- demonstrate interest in and support of learning
- participate in school activities and functions
- be a partner in their child's education
- encourage their child to do his or her best at all times
- familiarize themselves with the Code of Conduct

Students need to:

- come to school on time and on a regular basis
- follow the rules and procedures of the school
- try their best at all times
- be responsible for their own work
- respect others and be helpful
- respect themselves
- settle disagreements peacefully
- be responsible for their own behaviors and actions

It is important that all children learn to be responsible for knowing our rules and following them in school. When children follow the rules, they help make our school a safe and fun place for everyone to learn. The rules are in effect on the bus, in school, on school grounds, on field trips, and at any other school sponsored activities or events.

### **STUDENT DRESS**

Our schools do not expect everyone to act or dress the same. The schools do expect that students follow a modified dress code for the purpose of promoting safety and respect for the values of others.

Our K-5 students are physically active during the school day. Not only are they active in their classrooms, but they must move from place to place in busy hallways, stairways, in the cafeteria, on the playground, and on the school bus. With this in mind, it is a good idea to dress your child with the kind of clothing, shoes, and outerwear that would make the school day both safe and comfortable.

Students in grades 1-5 also participate in physical education as a related arts subject at least once a week. It is recommended that your child wear sneakers. Also girls should avoid wearing dresses or skirts on physical education days (or should have a pair of pants or shorts available to wear under dresses). Students generally have physical education the same day every week. Please check your child's schedule so that clothing can be planned accordingly.

We recognize that some of the younger children may need help with their clothing especially when using the bathroom. We are willing to assist our students; however, developing skills such as putting on coats and using the bathroom without assistance is a way to develop independence and a growing sense of self-confidence. With this in mind, it is helpful if students can be dressed in clothing that they can easily manage themselves. For instance, younger children can more easily manage pants with elastic waists. Belts, suspenders, and "overall" type pants can cause frustration.

In general, students who are dressed and ready for an active day in elementary school should have the following:

- Jeans, pants, sweat suits, shorts, shirts, dresses, or skirts which fit comfortably, cover all undergarments, and are not torn. Top and bottom garments need to overlap so that the top garment can be tucked inside.
- shoes worn at all times. Because of the potential for accidents on stairs, on the playground, and on the school bus, shoes should be kept tied at all times and "flip flop" type footwear is not recommended.
- hats worn in the school building only if prescribed by a physician or for religious reasons
- sunglasses worn in the school building only if prescribed by a physician

Jewelry or other accessories are allowed but please be sure to select items which are not sharp or pointed and would not be likely to cause an injury to your child or to another during our very active school day. Objects such as combs or pics cannot be worn in the hair.

Clothing and accessories worn by our students are expected to reflect the diversity of our student body as well as respect the value of our school as a child centered community. For this reason, any item which does not support this environment, such as clothing displaying obscene or vulgar language and/or pictures, references depicting and/or encouraging the use of drugs or alcohol, or clothing that is sexually suggestive, is not acceptable. It is also expected that clothing fads will be an ongoing part of growing up and therefore a part of the school. However, it is important that you ensure that your child's chosen fad or fashion does not place your child at risk for an injury, does not jeopardize the safety of others, and would not cause a disruption. For example, pants that are too large and worn below the hips can easily cause children to trip in busy hallways.

To assist in the comfort and safety of our K-5 students during the warmer months of school when outdoor play can become uncomfortably hot, tank tops are permitted; however, all tops must cover appropriate body parts. It is important to remember that tank tops are not permitted in grades 6-12.

If your child's clothing becomes a concern throughout the school day, your child's teacher will likely request help from the school nurse. The school nurse maintains a small supply of clothing that students may borrow because of toileting accidents or other safety/comfort needs. If your child needs to borrow clothing for any reason, we ask that you wash the clothing and return it to school as quickly as possible so that it can be made available to other students in need. If there is a problem with your child's clothing which we cannot seem to resolve in the school setting, the building administrator may contact you for assistance or to suggest ways of resolving the concern.

## **CHAPTER II ATTENDANCE**

[See Board Policy 204](#)

## **CHAPTER III STUDENT GOVERNMENT, FREE SPEECH, AND SEARCH AND SEIZURE**

In order for students to learn to the best of their abilities, the learning environment must be orderly, safe, and secure. Building administrators have the responsibility and authority to maintain this environment. The principal or designee may, at any time, conduct searches that are essential to the security, discipline, and sound administration of the school.

Students are guaranteed freedoms provided by law, which are consistent with protecting the health, safety, and welfare of all students and staff. Among those are:

- the right to express themselves through the democratic process
- the right to participate in, or be excused for religious reasons from, patriotic activities
- the right, with permission, to assemble peacefully on school property
- the right to freedom of speech through literature which is not commercial, obscene, libelous or disruptive
- the right to due process
- the right to freedom from unreasonable search and seizure

Further details about these rights and responsibilities are provided in the Appendix under the title, "Student rights and responsibilities". Additional discussion may be found in the Board Policy Book. A copy of this book is available for reference in each school office and the District Office.

## **CHAPTER IV SAFEGUARDS THAT PROTECT THE RIGHTS OF STUDENTS AND PARENTS**

The Cape Henlopen Board of Education believes that every child should feel comfortable, safe and free to learn in our schools. In order for that to happen, there must be some rules about behavior that we cannot accept. These rules are designed so that negative behavior by some students does not get in the way of the safety and education of others. The right of one child to misbehave stops when it gets in the way of another child's right to an education and to be safe.

We are aware that sometimes children run into problems, sometimes with classes and sometimes with discipline. At all times, children and their parents have rights that we hope will help to make everyone feel more comfortable and know that we are trying to help children to grow to be strong, educated citizens in our society as adults.

It is important for children to know the rules and to know what they can expect when rules have been broken. The discipline rules and due process will be explained to all children at the beginning of the school year. Teachers will review and discuss the rules with all students to be sure that they are understood. We believe it is important that all children should feel comfortable that they know the rules, why they are important and the consequences if there is a problem following these rules.

### **DUE PROCESS**

Prior to any disciplinary response being put in place, the student shall be afforded due process to include:

1. Be given oral and written notice of the alleged offense and, if the offense is denied, be given an explanation of the evidence known to school authorities.
2. Be given the opportunity to present the student's side of the story. Students have the right to submit a statement in writing concerning any incident requiring discipline action, but are

not required to do so. Reasonable efforts will be made to notify parents/guardians of students making written statements.

3. Have had prior opportunity to know that the alleged offense was in violation of established rules and regulations.
4. In cases of suspension, be advised that the disciplinary response may be appealed by students 18 years of age or older and/or parents to the next administrative level, District Office, or State Board of Education (SBE).

SBE Appeals must be based on a written decision by the local school district board of education and will only be heard for suspensions of more than 10 days or offense expungement from a student's educational record.

### **STUDENT APPEAL**

An appeal is another name for a complaint. Students or their parents have the right to file an appeal if they think the student has been treated unfairly. A student appeal must be submitted to the building principal within 10 school days of the conference in which the student is notified of the consequence for a disciplinary referral.

In order that all appeals are treated in the same manner to be fair, the following procedure should be followed:

- The student and/or parent should request a conference with the teacher or person who they believe treated the student unfairly. This step is important so that the people involved can talk about problems and try to solve them as soon and as easily as possible. However, sometimes situations are very sensitive and a conference should begin at the third level.
- If the conference does not resolve the problem, the student or parent/guardian can talk to other people in the building. People such as the school psychologist, a home/school liaison, the social worker or an assistant principal are available and may be able to help solve the problem.
- If these two steps do not help resolve the problem, the student or parent/guardian should describe the problem in writing to the principal of the building. You can expect to have contact and be able to explain the situation with the principal within five school days. You can request a written statement by the principal of the reasons for the decision.
- If the problem is not resolved by the principal's decision, a student and parent/guardian has the right to appeal in writing to the Superintendent for a review of the situation. This has to be done within five (5) school days of the principal's written decision. The Superintendent, or her/his designee, will schedule a conference about the situation within five school days and will make a decision, in writing, within five school days after the conference. The decision of the Superintendent is final.

This process has a number of days attached at different levels so problems can be solved as soon as possible and we can help our children move past problems and forward in their education as smoothly and as quickly as possible.

### **APPEALS PROCESS**

Parents/guardians and students 18 years of age or older may appeal disciplinary actions to the next administrative level (e.g. actions taken by the Dean of Students may be appealed to the Assistant Principal, actions taken by the Assistant Principal may be appealed to the Principal, actions taken by the Principal may be appealed to the Superintendent or Designee).

## **IN-SCHOOL SUSPENSION**

In-School Suspension (ISS) is the temporary removal of a student from the area indicated by the regularly assigned schedule for a full day. Students assigned to in-school suspension will remain in school, but will be assigned to a designated, supervised area within the school.

Students assigned to in-school suspension are not permitted to participate in any extra-curricular activities during the length of their suspension.

A written notice must be mailed home for an ISS within the following day mail delivery after the processing of the suspension. The notification shall state the reason and duration of the suspension. If the suspension is for more than three (3) days, a definite time and date for a conference shall be scheduled at a place designated by the school administrator. The principal/designee is required to hold a conference, to include the parent and child, prior to the readmission of the student.

## **OUT-OF-SCHOOL SUSPENSION**

Suspension is the temporary removal of a pupil from the regular school program for a period not to exceed five (5) school days. The Superintendent or designee, however, may extend a suspension past the five (5)-day period pending a decision on a principal's recommendation to expel for severe behavior offenses. While serving out-of-school suspension, a student is forbidden from being on the property of the District (this includes athletic fields, District Office, any after-school activities and/or extracurricular activities) for any reason unless accompanied by a parent or legal guardian to a pre-arranged appointment.

Prior to a suspension from school, the student shall be afforded due process as outlined above.

Prior to a student being suspended, verbal communication of the suspension (parent notice) will be attempted through the listed contact information provided by the parent/guardian. Suspended students should be picked up from school by the parent/guardian when the suspension is assigned. When direct phone communication is not successful, notification regarding the suspension will be left on a voice mail message and/or email, and the student will be retained at school until the end of the school day. A copy of the discipline referral will be sent home with the student.

Generally, the parent notice should precede the student's removal from school. However, if this is not feasible or if the immediate removal of the student from the school is necessary to protect the safety of individuals, property, and/or the educational process, the necessary notice and conference, if requested by a parent, will follow as soon as practical.

A written notice must be mailed home for any Out-of-School Suspension within the following day mail delivery after the processing of the suspension. The notification shall state the reason and duration of the suspension.

After a suspension from school of up to three (3) days, the principal/designee is required to hold an in-person or phone conference prior to the readmission of the student. If the suspension is for three (3) or more days, the principal/designee is required to hold an in-person conference, to include the parent and child, prior to the readmission of the student. A definite time and date for a conference shall be scheduled at a place designated by the school administrator.



## STUDENT HEARING PROCESSES & PROCEDURES

- **Alternative placements**  
Assignment to alternative programs is the removal of the student from the regular school program with placement in a program designed to meet the student's particular needs. Alternative programs may be located at the student's home school, another district school, or an approved site outside the District. Assignment to an available alternative program will be made according to procedures established for the program and must be approved by the District Alternative Placement Team.
  
- **School Review Team Conference**  
School Review Team Conference will be set by the school disciplinarian and appropriate school administrators and notification will be provided to the student's parent and the student. To recommend Alternative Placement, the following criteria must be met:
  1. The meeting will be held in person.
  2. The Principal/Designee will explain the purpose of the meeting is to inform the parent/guardian and student:
    - a. of the referral for Alternative Placement;
    - b. that the student may be suspended pending the outcome of the Alternative Placement Team Meeting, and;
    - c. of the procedures that will take place as follow-up to the referral for Alternative Placement.
  
- After the school has held a School Review Team Meeting and forwarded all required documentation to the district, Central Team Meeting will be scheduled.
  1. The Superintendent/Designee shall send written notice within three (3) business days to the parent/guardian describing the circumstances which led to the placement, identifying the Alternative Program to which the student is being assigned, and the conditions which must be met in order for the student to return to the Regular School Program.

### DISTRICT-LEVEL EXPULSION HEARING

State regulations define expulsion as "...the exclusion of a pupil from school." Students expelled from any public school (in Delaware or any other state) are not permitted to attend any public school in Delaware during the period of expulsion. When a student commits a violation which may result in a recommendation for expulsion, the following procedures shall be followed:

#### Step I

1. The student shall be suspended for a minimum of five (5) school days.
2. The principal or designee shall make every effort to investigate all aspects of the discipline problem, including a conference with the student of the charges against him/her and to provide an opportunity to respond and to tell his/her side of the story. If possible, this conference shall be held prior to the student's suspension.
3. The principal or designee shall complete the investigation within three (3) school days of the incident.
4. If at the completion of the investigation the principal or designee concludes the student committed the offense and the nature of the offense warrants a recommendation for expulsion, the principal or designee shall submit the recommendation to the Superintendent. The recommendation must be accompanied by a summary of the principal's investigation and supported with other documentation attesting to supporting the violation.

5. If the Superintendent or designee does not concur with the recommendation for expulsion, alternative education placement may be issued to the student.

The student and parent/guardian will be provided notification of alternative placement of which is not appealable to the Board of Education.

6. If the Superintendent or designee concurs with the recommendation for expulsion, the student's case will proceed to Step II. In addition, the student's suspension shall be extended pending a recommendation by the hearing officer as outlined in Step II of the hearing process.

## Step II

1. The Superintendent or designee shall promptly (preferably within ten (10) school days from the date of the incident) notify the student and the student's parent(s)/guardian(s) of the recommendation to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion. For students with disabilities as defined by Federal and State law and regulations, the Superintendent or designee shall, within ten (10) school days from the date of the manifestation meeting, notify the student and the student's parent(s)/guardian(s) of intent to expel and of the date, time, and location for a formal hearing. The notice of recommendation to expel shall be sent by certified mail, stating the reasons for the expulsion and the time and place of the hearing. In addition, a copy of these procedures and the District Student Success Guide shall accompany the notice.
2. The formal hearing shall be held not less than seven (7) or more than twenty (20) school days promptly after the notice of intent to expel is given. An extension may be granted by agreement of all parties.
3. An impartial hearing officer shall conduct the formal hearing.
4. The hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The hearing officer, in conducting the hearing, shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal, and cross-examination shall be excluded. The witness shall be sworn by the hearing officer.

The student shall have the following rights:

1. To be represented by counsel, at the student's expense.
2. To question any witnesses who testify and to receive a copy of any statements or affidavits of such witnesses.
3. To request that any witness appear in person and answer questions or be cross-examined (Student witnesses will not be excused from school or allowed to testify unless their parent(s)/guardian(s) have given written permission prior to the hearings.). The district will make efforts to arrange the appearance of witnesses requested by the student to the extent the witnesses can offer relevant, non-repetitive testimony.
4. To testify and produce witnesses on his/her behalf.
5. To obtain, at the student's expense, a copy of the transcript of the formal hearing.

Following the formal hearing, the hearing officer shall prepared a written report summarizing the evidence and stating conclusion of fact. If the hearing officer's recommendation is not to expel, the Superintendent or designee may issue administrative action/placement of which is not appealable to the Board of Education.

**Step III**

1. A recommendation by the hearing officer to expel shall be forwarded to the Board of Education.
2. Following a review of the hearing officer's report, the transcripts, and then exhibits submitted at the hearing, the District Board shall decide whether or not to expel the student at the next scheduled District Board meeting. The duration of an expulsion is within the discretion of the District Board based upon the circumstances of each case.
3. During the period of time of the suspension pending the Board of Education decision, the student is eligible to receive work from his/her classes to be completed for credit.

**Step IV**

1. The parent/guardian of an expelled student may apply for the student's readmission at the end of the expulsion period and must provide verification that all conditions for readmission have been met.
2. A student is prohibited from being on Cape Henlopen School District property or at any district event, regardless of location, during the expulsion period except when accompanied by a parent or guardian for a scheduled appointment with school officials.

**STUDENTS WITH DISABILITIES**

The Student Success Guide applies to all students. However, when enforcing the Guide, the district will comply with federal and state law pertaining to students with disabilities.

1. If a student with a disability, as defined by Federal and State law and regulations, is recommended for removal for more than ten (10) school days, either consecutively or cumulatively, in any one school year, or if expulsion is being recommended, a meeting of the student's IEP team shall be conducted.
2. The student's IEP team will consider whether the offense was a manifestation of the student's disability.
3. If the IEP team determines the offense was a manifestation of the student's disability, the IEP team shall modify the student's educational program and/or placement accordingly.
4. If the IEP team determines that the offense is not a manifestation of the student's disability, the student will be subject to the provisions of the Student Success Guide and disciplined accordingly.
5. In instances where the student with a disability presents a danger to him/her or others, or is as disruptive to the educational environment as to interfere with the rights of other students, emergency placement and/or removal may be sought by the District, including homebound instruction.
6. Students with disabilities and their parents and/or guardian should also refer to the Administrative Manual for Special Education Services available through the Delaware Department of Education.

## **CHAPTER V STUDENT DISCIPLINE**

### **INTRODUCTION**

When children enter school, they must learn to form a line, walk quietly through the hallways, ride the bus safely and function cooperatively in the classrooms, cafeteria, and playground. To do this, they must learn that they have the responsibility to interact positively with many peers and adults.

### **INDIVIDUAL AND GROUP RIGHTS**

In Chapters III and IV, the individual rights to learn, to be safe, to due process, and to be treated fairly were discussed. In order to be successful in school, children must be aware that these rights are also extended to others: their families and friends; their bus and classmates; and, adults on the bus, at school, and in the community.

### **DISCIPLINE**

Discipline is the management of behavior. Much of early education is devoted to the teaching of self-discipline, helping children learn to manage their own behavior. Early and continual teaching comes from the family, other care-givers and the community. When a child enters school, new situations and larger groups intensify and expand the need for self-discipline. In school, the primary teacher of self-discipline is the classroom teacher. Classroom teachers and other supervisory adults must also ensure that the behavior of one child does not infringe on the rights of the group.

### **SUPERVISORY ORGANIZATION AND MANAGEMENT**

All teachers and supervisory adults shall have discipline management plans which are based on district-wide, grade appropriate procedures. These shall be posted in each classroom, distributed to substitute staff, and sent home to parents. These plans reinforce and help children learn self-discipline. They also preserve the learning environment for all children in the group. Positive reinforcement, rewarding children as they succeed at following the rules, is included.

As in learning any new skill, a child's attempts at self-discipline are not always successful. At times, school personnel must intervene to protect the child as well as the rights of the other children and adults. When this happens, guidelines must be in place to ensure that the child's rights to due process and to be treated fairly are protected. These guidelines must also ensure that all children's rights to learn and to be safe are protected as are the adult's rights to be safe and to do their jobs.

The purposes of this section are as follows:

- to provide guidelines for school personnel so that they can protect the learning environment as well as individual and group rights
- to give families guidelines so that they can help their children understand the need for safety, order, and self-discipline
- to advise parents and other community members of the procedures as well as the resources that school personnel can provide
- to teach children when and how to seek help when they are upset or frustrated
- to help children learn to recognize limits and to set limits for themselves.

### **DISCIPLINE PROCEDURES**

**Please note:** Our K-5 procedures acknowledge that classroom teachers and other supervisory adults are the primary managers of student behavior. It is not the intent of this code to replace the teaching of positive behavior through teacher praise and correction already existing in our

*K-5 Code of Conduct*

schools. These guidelines are meant to provide a framework for dealing with student behavior that is detrimental to the learning environment.

The suggested procedures have been divided into three levels.

Level I consists of discipline in the classroom according to the district's discipline procedures for K-5. These discipline procedures will be posted in each classroom and sent home to each family.

For levels II and III the teacher or other supervisory adult sends a disciplinary referral to the Principal. At level III, the Principal calls together the Student Support (or Human Resource) Team for the building. Whenever a child's behavior reaches Level II or above, the parents/guardians must be notified.

**POSSIBLE CONSEQUENCES PER LEVEL**

<b>LEVEL I: Classroom or "special" area</b>
<p>Possible consequences, listed alphabetically, include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>changing the student's seat</li> <li>parent conference</li> <li>verbal reprimand</li> <li>withholding an activity</li> <li>work assignment (an assigned task not exceeding two (2) hours which must be completed by the student)</li> <li>written assignment (an assignment which is non-repetitive and has educational merit) written apology</li> </ul>
<b>Level II: Building administration (Principal or Assistant)</b>
<p>Possible interventions, listed alphabetically, will include one or more of the following:</p> <ul style="list-style-type: none"> <li>assignment to "time-out"</li> <li>assignment of a mentor</li> <li>behavior agreement</li> <li>detailed weekly report</li> <li>group counseling</li> <li>parent conference</li> <li>referral to fire marshal</li> <li>referral to police (Youth Aid Officer)</li> <li>restitution, if appropriate</li> <li>suspension</li> <li>verbal reprimand</li> </ul>
<b>Level III: Student Support (or Human Resource) Team</b>
<p>This team is composed of at least one building administrator, the school psychologist and/or social worker, the school nurse, appropriate classroom teacher(s), special education coordinator/teacher (if appropriate), other staff as required.</p> <p>Possible interventions, listed alphabetically, will include one or more of the following:</p> <ul style="list-style-type: none"> <li>agency referral</li> <li>assignment of a mentor</li> <li>assignment to "time-out"</li> <li>behavior agreement</li> <li>detailed weekly report to parents/guardians</li> <li>individual counseling</li> <li>parent conference</li> <li>referral to fire marshal</li> <li>referral to police (Youth Resource Officer)</li> <li>referral to psychologist</li> <li>referral to social worker</li> <li>referral to the Board of Education for consideration of expulsion</li> <li>restitution, if appropriate</li> <li>suggested referral to a health care provider</li> <li>suspension</li> <li>mandatory Board of Education hearing for sexual offenses which are punishable by law</li> </ul>

Most parents are willing to attend parent conferences. School staff members are willing to work around parent schedules. There are a few parents who fail to attend conferences designed to discuss matters involving alleged violations of school rules. HB 322 (1997) was designed to permit the superintendent to have a subpoena issued to require parent attendance.

**STUDENT DISCIPLINE REFERRALS**

<b>Disruptive/Defiant Behavior (1-3)</b>
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**01 Disruption of school activity (class, hallway, cafeteria, assembly or other school activity)**

Behavior which produces distractions, friction, or disturbances that interfere with the normal functioning of the teacher, the students, the class, or the school

**02 Disobedience/insolence/lying**

Disobedience/defiance: refusal by a student to comply with a directive given by school personnel;

Insolence: to use bold, rude, or disrespectful insulting remarks or actions;

Lying: intentional distortion of the facts

**03 Cheating**

To be dishonest or deceptive in order to obtain an advantage or gain for oneself or another student. Examples include, but are not limited to, giving or receiving answers, test questions, work results, or projects.

<b>First incident:</b>	Level I
<b>Second incident:</b>	Level II
<b>Third incident:</b>	Level III

(More serious infractions may result in a Level II or III intervention on the first or second offense.)

**Inappropriate Language (4-5)**

**04 Obscene language, materials, gestures.**

Lewd, disgusting, offensive, or repulsive materials, language or gestures.

**05 Defamatory or Demeaning Actions/Remarks**

Actions or remarks, spoken or written by students that defame the dignity of self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, marital status, physical or mental disability, political or religious beliefs, family, sexual orientation, social or cultural background.

<b>First incident:</b>	Level I, II or III
<b>Second incident:</b>	Next Level (II or III)
<b>All subsequent incidents:</b>	Level III

(More serious infractions may result in a Level II or III procedure on the first or second offense.)

**Health/Safety Issues (6-9)**

**06 Possession of tobacco products/materials**

<b>First incident:</b>	Level I or II
<b>Second and subsequent incidents:</b>	Level III

**07 Use of tobacco products/materials**

**08 Unauthorized area (includes unexcused during the school day)**

Being in an area prohibited to the student at the time.

**09 Reckless play/pushing/tripping/hitting/biting**

<b>Interventions for 6-9</b>	
<b>First incident:</b>	Level I or II
<b>Second and subsequent incidents:</b>	Level III

**"Hands-on" behavior (by touch, threat, or encouragement) (10-14)****10 Stealing, possessing, transferring stolen goods**

Taking, possessing, or transferring the property of another without consent of the owner.

<b>First incident:</b>	Level I, II or III
<b>Second incident:</b>	Level II or III
<b>All subsequent incidents:</b>	Level III

**11 Intimidation/threats**

Bullying or threatening through words, gestures, or actions.

**12 Provoking a fight**

Instigating others to fight through one's verbal or physical activities.

**13 Fighting**

Aggressive physical contact between two or more people exchanging blows.

**14 Vandalism and/or Destruction of school property or the property of another person on school property or school-related functions.**

<b>Interventions for 10-14</b>	
<b>First incident:</b>	Level II or III
<b>Second and subsequent incidents:</b>	Level III

**Administrative Referrals (15-21)****15 Possession of communication devices**

Communication devices such as, but not limited to, electronic pagers, cell phones, and other electronic signaling devices, ordinarily have no place in the school or on the bus and are prohibited. Authorization for student possession of communication devices in the school building during school hours or on the bus must be in writing from the school principal.

<b>First Offense:</b>	Confiscation; returned to the student at the end of the day.
<b>Second Offense:</b>	Confiscation; returned to the student's parent(s) at parent conference
<b>Third Offense:</b>	Confiscation; returned to the student at the end of the school year.

**16 Harassment**

The Cape Henlopen Board of Education believes that all persons are entitled to a safe school environment where individual rights are protected, where all persons are free from intimidation, discrimination, and acts of violence, and where understanding and tolerance of individual differences are encouraged. As part of the district's effort to support a positive learning environment, as well as in keeping with state and federal law, harassment of any kind will not be permitted. Further explanation of this can be found in Policies 222 and 223 in the Board of Education Policy Book.

<b>First incident:</b>	Level II or III
<b>All subsequent incidents:</b>	Level III

**17 Hazing (See Anti-hazing Policy)**

<b>All incidents:</b>	Level III
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**18 Inappropriate or offensive touching**

Touching another person in such a way as to cause discomfort

**19 Possession/use/sale of alcohol and other drugs (See Alcohol/Drug Policy)**



**20 Inappropriate Behavior**

Any inappropriate behavior that may result in referral to the police, including but not limited to: assault; assault and battery; extortion, sexual offenses which are punishable by law, possession of a weapon or dangerous instrument; possession of a look-alike weapon used with the intention to intimidate others; and, possession or release of potentially dangerous materials (including incendiary devices).

In compliance with the Federal “Gun Free Schools Act of 1994”, the District adopts the following policy: Possession of a firearm on school property, in a school bus, or at any school-sponsored event or activity shall result in expulsion for a period not less than 180 days. The Superintendent shall modify such expulsion requirement to the extent a modification is required by Federal or State Law. The procedures to implement this policy will be the student expulsion procedures outlined in the District’s Student Code of Conduct.

For purposes of this policy, “firearm” as defined in Section 921 of Title 18, United States Code.

<b>First incident:</b>	Level II or III
<b>Second and subsequent incidents:</b>	Level III

**21 Gang Related Activities (see Gang Related Activities policy)**

<b>First incident:</b>	Five days OSS, notification to District Office, behavior contract, and no return until parent conference with district office
<b>Second and subsequent incidents:</b>	Recommendation to BOE for expulsion.

**MANDATORY SCHOOL CRIME REPORTING LAW**

A mandatory reporting process through which certain crimes committed by students on school property, including buses, fieldtrips, sports events and any school function within the State of Delaware must be reported to the police and when applicable to DOE (Department of Education).

The following require mandatory reports to police:

- violent felonies (all violent felonies that occur against students, school employees, and school volunteers must be reported)
- assault against a student, school employee or volunteer
- terroristic threatening against a school employee or volunteer
- offensive touching against a school employee or volunteer
- unlawful sexual contact against a student, school employee or volunteer
- possession of a dangerous instrument or deadly weapon by a student
- possession of an unlawful controlled substance including: prescription drugs, counterfeit drugs
- other crimes as listed in Delaware Code, Title 14, Section 4112.

In addition to these school crimes required to be reported pursuant to statute, the superintendent or designee shall report to the Department of Education.

The following require mandatory report to Department of Education:

- sexual harassment
- offensive touching (nonemployee or school volunteer)
- possession of pornography
- bomb threats
- criminal mischief (vandalism)

- tampering with public records
- possession and/or use of alcohol
- possession and/or use of deadly weapons, destructive weapons, dangerous instruments, incendiary devices or controlled substances
- felony theft (\$1,000.00 or more)
- disorderly conduct/fighting
- terroristic threatening (nonemployee or school volunteer)
- bullying

### **CORPORAL PUNISHMENT**

The Board of Education believes that the primary purposes of student discipline are to maintain a classroom atmosphere conducive to learning by all students and to teach students the responsibility and rewards of self-discipline. Students must know the limits of acceptable and unacceptable behavior or actions.

Effective discipline is positive rather than negative in nature. Reinforcing proper attitudes and behavior is preferable to punishing inappropriate behaviors. Good discipline should always be fair, dignified, and in good temper.

The use of corporal punishment is counterproductive. For purposes of this policy section, corporal punishment means the willful infliction of, willfully causing the infliction of, or willfully allowing the infliction of physical pain on a student. Corporal punishment includes but is not limited to the use of a paddle or stick on a student, blows to the head, hair-pulling, limb-twisting, slapping, shoving, or any other action which seeks to induce bodily pain. No Cape Henlopen School District employee may inflict or cause to be inflicted corporal punishment on a student

This subsection of the discipline policy does not prohibit an official or professional employee of the Cape Henlopen School District from:

1. using reasonable and necessary physical contact to quell a disturbance or prevent an act that threatens physical injury to any other person.
2. using reasonable and necessary physical contact to obtain possession of a weapon, other dangerous object, controlled substance, or drug paraphernalia within a student's control.
3. using reasonable and necessary physical contact for the purpose of self-defense or the defense of others.
4. using reasonable and necessary physical contact for the purpose of protecting public school property.
5. using reasonable and necessary physical contact for the purpose of removing a disruptive student from school premises or motor vehicle or from school-sponsored activities.
6. using reasonable and necessary physical contact to prevent a pupil from inflicting harm on himself or herself.
7. using reasonable and necessary physical contact to protect the safety of others.
8. using incidental, minor, or reasonable physical contact to maintain order and control.

In determining whether or not an employee of the Cape Henlopen School District was acting within the above exceptions, deference shall be given to reasonable, good faith judgment made by an official or employee of the school Board.

This policy will be reviewed yearly at the beginning of school by each school staff.

## **BUS POLICY**

The State of Delaware requires that districts provide bus transportation privileges for eligible enrolled students within the district's boundaries. Within State requirements, local Boards of Education are authorized to establish policies and procedures to insure the safe and orderly transportation of their students. The purpose of this policy is to provide guidelines through which the rights and safety of passengers, drivers, and aides are protected.

All policies found in the Cape Henlopen School District Student Code of Conduct apply to every student boarding, riding, or exiting buses. Inappropriate student conduct creates a dangerous distraction to the driver and is insensitive to the rights of all individuals on the bus. In the event of serious or repeated violations, suspension of a student's bus privileges will occur. Additional consequences for violations of the Code of Conduct are found in the matrices of this policy.

All students and staff have the right to safety and respect on the bus as well as at school. To insure safety and respect, students need to follow all bus rules and behave as good citizens while being transported to and from school and school related activities. The bus driver is in charge of all students on the bus and should be shown proper respect and courtesy at all times. Loud and boisterous behavior on the buses will not be tolerated. Students who willfully disobey the directions of the driver could lose the privilege of bus transportation. Bus drivers also have the authority to assign students to specific seats. If a student fails to follow the rules and is referred by the driver to the school principal for discipline, consequences will occur as indicated in the appropriate matrix.

If a student's behavior on the bus is such that it causes physical harm or endangers the health, safety, or welfare of other students and/or staff on the bus, the administration may exceed the above policy and move to immediately suspend/revoke the student's bus privileges.

### **HIGHEST CONSEQUENCE**

In the event that a student commits more than one violation in a single incident, the violation with the highest consequence will be acted upon by the building administrator or his/her designee. If it is determined in the administration's investigation that more than one incident occurred on a single bus trip, all incidents will be acted upon.

### **STUDENT RECORDS AND DETERMINATION OF LEVEL**

In grades K-5, bus discipline records and building discipline records will not be combined in determining level of consequence.

### **PARENT/GUARDIAN NOTIFICATION AND RESPONSIBILITY FOR TRANSPORTATION OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM THE BUS**

Attempts shall be made and documented to notify parents before a bus suspension takes effect, except in emergency situations necessary to protect the safety of individuals, property, or the integrity of the educational process. In such cases, the necessary notice will follow as soon as possible.

During the suspension of bus privileges, it shall be the parents'/guardians' responsibility to provide the student's transportation to school. Failure to attend school, due to the loss of bus privileges, is considered an unexcused absence. Suspension of bus privileges shall not be used as a disciplinary action for non-bus related violations.

### APPEAL PROCESS

Bus suspension or expulsion may be appealed through the appeal procedure.

Level	Consequences
<b>A</b>	<ol style="list-style-type: none"> <li>1. Verbal warning and review of bus rules and safety issues.</li> <li>2. Parents notified by bus driver.</li> <li>3. School bus incident report filed.</li> </ol>
<b>B</b>	<ol style="list-style-type: none"> <li>1. Repeat A (above)</li> <li>2. Parents notified by school.</li> <li>3. One (1) day bus suspension.</li> </ol>
<b>C</b>	<ol style="list-style-type: none"> <li>1. Repeat A (1. and 2.) and B (1. and 2.)</li> <li>2. Three (3) day bus suspension</li> <li>3. Behavior Contract</li> <li>4. Five (5) day bus suspension</li> </ol>
<b>D</b>	<ol style="list-style-type: none"> <li>1. Repeat A (1. and 2.) and B (1. and 2.)</li> <li>2. Parent and student conference at District Office with Supervisor of Transportation</li> <li>3. Behavior Contract</li> <li>4. Five (5) day bus suspension</li> </ol>
<b>E</b>	Bus privileges revoked for remainder of school year inclusive of field trips
<b>F</b>	10 day bus suspension, possible bus expulsion; Referral to A-Team
<b>G</b>	Bus expulsion; the length to be determined by the building administrator/designee and District Transportation Supervisor

If a student's behavior on the bus is such that it causes physical harm or endangers the health, safety, or welfare of other students, the administration may exceed the above policy and move to immediately suspend/revoke the student's bus privileges for the remainder of the year. The bus matrix appears on the next page.

Use of any fire-causing product including, but not limited to, matches, lighters, tobacco products, or any other fire-producing device or instrument will result in the following:

<b>First Offense:</b>	Mandatory ten (10) day bus suspension, referral to the A-Team; possible bus expulsion.
<b>Second Offense:</b>	Bus expulsion

The length of any bus expulsion will be determined by the building administrator or designee and the district Transportation Specialist. Bus expulsion is defined as denial of bus transportation for a period of greater than 10 school days and not more than one calendar year. Appeal of bus suspension, as per the appeal process, may be made to the appropriate Director of Instruction.

**BUS DISCIPLINE MATRIX K-12**

<b>INFRACTIONS</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>	
1. Improper Boarding/Departing Procedures *	W	S1	S3	S5	E	<b><u>CONSEQUENCES</u></b>  W - Warning from Administrator/Designee  S1 - 1 Day Bus Suspension  S3 - 3 Day Bus Suspension/Bus Behavior Contract w/ incentives  S5 - 5 Day Bus Suspension Parent Conference - Transportation supervisor & Building Administrator Bus Behavior Agreement  OSS 3 - 3 Days Out of School Suspension  OSS 5 - 5 Days Out of School Suspension  F - 10 Day Out of School Suspension Referral for School Expulsion Hearing  E - Bus Expulsion
2. Bringing Articles of Objectionable Nature *	W	S1	S3	S5	E	
3. Eating or Drinking on Bus *	W	S1	S3	S5	E	
4. Failure To Remain Seated *	W	S1	S3	S5	E	
5. Refusing To Obey Driver *	W	S1	S3	S5	E	
6. Reckless Play – Pushing and Tripping *	W	S1	S3	S5	E	
7. Hanging Out Of Window *	W	S1	S3	S5	E	
8. Throwing Objects In or Out of Bus *	W	S1	S3	S5	E	
9. Profanity *	W	S1	S3	S5	E	
10. Spitting/Littering On or In the Bus *	W	S1	S3	S5	E	
11. Unnecessary Noise *	W	S1	S3	S5	E	
12. Tampering With Bus Equipment * (Restitution Required)	W	S1	S3	S5	E	
13. Destruction of Bus Property* (Restitution Required)	W	S1	S3	S5	E	
14. Rude, Discourteous and Annoying Conduct *	W	S1	S3	S5	E	
<b>MAJOR INFRACTIONS</b>						
15. Other Behaviors Relating to Safety, Well-Being and Respect for Self/Others	**	**	**	**	**	
16. Provoking a Fight	S3	S5	E	-	-	
17. Fighting	OSS 3	OSS 5	F	-	-	
18. Profanity Towards Bus Staff	S3	S5	E	-	-	
19. Bringing Articles that may cause Injury	S3	S5	E	-	-	
20. Lighting Matches and/or Lighters on the Bus	S5	E	-	-	-	
21. Smoking on the Bus	S5	E	-	-	-	

\* Infractions count horizontally and vertically

\*\* Consequence up to the discretion of building administrator

**Serious Violations of 1-14 may fall to 15 at the discretion of the building administrator**

**Drivers contact parents for every referral. Administrator/Designee contact made for every suspension.**

### **CONDUCT OF STUDENTS OUT OF SCHOOL**

The student discipline policy shall also apply to out-of-school conduct by a student if the District believes that the nature of such conduct indicates that the student presents a threat to the health, safety, or welfare of others. Such out-of-school conduct shall include, but is not limited to:

- Acts of violence which are punishable by law;
- Sexual offenses which are punishable by law; or
- The sale, transfer, or possession of drugs which would constitute an offense punishable by law.

The Superintendent is notified by the Attorney General's office and/or law enforcement authorities whenever a student is arrested for committing a misdemeanor or a felony, even if it has nothing to do with school or has occurred off school property. When the District receives these reports, they will be reviewed. The District may take disciplinary action as outlined above. The District will not wait for adjudication of said misdemeanor or felony to proceed with alternative placement or expulsion procedures. A finding of "not guilty", nolle prosequere or dismissal of charges is not binding on the school district.

It is in the interest of the student concerned that there be a review of the case and that there be a means to assist in exploring educational options if needed. The review shall occur in accordance with the safeguards and consequences in the student codes of conduct. Please refer to the appropriate code of conduct for additional information including due process rights and possible options which may include alternative placement, suspension, and/or expulsion. Students who are of school age, living within the District, and who are currently withdrawn from school will be subject to the provisions of this policy.

### **SCHOOL-POLICE RELATIONSHIPS**

To ensure that both students and parents are aware of the relationship between the school and the police agencies, you are advised that school officials shall promptly report to the appropriate police agency all police matters which come to their attention, whether occurring on or away from the school premises, which involve students attending the particular school.

The following offenses should be reported to the appropriate police agency for investigation:

- A. All felonies.
- B. Serious assaults when any weapon is used.
- C. Report of explosives, knives, firearms, ammunition, fireworks or blasting caps being brought into school.
- D. Narcotic offenses or allegations; drinking.
- E. Indecent assaults on students or staff.
- F. Rape or assault with intent to rape.
- G. Morals offenses (pornography, exhibitionism, voyeurism).
- H. Organized gambling (numbers and pools).
- I. Neglect or abuse of children.
- J. Contributing to the delinquency of minors.
- K. Loitering on or near school property.
- L. Unknown persons parked near schools at the time students are going to and from school.
- M. Reckless driving and traffic hazards endangering lives of school children.
- N. Telephoned threats to the school.
- O. Arson, attempted arson, or suspicion of arson.
- P. Rumors or observations of gang rivalries or activities.
- Q. Reports of promiscuity or incest.
- R. Evidence of threats or intimidation.
- S. Larceny involving the personal property of school personnel.
- T. Larceny involving school equipment.
- U. Burglary and attempted burglary of school buildings.
- V. Malicious mischief and school vandalism.
- W. Trespassing on school property.

Police matters shall not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the schools. All school misconduct of a serious nature should be promptly reported to the parent/legal guardian of the involved student.

Correlated with SCHOOL/POLICE RELATIONS GUIDELINES FOR SCHOOL ADMINISTRATORS as approved by the State Board of Education on October 20, 1988.

### **STUDENT RIGHTS AND RESPONSIBILITIES**

In order for students to learn to the best of their ability, the learning environment must be orderly, safe, and secure. Building administrators have the responsibility and authority to maintain such a learning environment. The Board of Education guarantees students the freedoms provided by law, consistent with protecting the due process rights, health, safety, and welfare of all students and staff.

Students shall be provided opportunities to express themselves and to act on school matters through democratic process. Students shall be given the opportunity to contribute their opinions and ideas to matters that affect the climate of the school. Students have the right to form and operate a student government within their school under the direction of a faculty advisor.

Students have the right to participate in patriotic activities or be excused from such activities if they are contrary to their religious beliefs or deep personal convictions. Students have the right to express their opinion, but this self-expression must not be obscene, libelous, or disruptive to the educational process.

Students have the right to assemble peacefully on school property at a time and place pre-approved by the principal.

Students have the right to possess, post, and distribute literature which is not commercial, obscene, libelous, or disruptive to the educational process and which adheres to District guidelines.

Students have the right to due process in all discipline at all levels.

Students shall be free from unreasonable search and seizure. This right is balanced by the school's responsibility to protect the health, safety, and welfare of others. Student lockers and/or desks are school property and school authorities have the right to search lockers/desks at any time. Student personal property will not be searched unless an administrator or teacher has reasonable suspicion of a student's use, possession, or distribution of alcohol, a drug, a drug-like substance, a look-alike substance, drug paraphernalia or unauthorized possession of items which include but are not limited to: a weapon or dangerous instrument or stolen property.

Please note that schools are not held to the same criteria as the police in terms of probable cause. In matters of search and seizure, schools operate under the condition of reasonable suspicion in which the principal or designee conducting the search must have information that would cause a reasonably prudent person to suspect that the student is in possession of contraband material.

The district presumes a student possesses, and is therefore responsible for, all items in the student's desk, locker, book bag, purse, or similar bag or container used to carry books or personal property. Students should regularly check the contents of these storage containers and report any contents that are not their property to their teacher or administrator. Students should secure their lockers, book bags, etc., and not provide others access to them as they are responsible for any items found inside.

Along with student rights comes the responsibility to be good citizens. This means following the policies and procedures, being considerate and understanding of others, and each doing his or her part to make the school the best it can be for all students and staff.

## **BULLY PREVENTION POLICY**

[See Board Policy 224](#)

### **ANTI-HAZING POLICY**

The Board of Education believes that hazing is an unacceptable behavior and will not be tolerated in the Cape Henlopen School District. This policy is adapted from *Delaware Code* (Title 14, Ch. 93).

"Hazing" means any action or situation which recklessly and intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in any organization operating under the sanction of or condition for continued membership in any organization operating under the sanction of or recognized as an organization of the Cape Henlopen School District. Examples include but are not limited to any physical brutality or forced physical activity, subjection of the individual to extreme mental stress, any forced activity which could adversely affect the mental health or dignity of the student, and/or any willful destruction or removal of public or private property. This policy applies regardless of the active participation and/or willingness of the individual to participate.

### **GANG RELATED ACTIVITIES**

It is the Board's expectation that this policy will apply in those gang related situations that are both severe and unique. It is also expected that district administrators will use good judgment in implementation and that the policy will be carefully reviewed with both parents and students.

The Cape Henlopen School District prohibits all gang related activities including but not limited to: gang dress, use of gang symbols or signs, gang name graffiti to advertise gang affiliation, soliciting membership for a gang, threats, or acts of violence against any one individual or group.

### **DRUG, ALCOHOL, AND STEROIDS**

The Board of Education believes that drugs, alcohol and steroids have no place in the school environment and should be prohibited. This policy reflects the desire and intent of the Board to encourage Cape Henlopen students with substance abuse problems to come forward and seek help with treatment and counseling. It should be understood that state and District policies shall apply to all students except that with respect to disabled students, the Federal Law will be followed and determination of whether the violation of the drug, alcohol and steroid policy was due to the student's disabling condition will be made prior to any discipline or change of placement in connection with the policy. The objectives of this policy are four-fold:

- To promote student awareness and education concerning the dangers of substance abuse in the schools of the district.
- To make known the availability of drug and alcohol counseling, rehabilitation and student assistance programs.
- To provide a fair and equitable framework for administering consequences to students who violate the policy.
- To provide prior notice to all students of the District's feelings that the use of drugs, alcohol or steroids in the school environment is destructive of the educational process and will not be tolerated.

The following policy on the possession, use or distribution of drugs and alcohol shall apply to all Cape Henlopen School District schools:

The Board recognizes that the misuse of drugs and alcohol is a serious problem with legal, physical and social implications for the whole school community. The Board, accordingly, prohibits the possession, use and/or distribution of alcohol, a drug, a drug-like substance, a look-alike substance and/or drug paraphernalia because they are wrong and harmful to students. The Board considers offenses related to drugs and alcohol very serious both for individuals involved and for the welfare of other students in the District.



Therefore, the following rules and regulations have been developed:

1. Any student who buys, sells, uses, consumes, is impaired by or is in possession of drugs, a drug-like substance, alcohol, a look-alike substance and/or drug paraphernalia while on school property or at school-related activities will be subject to the Code of Conduct's disciplinary matrix. The investigation leading to the recommendation for discipline will be conducted at the school level by the discipline team led by the Principal or designee. The school recommendation will be reviewed at the District level. In cases involving special education students, the Board may, at its discretion, waive a hearing and accept the recommendation of the Child Study Team of the particular school.
2. Discipline shall be in accordance with due process rights and on the evidence presented by the administration. The student will be expelled for a term not to exceed one (1) calendar year from the date of the decision. The District will assist the family in exploring alternative educational options for the expelled student upon the request of the student and/or his/her parent/guardian. Students desiring credit for alternative education courses toward a high school diploma must have prior approval from the Cape Henlopen School District.
3. All violations of this policy are to be immediately reported to the school Principal who will verbally notify the student's parent(s)/guardian(s) of the investigation. In all cases, The Youth Aid Division of the Delaware State Police will also be contacted. At all times the student's due process rights and confidentiality rights are to be respected but after an informal meeting with the student, the Principal has the authority to suspend the student for up to ten (10) school days to allow for investigative procedures to be conducted. At the conclusion of the school investigation, the student's parent(s)/guardian(s) will be notified in writing of the school findings and recommendation(s). The school recommendation on the occurrence should be made in writing to the Central Review Officer. If the violation will result in a recommendation for expulsion, the appropriate director will so notify the student's parent(s)/guardian(s) in writing and identify the time and place of the student's hearing. This hearing should be held within ten (10) school days from the beginning of the student(s) suspension. If an exception is made to the time line, the school Board will provide homebound instruction to the student until such time as the Board or it's hearing officer can convene to hear the student's case.
4. All alcohol, drugs, drug-like substances, like-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the Principal or designee and be made available for identification. All substances shall be sealed and documented and turned over to the police as potential evidence. A request for analysis shall be made where appropriate.
5. Students are responsible for their own actions. Students shall also be on notice that their parent(s) and/or guardian(s) will be notified (if their addresses and/or telephone numbers are known to the school) of the student's actions in accordance with this policy.
6. Any student who is found consuming beyond the prescribed or recommended dosage, being under the influence of, selling or distributing any substance which alters or is intended to alter performance such as steroids, stimulants, amphetamines, diuretics and related compounds, any of which are found on the NCAA list of banned drugs and posted in the school offices, shall be suspended from school for a minimum of five (5) days and suspended also from all participation in extracurricular activities, including sports and marching bands, for the remainder of the school year. Any student who violated the above policy more than one (1) time during his/her period of eligibility to participate in extracurricular activities shall be suspended from participation in all extracurricular activities, including sports and marching band, for one (1) calendar year from the date of the second incident. This policy applies to all students while on school property or at a school-sponsored activity. All suspensions covered under this policy may be appealed to the Cape Henlopen School Board. All appeals must be made in writing within ten (10) days of initial suspension. In addition, the student is also subject to discipline and punishment under Delaware Code and the Cape Henlopen School District's Discipline Policy.

7. All prescription or non-prescription drugs are to be handled through the office of the school nurse. Authorized drugs are:
  - a. those prescribed to a student by a licensed provider, or
  - b. those which can be purchased over the counter for which the student has written permission from his/her parent or guardian.

Both are to be brought in the original labeled container to the school environment in the dosage or amounts prescribed, or for which written permission has been obtained. In all cases, they are to be delivered to the school nurse who will administer them.

In the case of some emergency medications including but not limited to prescription and prescription inhalers, nitroglycerin, and epi-pen, the student's prescribing practitioner must write a note to the school nurse in advance if it is recommended that the student carry the medication with him/her.

Violations of the policy could result in disciplinary action. All medications not reported to the nurse will be considered unauthorized.

The Board realizes that a policy that supports the recommendation of expulsion on the first offenses for all drug and alcohol violations may have some undesired consequences because when a student is out of school for any reason, both the school and student are not fulfilling their primary purpose. However, an overriding consideration in proposing expulsion is the desire and need to provide as safe and positive an environment as possible for all students in the school, which sometimes necessitates the removal of students who commit certain serious offenses.

Any student who feels that he/she has a problem with drugs or alcohol may request help from school personnel who will offer assistance, assessment and/or identify appropriate outside resources without penalty unless a violation of this policy has occurred. No record of the request will be made by the administration. In cases involving student assistance, cost for such treatment are the responsibility of the parent, but the school administration will be an active partner at the parent's request in securing help of a limited cost nature.

The Board is committed to developing preventative strategies for dealing with this issue through counseling efforts, instructional programs and many other related activities. As one part of this program each year, this policy will be reviewed by the school administration with the total student body at the beginning of school. In addition, this policy will be reproduced and distributed to each District family with students in school. The Board has also designated the school nurse and/or psychologist in District elementary schools and guidance counselors and/or psychologists in the secondary schools as the professionals to which staff can refer students to receive initial counseling and to obtain information or counseling/treatment services available to the student in need. Issues involving student rights to services and confidentiality should be directed to the school Principal.

Each school contact person will keep a directory of available community and school resources for counseling and substance abuse treatment. It will be the responsibility of the contact person to work with staff to make them aware of the available resources and to help them to encourage students to seek support and assistance.

### **NONCONTROLLED SUBSTANCES**

Possessing or transferring a drug-like or look-alike substance is not permitted on school property (Uniform Controlled Substances Act).

### **EXTENDED REMOVAL FROM SCHOOL (EXPULSION OR ALTERNATIVE PLACEMENT)**

State Regulations define expulsion as "...the exclusion of a student from school". When a student commits a violation which may result in a recommendation for extended removal from school, the following procedure shall be followed:

## STEP I

- A. The student shall be suspended for up to ten (10) school days.
- B. The principal or designee shall make every reasonable effort to investigate all aspects of the discipline problem, including a conference to inform the student of the charges against him/her, and an opportunity to tell his/her side of the story.
- C. The principal or designee shall complete his/her investigation within three (3) school days after the day of the incident under investigation.

If the principal or designee determines that the student committed the offense and that the nature of the offense warrants a recommendation for expulsion, the principal or designee shall submit a summary of the principal's or designee's investigation, and the recommendation of expulsion of the Superintendent's Office, if applicable.

- D. If the Superintendent or designee concurs with the recommendation for expulsion, the student's suspension shall be extended pending a recommendation by the hearing officer following the Step II formal hearing.  
If the Superintendent or designee does not concur with the recommendation for expulsion, the student may be returned to his school or alternatively placed by the Superintendent.

### STEP IIa: Alternative Placement Process

- A. The Superintendent or his/her designee will notify in writing the student and the student's parents or guardians of the intent to administratively place the student in an alternative educational setting.
- B. Conditions to be met before readmission from an alternative placement will be set forth in the letter from the Superintendent or his/her designee.

The duration of an alternative placement is within the discretion of the Superintendent or his/her designee based upon the circumstances of each case. An administrative placement shall not exceed 180 days unless compelling circumstances require the extension.

- C. Prior to the alternative placement, the district Supervisor of Student Services or designee shall confer with the student and the student's parents or guardians as outlined in the preceding section of this policy (Assignment to Educational Alternatives).
- D. An alternatively placed student is prohibited from being within the Cape Henlopen School District environment during the term of the alternative placement except by appointment with a school district official for academic purposes. This prohibition includes all school, school-sanctioned, and school-related activities both on and off campus.

### STEP IIb: Expulsion Hearing Process

If the Superintendent concurs with the recommendation from the Principal, the Superintendent or his/her designee shall, within ten (10) school days of the incident giving rise to expulsion recommendation, notify the student and the student's parent(s) or guardian(s) of intent to expel and of the date, time, and location for a formal hearing on the recommendation for expulsion.

The notice of intent to expel shall be sent by certified mail or hand delivered, and the notice shall be accompanied by a copy of the rules of procedure for the conduct of expulsion hearings.

- A. The formal hearing shall be held not less than three (3), nor more than eight (8) school days after the notice of intent to expel is issued. The time period may be extended by agreement of all parties.
- B. The formal hearing shall be conducted by the Board of Education or a hearing officer.

- C. The Board of Education or hearing officer shall have full authority to control the conduct of the hearing, including authority to admit or exclude evidence. The Board of Education in conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The Board of Education shall exclude plainly irrelevant evidence. Unduly repetitive proof, rebuttal and cross-examination shall be excluded. The witnesses shall be sworn.
- D. The student shall have the following rights:
  - 1. To be represented by counsel, at the student's expense;
  - 2. To question any witnesses who testify and receive a copy of any statements and/or affidavits of such witnesses;
  - 3. To reasonably request that any relevant witnesses appear in person and answer questions or be cross-examined. Student witnesses will not be excused from school or allowed to testify unless their parent(s)/guardian(s) have given written permission;
  - 4. To testify and produce witnesses on his/her behalf;
  - 5. To obtain, upon written request, a copy of the transcript or tape of the formal hearing.
- E. A student or the parent of a student under the age of 18 may elect to waive their right to a formal hearing. The administration will clearly inform the parent and/or student that they are waiving the following rights:
  - 1. to have a hearing to determine the truth of the allegations and any reasonable and appropriate discipline, which may include expulsion;
  - 2. to be represented by an adult of his/her choosing or by an attorney during the hearing;
  - 3. to present witnesses and evidence on his/her behalf during the hearing;
  - 4. to cross-examine any witnesses or question any evidence presented against him/her during the hearing; and
  - 5. to appeal any decision of the Cape Henlopen Board of Education to the School Board of the State of Delaware.

By signing the "Waiver of Rights and Consent to Discipline" agreement, the parent/student consents to the discipline imposed by decision of the Board of Education, based upon the documents and information that it receives in executive session, without benefit of a hearing.

The "Waiver of Rights and Consent to Discipline" agreement must be signed prior to the scheduled hearing. The Board will take action on the case at the next regular meeting, workshop, or special meeting.

#### STEP III: Expulsion Notification

Within thirty (30) calendar days following the hearing, the Board shall decide whether to expel the student following a review of the evidence produced at the hearing. The Board's decision shall state conclusions of fact and the penalty to be imposed upon the student.

The student and family will be given exit advice on the educational options and rehabilitative counseling that may be available during the expulsion period. The duration of an expulsion is within the discretion of the Board based upon the circumstances of each case. An expulsion shall not exceed 180 days, unless compelling circumstances dictate an extension.

An expelled student is prohibited from being within the Cape Henlopen School District environment during the term of the expulsion except by appointment with a school district official for academic purposes. This prohibition includes all school, school-sanctioned, and school-related activities both on and off campus.

In accordance with Delaware state law, the district will submit to Motor Vehicle the names of expelled students who are 16 years of age or older or will become 16 during the term of expulsion.

State law provides for the removal or withholding of a driver's license from an expelled student.

A student who is expelled shall be denied attendance at any school or facility in the State of Delaware only in accordance with the regulation of the Department of Education.

**STEP IV: Readmission from Alternative Placement or Expulsion**

- A. An expelled or alternatively placed student is eligible for readmission at the end of the period of expulsion or alternative placement. Parents/guardians must provide verification that all conditions have been met prior to readmission from expulsion or alternative placement.
- B. In the case of a student expelled or alternatively placed as the result of Out-of-School Conduct (notification by the Attorney General's Office), a student may be eligible for readmission following adjudication of the case. The student and/or his/her parents or guardians may appeal for readmission in a written letter to the Superintendent that includes official court documents specifying the outcome of the case. The Superintendent or designee will consider the legal outcome of the case; however, since strict judicial rules of evidence do not apply to school districts as they do to legal proceedings, the reduction or dismissal of charges against a student does not necessarily repeal the decisions that led to expulsion or alternative placement.
- C. Upon readmission to school, the student will be placed on a behavior contract for one (1) calendar year following the date of readmission. The student will be assigned to a counselor who will monitor his/her behavior, academic performance, and provide assistance for a period of at least one semester.

**STUDENTS WITH DISABILITIES**

- A. In the case of students with disabilities, as defined in federal and state regulations, an Individual Educational Plan (IEP) Team meeting will be convened when a student has been suspended for more than ten (10) days, either consecutively or cumulatively, in any one school year, or if an expulsion is being considered. When a student with disabilities has accumulated eight (8) days suspension, the student advisor is to notify the building special education department team leader in writing to ensure that appropriate action may be taken prior to reaching ten (10) days suspension.
- B. Before expelling or suspending for more than ten (10) days a student with a known disability, the IEP Team will conduct a manifestation determination meeting.
- C. If the IEP Team determines that the offense is a manifestation of the student's disability, that a Behavior Improvement Plan was not developed, followed, or appropriate, or if there were any deficits in programming or placement, the student's placement may not be changed.
- D. If the IEP Team determines that the offense is not a manifestation of the student's disability, the district will follow the Student Code of Conduct, but the student will be afforded the right to continue to make meaningful educational progress.
- E. In instances where the disabled student presents a danger to himself or others, or is so disruptive to the educational environment as to interfere with the rights of other students to benefit from an education, emergency placement may be invoked by the District, including homebound instruction, to the extent afforded by law.
- F. Timelines for suspension and scheduling of expulsion hearings may need to be extended as a result of time and procedural requirements established by federal and state guidelines related to the IEP team process. The IEP team shall consider educational services and placement during the time of suspension, pending any expulsion proceedings, and beyond.

### **GLOSSARY (As used in this Code:)**

**Absence** - missing school time for either an excused or unexcused reason. Absences are reported and calculated by whole days or fractions adding to whole days.

**Acceptable Use Policy** - the terms and conditions for use of telecommunications and educational technology applications at Cape Henlopen School District.

**Adult Student** - a student who has reached the age of 18.

**Alcohol** - alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of the Delaware Code, including alcohol, spirits, wine and beer.

**Administrative Referral** - disciplinary student conference with the Principal or Assistant Principal for the purpose of eliciting student improvement and determining consequences for inappropriate actions.

**Aggravated Assault** - assault with a weapon or dangerous instrument.

**Assault** - recklessly or intentionally physically injuring another person.

**Assault and Battery** - an unlawful physical attack resulting in injury to another.

**Assignment to Educational Alternatives** - the placement of the student in an appropriate alternative situation until the student has satisfied the requirements to return to the regular program.

**Attorney General Report** - notification of off campus inappropriate student behavior.

**Behavior Contract** - an agreement between a student, the student's parent(s) or guardians, and an administrator following inappropriate behaviors, which specifically states the conditions that, unless met, will result in a recommendation for further disciplinary action.

**Board of Education (School Board)** - the seven member committee, elected by the community, to govern the District. The Board makes and reviews policies that are put into practice by the employees of the school district. Each member of the Board is elected to a five year term.

**Breaking and Entering** - the illegal and unauthorized entry into School District buildings or vehicles.

**Bullying** - repeated, intentional, written, electronic, verbal or physical act or actions against another person, which directly or indirectly causes physical injury, mental injury or discomfort (See Board Policy).

**Central Review Officer** - a person appointed by the Superintendent to conduct the Central Review Process.

**Central Review Process** - the process for considering a School Review Committee's recommendation for expulsion in terms of investigative and administrative procedures, as well as regarding compliance with Board Policy. The process is carried out by the Central Review Officer who then submits a recommendation to the Superintendent.

**Cheating/Plagiarism** - to be dishonest or deceptive in order to obtain an advantage or gain for oneself or another student. Examples include, but are not limited to, giving or receiving answers, test questions, work results, projects or writings from another person and pass them off as one's own.

**Class Cutting** - missing 10 or more minutes of a single class without cause. Students must have prior written approval from sending and receiving staff for arrangements to miss an assigned class to attend another class during that time.

**Code** - the Student Code of Conduct.

**Communication Devices** - included but not limited to: electronic pagers, cell phones, and other electronic signaling devices.

**Criminal Mischief** - intentionally recklessly damaging or tampering with the property of another.

**CST (Child Study Team)** - a school committee formed to provide student assistance including but not limited to: a member of the building administration, psychologist, special education coordinator, and regular classroom teacher(s).

**Defamatory or Demeaning Actions/Remarks** - actions or remarks, spoken or written by students that defame the dignity or self-esteem of individuals or groups on the basis of their race, color, creed, sex, national origin, marital status, physical or mental disability, political or

religious beliefs, family, sexual orientation, social, or cultural background.

**Del C.** - The Delaware Code contains the body of State law. Title 14 of the Delaware Code contains State law regarding education.

**Defiance** - the act or attitude of resistance to comply with a directive given by school personnel.

**Department of Education** - the State agency serving under the Secretary of Education to provide resources and guidance to the school districts.

**Destructive Device** - means (A) any explosive, incendiary, or poison gas such as a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices described in the preceding clauses; (B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by an action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designated or intended for use in converting any device into any destructive device in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

**Detention** - an established time when a student is detained in a supervised area.

**Disobedience** - refusal by a student to comply with a directive given by school personnel.

**Disorderly Conduct** - an offense involving disturbance of the public peace and decency.

**Disrespect including Insubordination** - refusal to comply with a reasonable request from any adult.

**Disruption** - behavior causing distractions, frictions, or disturbances seriously or repeatedly interfering with: a teacher's ability to provide instruction; a school activity; maintaining order on the bus, in hallways or common areas.

**Disciplinary Probation** - a student must fulfill specific commitments for a specified time. If the student fails to fulfill the commitments, she/he will be referred to the School Review Committee for a decision about further actions, which may include a referral to the Central Review of the case, the possibility of a recommendation of expulsion and/or alternative placement, and a hearing before the Board.

**Distribute, Distributing, or Distribution** - the transfer or attempted transfer of alcohol, a Delaware Code, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.

**District** - the Cape Henlopen School District.

**Dress Code Violation** - a direct violation of the set of rules which indicates the approved manner of dress.

**Drug** - any controlled substance or counterfeit substance as defined in Chapter 47 of Title 16 of the Delaware Code, including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than the student in whose possession it is found.

**Drug-Like Substance** - any non-controlled and/or non-prescription substance capable of producing a change in behavior or altering a state of mind or feeling including, for example, some over-the-counter cough medicines, certain types of glue and caffeine pills.

**Drug Paraphernalia** - all equipment products and materials as defined in section 4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons, and containers for packaging drugs.

**Early Dismissal** - leaving school grounds, with permission, prior to the end of the school day.

**Eating/Drinking Outside the Cafeteria** - the only substance acceptable is clear water in a clear bottle.

**Excused Absence** - Absence from school for reasons accepted by the Board and for which a note from a parent/guardian stating the reason for the absence and the date is presented to the appropriate school authority, or an in-school suspension

**Excused Tardy** Lateness for which an acceptable note from the parent/guardian stating the reason for the tardy and the date is presented to the appropriate school authority

**Expulsion** - exclusion from school and school related activities for a period of time not to exceed one calendar year.

**Extortion** - obtaining or attempting to obtain money, goods or information from another source by force or threat of force.

**False Alarm/Bomb Threat** - intentional untrue warning signal.

**Failure to Provide Identity when Requested** - the act of not identifying one's self to school personnel or emergency crew members with your legally proper name when requested.

**Fighting** - taking part in a physical struggle, unruly or turbulent behavior.

**Fire Alarm Incident** - tampering with a fire alarm device.

**Firearm** - means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

**Forgery** - falsely or fraudulently signing or altering a document for the purpose of deception or fraud such as a hall pass, progress report, or absence excuse.

**Gambling** - participation in games of chance for money or other things of value on school property or at school sponsored events.

**Gang Like Behavior** - Three (3) or more people committing at least one criminal act who may share common identities. (See Board Policy)

**Harassment** - to torment, trouble, or threaten by repeated verbal or physical action. (See Sexual Harassment Board Policy)

**Hazing** - See Anti-Hazing/Hazing Policy section.

**HB (as in HB322)** - House Bill; legislation that originated in the Delaware House of Representatives. The term is not used in this code unless the bill became law.

**IEP (Individual Educational Plan)** - a specific plan devised to assist special education students in reaching educational goals. (The IEP process is controlled by federal law.)

**Improper Use of a Free or Reduced Lunch Card** - any student that uses an unassigned student ID to purchase a free or reduced lunch.

**Inappropriate Touching** - touching another person in such a way as to cause discomfort.

**Inhalants** - something (such as an allergen or an anesthetic vapor) that is inhaled; often toxic, volatile substances (as spray paint, glue, or paint thinner) subject to abuse as recreational drugs by sniffing

**In-School Suspension** - the temporary placement of a student in a supervised area.

**Insolence** - to use bold, rude, or disrespectful insulting remarks or actions.

**Loitering/Out of Assigned Area** - a student's unauthorized presence in a school area.

**Look-alike Substance** - any substance which appears to be, or about which a student makes an express or implied representation that the substance is, a drug, drug-like substance or non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See Del. C. Sec. 4752A.

**Loss of Driving Privileges** - the student may not drive or park on school property during school hours or during school related activities for a period of time determined by the Principal.

**Lying** - intentional distortion of the facts.

**Make-up Work** - assignments or tests that may be completed following an excused absence.

The request for make-up work should be made within one (1) school day of the student's return to school. It is the responsibility of the student to pick up work and complete.

**Menacing/Threatening** - creating fear in another person(s) through threatening movements or gestures directed toward that person(s); a movement or gesture toward another person that creates fear of bodily harm; a verbal or written statement that causes fear or apprehension.

**Minor Violations** - those violations of classroom or school rules not specifically covered by the student code and not life threatening or illegal.

**Misuse of Technology** - accessing, printing or distributing inappropriate materials. This may include but not limited to using cell phone, video or any means of inappropriate postings that are related to the disruption of the educational process.

**NCAA** - National Collegiate Athletic Association



**Non-Prescription Medication** - any over-the counter medication; some of these medications may be a “drug-like substance.”

**Not Signing In** - a student who fails to alert school authorities that they have returned to the building during the school day due to lateness or is returning after an early dismissal. The student needs to sign in at the school’s attendance office.

**Obscene** - to use lewd, disgusting, offensive, or repulsive materials, language, or gestures

**Offensive Touching Employee and/or Student Victim** - intentionally aggressive, insulting or obnoxious bodily contact with one another. Police Contact.

**Open Display of Affection** - hugging, kissing, or open sexual display.

**Parent Contact or Conference** - a telephone contact, written communication or meeting with a parent/legal guardian.

**Paraphernalia** - drug paraphernalia is any equipment, product, or material that is modified for making, using or concealing illegal drugs such as cocaine, heroin, marijuana, and methamphetamine, drug paraphernalia also shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.

**Pornography (Possession and Production)** - sexually explicit pictures, writing, or other materials whose primary purpose is to cause sexual arousal, the presentation or production of this material and/or lurid or sensational material.

**Possession/Distribution of Drugs, Drug Paraphernalia, Alcohol and/or Look Alike** - Equipment, product, or material (defined in Section 4701 of Title 16 of the Delaware Code) that is modified from making, using, or concealing illegal drugs. Any non-controlled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is a drug.

**Possession of Weapons/Dangerous Destructive Instrument** - Any weapon from which a shot may be discharged, including BB guns, a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, ice pick, nunchakus, and pocket knives or any item that may threaten the safety or intimidate others, or using common articles in an aggressive, threatening manner.

**Prescription Drugs** - any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Del. C. Sec. 4701 (24), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose possession it is found.

**Principal** - building/site administrator, includes the principal’s designee.

**Profanity towards Student/Staff** - use of abusive or profane language; cursing or swearing.

**Prohibited Controlled Substances** - See Drug, Alcohol, and Steroid Policy section.

**Property Damage/Graffiti** - drawing, painting, etching on public or private property.

**Provoking a Fight** - to incite, stimulate, or encourage a student or students to fight by verbal or physical activity.

**Reckless Driving** - operating a vehicle in willful or wanton disregard for the safety of persons or property.

**Reckless Play** - reckless behavior that could intentionally result in any injury.

**Referral to the Courts** - filing a charge of alleged illegal action over which the court has jurisdiction.

**Referral to Social Services Agencies** - a recommendation that the student seek help from a public or private social services agency.

**Removal from Class** - removing a student from class when the student’s conduct is disruptive or presents immediate danger of physical harm of either the student or others. The student will be assigned to a supervised area. The length of time will be determined by the building administrator or designee.

**Reprimand** - a verbal or written warning that behavior is not acceptable. The reprimand should identify the consequences of continued misbehavior.

**Restitution** - seeking the payment for or restoration of damaged property from the student(s) responsible. In no event is the District responsible for the restitution.

**SB (as in SB304)** - legislation that originated in the Delaware Senate; the term is not used in this code unless the bill became law.

**School Environment** - within or on school property, and/or at school sanctioned or supervised activities, including for example, on school grounds, on school buses, at functions held on school grounds, at extracurricular.

**School Personnel** - any person employed by the District on a permanent or temporary basis, or anyone authorized activities held on and off school grounds, on field trips and at functions held at the school in the evening to work on a voluntary basis.

**School Review Committee** - to be made up of local staff members. Committee tries to find a way to work with students who have multiple office referrals and/or detentions and may recommend disciplinary action and/or Central Review of the case.

**Sexual Harassment** - Sexual Harassment by District Students - See Board Policy

**Sexual Misconduct** - any sexual act including but not limited to: indecent exposure, unlawful sexual contact, incest, sexual extortion, rape, any sexual offense against a minor.

**Skipping** - failure to attend school without parent/guardian knowledge and written consent and/or leaving school grounds without valid permission.

**Smoking** - the use of any tobacco related products included but not limited to: cigarettes, snuff, chewing tobacco.

**Stealing/Possession of Stolen Property** - the act and/or knowledge of taking the property of another without permission of the owner.

**Superintendent** - the Chief School Officer of the District; includes the Superintendent's designee.

**Suspension** - a student's temporary exclusion from the school, school grounds, and all school related activities by a building administrator for a period not to exceed ten (10) school days without Board approval.

**Suspension of Bus Privileges** - the temporary or permanent withholding of bus transportation.

**Tamper with Public Record** - to interfere with written documents that create a harmful, disruptive environment or situation.

**Tardiness to School** - See Board Attendance Policy.

**Tardiness to Class** - See Board Attendance Policy.

**Terrorist Threat (Employee and/or Student Victim)** - the unlawful use or threatened use of force or violence by a person or a group against people or property with the intention of intimidating, frightening or coercing.

**Theft** - stealing

**Threat** - to declare an intention to inflict punishment, pain, or loss upon someone else either verbally or physically. A verbal or written statement that causes fear or apprehension.

**Time-out** - the temporary placement of a student in a supervised area.

**Tobacco** - any of various plants of the genus *Nicotiana*, especially *N. tabacum*, native to tropical America and widely cultivated for their leaves, which are used primarily for smoking and the leaves of these plants, dried and processed chiefly for use in cigarettes, cigars, snuff, or for smoking in pipes.

**Trespassing** - Being inside or on the property of the school, not having a legitimate reason for being there, not having written permission from anyone authorized to grant such permission.

**Truancy** - any unexcused absence. Three or more unexcused absences render parent liable Delaware Code (Title 14). Truancy is both a criminal offense punishable by fine and/or imprisonment and a violation of the Cape Henlopen Discipline Policy.

**Unauthorized Student Protests** - students are not permitted to assemble on school property without the pre-approved permission by the principal.

**Unexcused Absence** - an absence for a reason other than the twelve (12) valid reasons and/or absence with no note. Unexcused absence results in no credit for the missed school work.

**Unlawful Sexual Contact III** - a serious offense that is considered above the misdemeanor level as defined in State Law. See Board Policy - Sexual Harassment by District Students. Police Contact.

**Unprepared for Physical Education (chronic)** - a student that does not prepare for physical education classes who is subject to this habit or pattern of behavior for a long time.

**Unsafe Items** - see weapon/dangerous instrument term and definition.

**Use** - a student is reasonably known to have ingested, smoked or otherwise assimilated alcohol, a drug or a drug-like substance, or is reasonably found to be under the influence of such a substance.

**Vandalism** - willful or malicious destruction or defacement of property.

**Violent Felony** - one of several grave crimes, such as murder, rape, or burglary, punishable by a more stringent sentence than that given for a misdemeanor.

**Weapon/Dangerous Instrument** - any instrument from which a shot may be discharged, including the discharge of a pellet, slug, bullet, or BB shot by compressed air or by spring discharge; a knife of any sort; switchblade knife; billy; blackjack; bludgeon; metal knuckles; slingshot; razor; bicycle chain; ice pick; or any other article used to or designed to inflict bodily harm or to intimidate others, or using in an aggressive and threatening manner articles commonly used for other purposes.

**Work Assignment** - an assigned task not exceeding eight (8) consecutive hours must be completed by the student as pertaining to the discipline code.

**Written Assignment** - an assignment which is non-repetitive and has educational merit.